

## DEPARTMENT OF REVENUE

### Colorado Racing Commission

#### RACING

##### 1 CCR 208-1

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

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### CHAPTER 3 OCCUPATIONAL LICENSEES

#### 400 DUTIES, OBLIGATIONS, PROHIBITED PRACTICES

3.402 - *(Modified Effective date May 15, 2016)* 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 E 1163);
- (b) UK Standards (EN-1384:2017; or PAS-015; VGI 01.040); or,
- (c) Australian/New Zealand Standards (AS/NZ 3838 or ARB HS 2012); or Snell Equestrian Standard 2004E2016.

3.404 - Each licensee, in accepting a license, does consent to a search. Each employee of an association, in accepting employment and each vendor who is permitted to sell and distribute merchandise about the racetrack or simulcast facility does also consent to a search.

3.406 - Each supervisor, owner and/or trainer shall be held responsible for the licensing of every employee under their supervision and shall make every effort to insure that any of their employees who are discharged surrender their license(s).

3.418 - *(Modified Effective date May 15, 2015)* All licensed persons desiring to be in a restricted area of any racetrack or simulcast facility shall be required to hold and properly display a current validated license badge issued by the Division at all times while the licensee is in a restricted area. To obtain a license a person may be photographed and fingerprinted. Failure of a licensee to properly display such a license badge may constitute grounds for discipline.

Proper display of the license badge depends on the restricted area: (1) on private, public, or Association Kennel Compounds and stable areas, proper display of a license badge shall mean the badge shall be readily available and displayed upon demand by any Division representative or association official; and (2) in all other restricted areas, proper display of a license badge shall consist of wearing the badge at or above the waist, with the photo of the licensee readily visible to any observer.

3.422 - All persons upon the premises of a housing kennel facility whether private or public or racetrack stable area must have in their possession a current validated license or be accompanied by a current licensee who shall be responsible.

- 3.428 - Any licensed person whose conduct while on the premises of any racetrack or simulcast facility interferes with the orderly and proper conduct of a meet shall be subject to disciplinary action. Such prohibited conduct shall include but not be limited to bookmaking, acting as a runner for a bookmaker, touting, pickpocketing, altering pari-mutuel tickets or offering to cash altered pari-mutuel tickets, attempting to enter into any restricted area of a racetrack or simulcast facility, being intoxicated by the use of alcohol or drugs, or possession of a narcotic or drug which violates state or federal laws. In addition, disciplinary action may be taken against a person who violates guidelines set forth by the Division for misuse of personal medication, candy, food, drink and tobacco in restricted areas in the paddock building during a racing performance or acting in a disorderly manner. Such conduct includes, but is not limited to, using abusive language, **SPEECH OR CONDUCT THAT IS DISCOURTEOUS, ABUSIVE, PROFANE, OBSCENE OR THREATENING** towards another, making unreasonable noise, fighting, striking or threatening to strike another person, discharging or displaying a firearm, treatment that affects the safety and welfare of an animal as determined by a veterinarian. A licensee who violates the above shall also be subject to immediate summary ejection.
- 3.432 - At horse racetracks, a licensee shall not engage in any conduct which would present a fire or safety hazard or which would constitute a traffic infraction at any racetrack Pursuant to this rule, the Division may from time to time issue and post guidelines for licensees concerning traffic and fire and safety hazards at each individual racetrack.
- 3.436 – No **DIVISION EMPLOYEE**, licensee or association employee shall be under the influence of drugs or alcohol while performing the duties **OR AS** required by the license. If, in the opinion of the **COMMISSION, THE DIVISION**, Board **OF STEWARDS**, **track doctor, nurse**, paramedic or **attending** medical personnel, the licensee's ability is impaired by drugs or alcohol, then said licensee **shall**~~MAY~~ be subject to immediate ejection. Any licensee so ejected may be subject to further disciplinary action by the Board **OF STEWARDS** or a hearing officer.
- 3.437 - *(Modified Effective date May 15, 2017)* The Division may conduct random testing, as well as testing based on reasonable suspicion or probable cause. Other qualified or certified persons designated by the Division may conduct testing for the use of alcohol or controlled substances when reasonable suspicion or probable cause exists. The Commission shall determine by policy the testing procedures and the license categories to be included in testing as permitted by law. Said policies and procedures shall be made available to all licensees. Any Licensee who refuses to submit to an alcohol or drug (controlled substance) test shall be presumed to have tested positive.

No licensee while in a restricted or secured area or who, by licensure status, has accessed, will access, or may access a restricted or secured area during the reasonable course of the day shall:

- (a) Have present within their system any controlled substance; or, **ALCOHOL WHILE ON HORSEBACK OR WHEN PERFORMING THEIR DUTIES.**
- b) ~~Have any alcohol in excess of .05% in their system except that no jockey, apprentice jockey, exercise person, pony person, starter, assistant starter, outrider or any other licensee who performs the duties of these license categories while on association grounds shall have present within his/her body any amount of alcohol in excess of .02% prior to completing his/her duties required by the license.~~

3.510 - (Modified Effective date May 15, 2014) A trainer of horses shall file with the Division, AT THE BEGINNING OF EACH RACE MEET, a current roster of all employees HAVING INDEPENDENT ACCESS TO THEIR STABLE, and shall amend the roster filed with the Division within seventy two (72) hours of IT SHALL BE THE RESPONSIBILITY OF THE TRAINER TO AMEND OR UPDATE THE ROSTERS FILED WITH THE DIVISION when an employee is discharged, or a new employee is hired, OR ANY OTHER PERSONNEL CHANGES WITHIN THE STABLE WITHIN SEVENTY-TWO (72) HOURS. A copy of the stable roster must be posted in the tack room.

3.516 If a horse has been DE-nerved OR DE-INNERVATED ("NERVED"), whether by surgical procedure, chemical means or by ANY OTHER CAUSE OF DYSFUNCTION OR death of nerve tissue, it is the responsibility of the trainer to see that it is properly recorded on the foal certificate that the horse has been nerved. A list of low nerved horses shall be posted in the racing office and the trainer of a low nerved horse shall promptly call to the attention of the BOARD OF Stewards the name of any low nerved horse whose name does not appear on the list.

## 700 CORPORATIONS/PARTNERSHIPS/KENNEL & STABLE NAMES

3.716 A trainer, who is also a licensed owner or part owner, may use a stable/kennel name as owner or part owner. However, a trainer may not be licensed as a trainer other than in the trainer's legal name.

3.720 If a partnership is involved in the identity behind a stable/kennel name, each of the partners must be licensed as an owner and must be in compliance with the rules covering partnerships.

3.722 If a corporation is involved in the identity behind a stable/kennel name, compliance with the rules covering corporations must be made.

3.724 Changes in identities involved in a kennel/stable name must be reported immediately to the Division.

3.726 A licensed owner who has registered under a stable/kennel name may at any time abandon it after written notice to the Division.

3.728 A stable/kennel name may be changed at any time by registering for a new stable/kennel name.

3.730 A licensed owner cannot register as a stable/kennel name one which is the real name of any other owner of horses/greyhounds racing or one which is the real or stable/kennel name of any prominent person not owning horses/greyhounds or one which is registered by any other owner.

3.732 A stable/kennel name shall be plainly distinguishable from that of another stable/kennel name.

## 800 OTHER LICENSEES

3.806 Each person operating a racing greyhound kennel shall obtain a kennel operator's license regardless of whether or not the kennel is running under an assumed name provided, however, that a licensed greyhound owner who has complete ownership of all greyhounds running under his or her given name only is exempt from this licensing requirement.

3.808 (Modified Effective date May 15, 2016) Kennel operations at which racing greyhounds are bred or housed must be licensed and approved by the Division, unless otherwise licensed by the Colorado Department of Agriculture. Kennels licensed by the Division shall be subject to inspection.

## CHAPTER 5 VETERINARY PRACTICES, ANIMAL HEALTH AND MEDICATION

## 100 GENERAL

- 5.110 Every person having care and custody of a racing animal including but not limited to veterinarians, owners, trainers, assistant trainers, kennel helpers and grooms shall comply with the current animal health care and medication standards as adopted by the Commission.

Failure to comply with the minimum procedures or standards approved, pursuant to this section, may result in a fine, penalty, SUBMISSION OF REPORT TO THE STATE VETERINARY BOARD, and/or revocation of license.

Licensees will be provided written notice of any changes to the minimum procedures or standards approved, pursuant to this section, and will have thirty (30) days, unless otherwise specified, in which to comply with such changes.

- 5.120 The division veterinarian shall have the authority to require follow-up care to any racing animal seen for injury or other reason. Any requirements so imposed by the division veterinarian shall be documented and give specific referral instructions and time frame to complete.

It will be the trainer's responsibility to seek adequate care as instructed by the veterinarian.

Documentation shall be provided to the division veterinarian within 48 hours of treatment.

Failure to provide proper care to a racing animal, pursuant to this section, may result in a fine, penalty, or revocation of license.

## 200 VETERINARY PRACTICE

### Division Veterinarian

- 5.200 A veterinarian who is employed by the Division or an Association shall is not be permitted, during the period of his employment, OUTSIDE OF OFFICIAL DUTIES, to treat, or prescribe, OR ADMINISTER MEDICATIONS, PROVIDE MEDICAL CARE, PERFORM ASSESSMENTS OR EXAMINATIONS, for any horse on the race track RACETRACK or registered to race at any racetrack, for compensation or otherwise, except in case of emergency, in which case a full and complete report shall be made to the DIVISION OR Board OF STEWARDS AS SOON AS PRACTIBLE. An owner or trainer shall not employ or pay compensation to any veterinarian, either directly or indirectly, during the period of the veterinarian's employment by the Division or an Association. ANY VETERINARY MEDICAL CARE/ ASSESSMENT/ EXAMINATION OF ANY HORSE AT THE RACETRACK THAT IS NOT REQUIRED FOR OFFICIAL DUTIES WILL REQUIRE PRIOR APPROVAL FROM THE COMMISSION VIA THE DIVISION, AND MUST BE DOCUMENTED BY A FULL AND COMPLETE REPORT MADE TO THE COMMISSION.
- 5.204 (Modified Effective date May 15, 2015) The Division Veterinarian shall cooperate with other State and Federal Agency Veterinarians to insure compliance at the horse racetrack with health certificate, and vaccination, AND ANY OTHER NECESSARY HEALTH requirements.
- 5.208 - (Modified Effective date May 15, 2016) The Division representative 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.
- 5.220 - (Modified Effective date May 15, 2014) The association, after consultation with State authorities, and the veterinarian representing the Division, shall establish policies consistent with allowing only healthy horses to enter the racetrack GROUNDS. All horses entering the state shall be

required to meet the current regulations as established by the Colorado Department of Agriculture. All horses entering Colorado tracks, whether from in-state or out-of-state, must have a negative Coggins test for Equine Infectious Anemia (EIA) within twelve (12) months prior to entering the racetrack grounds. The racing secretary shall not accept a horse's registration papers unless its Coggins Test, Health Certificate, and any other Commission or Track required health related documents are current at the time that it enters the racetrack grounds.

5.222 - The Association veterinarian at a horse racetrack shall **WORK IN COORDINATION WITH AND** make reports to the Division veterinarian with respect to, but not necessarily limited to, the following:

:5 - **A copy of RECOMMENDATIONS FOR** the veterinarian's list which includes **SUGGESTED** dates on and off and **the reason the horse is listed RELEVANT MEDICAL OBSERVATIONS AND INFORMATION;** and

5.240 - (*Modified Effective date* **May 15, 2015XX XX 2024**) An animal that dies or has been euthanized shall not be removed from the track premises without the permission of the Veterinarian representing the Division of Racing Events. The Veterinarian representing the Division of Racing Events must be notified by the practicing Veterinarian in a timely manner. In the event a practicing Veterinarian is not in attendance, the trainer or his/her authorized representative shall report the death of the animal to the **ASSOCIATION IMMEDIATELY AND TO THE** Veterinarian representing the Division of Racing Events **within twenty-four (24) NO LATER THAN EIGHT** hours **AFTER** the death of the animal.

5.242 - A practicing veterinarian at a horse racetrack shall report to the veterinarian representing the Division of Racing Events upon discovery the presence, or suspected presence of any reportable disease as defined by the United States Department of Agriculture. The report shall include the horse's name, trainer, barn and stall number in addition to the **MEDICAL RECORDS AND DIFFERENTIAL** diagnosis.

5.250 - All horses **certified as bleeders ENTERED AS RACING ON LASIX** must be given furosemide not less than four (4) hours nor more than twenty-four (24) hours prior to the scheduled post time of the first race in which the horse is entered **on any given calendar day.**

5.251 - (*Modified Effective date* **May 15, 2013**) Any person, other than an authorized licensed caregiver or a licensed Veterinarian, practicing alternative forms of therapy including, but not limited to, chiropractic, dentistry, acupuncture, and massage therapy, must have a valid support license issued by the Division and such therapies must be prescribed by, and under the supervision of, a licensed practicing Veterinarian. Alternative forms of therapy shall not be performed to a horse **on race day WITHIN THE 24 HOUR PERIOD PRECEDING POST TIME** unless approved in advance by the division veterinarian.

### **300 MEDICATION AND PROHIBITED SUBSTANCES**

5.308 - (*Modified Effective date* **May 15, 2015**) The following are considered prohibited practices:

1: The possession or use of a drug, substance or medication on the premises of a facility under the jurisdiction of the Commission for which a recognized analytical method has not been developed to detect and confirm the administration of such substance, or the use of which may endanger the health and welfare of the horse or endanger the safety of the rider; or the use of which may adversely affect the integrity of racing; or, no generally-accepted use in equine care exists

**(4): remove bolding** - - The use of extracorporeal shock wave therapy or radial pulse wave therapy shall not be permitted **WITHIN 30 DAYS OF A RACE OR HIGH SPEED WORKOUT (BREEZE).**

(B) **INAPPROPRIATE AND/OR UNAUTHORIZED USE OF EEE**extracorporeal shock wave therapy is considered a prohibited practice, and thus shall be a "Class A penalty" violation as referred to on the penalty category chart under CRCR 5.441.

(C) **ALL TREATMENTS WITH SHOCKWAVE AND OTHER ELECTRICAL DEVICES CONDUCTED ON ASSOCIATION GROUNDS:**

(i) **SHALL BE PERFORMED ONLY BY A DVM (OR DMV) IN POSSESSION OF ALL APPROPRIATE LICENSES, CURRENT AND IN GOOD STANDING;**

(ii) **CAN BE PERFORMED ONLY WITH A MACHINE REGISTERED WITH THE DIVISION AND, IF USED ON A THOROUGHBRED, ALSO REGISTERED WITH HISA;**

(iii) **SHALL BE CONDUCTED ONLY UNDER THE DIRECT SUPERVISION OF THE DIVISION VETERINARIAN AND IN THE DESIGNATED TREATMENT AREA.**

(D) **ANY HORSE RECEIVING SHOCKWAVE TREATMENT WILL BE PLACED ON THE VETERINARIAN'S LIST FOR A MINIMUM OF 30 DAYS, DURING WHICH TIME THE HORSE IS NOT ELIGIBLE FOR EITHER TIMED WORKS OR RACING EVENTS.**

#### 400 TESTING

5.414 - Unless otherwise directed by the **BOARD OF Sst**ewards or the Division veterinarian, a horse that is selected for testing must be taken directly to the test barn.

#### Sample Collection

5.420 - During the taking of a sample by a representative of the Division, the owner, trainer, witness or chemist representing them **maySHOULD** be present at all times. The sample shall be placed in an authorized container and shall be immediately sealed and the evidence of the sealing may be indicated thereon by the signature of the owner or trainer or **kenneel** stable representative. The veterinarian or assistant representing the Division shall **ENSURE THE** delivery **Y OF the** sample **(S)** to the laboratory selected by the Division for a report on the chemical analysis of the sample.

5.423 – Split samples obtained in accordance with rule #5.420 above shall be secured and made available for further testing in accordance with the following procedures:

2. A freezer or refrigerator for storage of split samples shall be equipped with **twoA** hasps or other devices **to provide for use of two independent locksSECURITY**. **One lock shall be the property of the Commission and one lock shall be the property of a representative of the group representing a majority of the horsemen at a race meeting.** The locks shall be closed and locked **so as** to prevent access to the freezer or refrigerator at all times except as specifically provided by these rules.

a. **The locks may be opened and remain open up to two (2) hours before and up to two (2) hours after a live racing performance, provided that the Division veterinarian or other Division staff is present in the room the freezer or refrigerator is located or the door to that room is locked.**

4. **When a freezer or refrigerator used for storage of split samples is opened, it shall be attended by both a representative of the Commission and the owner, trainer or designee.** A log shall be maintained that shall be used each time a split sample freezer or refrigerator is opened to specify each person in attendance, the purpose for opening the freezer or refrigerator, identification of split samples deposited or removed, the date and

time the freezer or refrigerator was opened, and the time the freezer or refrigerator was closed and to verify that both locks were secured prior to and after opening of the freezer or refrigerator.

## CHAPTER 7 RULES OF THE RACE-HORSES

### 100 REGISTRATION, ELIGIBILITY, WORKOUTS

#### Registration

7.100 - After horses have been registered with the racing secretary, listing their owners, a horse will not be transferred (unless claimed at the meet) without permission of the **BOARD OF Stewards** who will require a notarized bill of sale or the proper transfer authorization.

### 200 ENTRIES AND NOMINATIONS

#### Coupled Entries

7.230 - A trainer may not enter more than two (2) horses for any one (1) overnight event. When a trainer enters two (2) horses for the same overnight race, a preference must be expressed and in no case may two (2) horses under one (1) ownership or one (1) trainership be drawn into an overnight race to the exclusion of a single entry. **FOR COLORADO BRED RACES AN OWNER OR TRAINER MAY ENTER THREE (3) HORSES NOT TO EXCLUDE A SINGLE ENTRY.**

~~7.232 - Horses owned by the same owner(s) or leased by the same lessee(s) wholly or in part shall be coupled as a single wagering interest in any one race. For the purposes of this rule, the lessee is considered the owner. If the Director determines, in the exercise of his/her sole discretion, that the pool of horses for any given race meet may be insufficient to maintain a reasonable parimutuel racing program with coupled entries, or that other conditions exist which would, in the best interests of racing, make the uncoupling of entries desirable, then the Director may allow horses which would otherwise be coupled under this rule to be uncoupled.~~

~~7.234 - Entries of separate ownership but trained by the same trainer shall not run as an entry nor be coupled for wagering purposes.~~

~~7.236 - A trainer or assistant trainer of any horse shall not have any ownership interest in any other horse in the same race unless the horses are coupled as a single wagering interest. If after scratch time the number of separate interests in a race exceed the numerical capacity of the totalisator and/or tote board, once Section 7.232 has been complied with, any further necessary coupling shall be allowed until the coupling creates the maximum numerical capacity of the totalisator and/or tote board. If the Director determines, in the exercise of his/her sole discretion, that the pool of horses for any given race meet may be insufficient to maintain a reasonable parimutuel racing program with coupled entries, or that other conditions exist which would, in the best interests of racing, make the uncoupling of entries desirable, then the Director may allow horses which would otherwise be coupled under this rule to be uncoupled.~~

### 400 DECLARATIONS AND SCRATCHES

#### Scratches

7.410 - An eligible horse shall not be declared from an engagement without the **BOARD OF Stewards'** approval.

7.412 - The **BOARD OF Stewards** shall have the authority to declare a horse from an engagement when it appears that there is a violation of the Law or of these Rules.

7.414 - In races other than stakes races, scratches ~~below eight (8) interests~~ may only be made by permission of the **BOARD OF St**ewards and this right shall be determined by lot when necessary. Horses on the also eligible list shall have a preference to scratch over horses originally drawn in the race. However, all veterinarian and stewards scratches shall supersede any other type scratch. In the alternative, the scratching of also eligibles will be determined at the commencement of the meet by the **BOARD OF St**ewards.

A horse's primary obligation to start shall be the first race in which it originally draws a post position, except, within the time period specified by the **BOARD OF STEWARDS** and with the Board's approval, ~~one half of a coupled entry may be withdrawn with no penalty~~. The racing secretary shall post scratches and the horses that draw in from the also eligible list to start.

7.416 - (*Modified Effective date May 15, 2017*) The Division or association veterinarian(s) shall have the authority to declare a horse from a race at any time after making a determination that the horse is not in fit condition to race and shall notify the **BOARD OF** Stewards immediately and provide documentation in a timely manner.

## **600 RUNNING OF THE RACE (PADDOCK TO POST)**

### **Paddock to Post**

7.666 - In the paddock a horse shall be attended by the trainer who shall supervise the saddling. If permission is obtained from the **BOARD OF St**ewards, a trainer may send another licensed trainer to the paddock as a substitute. **RACING OFFICIALS IN THE PADDOCK AREA ARE PROHIBITED FROM SADDLING OR ASSISTING IN THE SADDLING OF HORSES IN THE PADDOCK.**

## **CHAPTER 11 ASSOCIATIONS/SIMULCAST FACILITIES**

### **300's --- FINANCIAL REQUIREMENTS (HORSE) (*Modified Effective date May 15, 2015*)**

#### **Insurer of the Race Meeting**

11.300 - Associations conducting a live meet shall keep a separate bank account to be known as the "Horsemen's Account" with sufficient funds in the account to cover all monies due horsemen in regard to purses, stakes, rewards, claims, and deposits. **ALL AWARDS AND PURSES DUE TO THE HORSEMEN DURING THE RACE MEET SHALL REMAIN IN THE ACCOUNT UNTIL SUCH FUNDS ARE PAID TO THE HORSEMEN, AND DISCHARGE ALL OBLIGATIONS TO THE CONTESTANT IN CONNECTION WITH THE RACE MEET.** Any interest accrued from this account does not belong to the association and shall be used exclusively for supplementing purses at the meet. Withdrawals from this account shall be subject to audit by the Division.

11.302 - Pursuant to section 44-32-702(1)(f), C.R.S., horse purse funds payable by a licensee or operator shall be retained by the licensee or operator in a trust account in a commercial bank located in Colorado until such date as the purse funds are paid to the horse owners **AND DISCHARGE ALL OBLIGATIONS TO THE CONTESTANT IN CONNECTION WITH THE RACE MEET.** With the prior approval of the Commission, the operator of a horse track may withdraw moneys from such trust account to make up for shortfalls in the amounts of revenue derived from other sources which were reasonably anticipated to cover payments made on purses during a licensed race meet held at such track in the current year or a prior year.