

RACING AND GAMING COMMISSION[491]

Notice of Intended Action

**Proposing rule making related to wagering and horse racing
and providing an opportunity for public comment**

The Racing and Gaming Commission hereby proposes to amend Chapter 8, “Pari-Mutuel Wagering, Simulcasting and Advance Deposit Wagering,” Chapter 10, “Thoroughbred and Quarter Horse Racing,” and Chapter 14, “Fantasy Sports Contests,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 99D.7, 99E.3 and 99F.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 99D, 99E and 99F.

Purpose and Summary

- Item 1 rescinds unneeded definitions.
- Item 2 adds helmet and vest safety specifics.
- Items 3 and 4 add reporting requirements for helmet and vest safety.
- Item 5 clarifies jockey agent representation.
- Item 6 adds additional circumstances in which a horse is ineligible to race.
- Item 7 clarifies a circumstance in which a horse is ineligible to start.
- Item 8 clarifies what consecutive days are for entries.
- Item 9 clarifies requirements for thoroughbred workouts.
- Item 10 restructures subrule 10.6(9) to account for the two new paragraphs proposed in Item 11.
- Item 11 clarifies requirements for quarter horse workouts.
- Item 12 specifies when claims are allowed.
- Item 13 adds additional specificity for requirements to disallow a claim.
- Item 14 clarifies when an actual void takes place when stewards void a claim.
- Item 15 changes the rule violation reporting requirement time period.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Commission no later than 4:30 p.m. on January 5, 2021. Comments should be directed to:

Barb Blake
Iowa Racing and Gaming Commission
1300 Des Moines Street
Des Moines, Iowa 50309
Email: barb.blake@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

January 5, 2021
9 a.m.

Commission Office, Suite 100
1300 Des Moines Street
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Commission and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Rescind the definitions of "Pick (n)," "Pick three" and "Place pick (n) pools" in rule **491—8.1(99D)**.

ITEM 2. Adopt the following new paragraphs **10.2(9)"a"** and **"b"**:

a. A jockey participating in a race shall have a helmet that is not altered and complies with one of the following standards:

- (1) American Society for Testing and Materials (ASTM 1163).
- (2) European Standards (EN-1384 or PAS-015 or VG1).
- (3) Australian/New Zealand Standards (AS/NZ 3838).
- (4) ARB HS 2012.
- (5) Snell Equestrian Standard 2001.

b. A jockey participating in a race shall have a vest that is not altered and complies with one of the following minimum safety standards:

- (1) British Equestrian Trade Association (BETA) 2000 Level 1.
- (2) Euro Norm (EN) 13158:2000 Level 1.
- (3) American Society for Testing and Materials (ASTM) F2681-08 or F1937.
- (4) Shoe and Allied Trade Research Association (SATRA) Jockey Vest Document M6 Issue 3.
- (5) Australian Racing Board (ARB) Standard 1.1998.

ITEM 3. Amend paragraph **10.4(11)"g"** as follows:

g. Report to the stewards any unusual occurrences in the jockey room or infraction of the rules with respect to helmets and vests;

ITEM 4. Amend paragraph **10.4(13)"i"** as follows:

i. Promptly report to the stewards any infraction of the rules with respect to riding equipment; safety equipment, including, but not limited to, helmets and vests; riding crops; or conduct.

ITEM 5. Amend subparagraph **10.5(4)“a”(5)** as follows:

(5) No jockey agent shall represent more than two jockeys and one apprentice jockey at the same time except:

1. A jockey agent may represent three jockeys at a “mixed” meeting so long as no more than two of the jockeys ride the same breed. In addition, a jockey agent may represent one apprentice jockey who may ride either breed.

2. No change.

ITEM 6. Adopt the following new subparagraphs **10.6(1)“a”(12)** to **(14)**:

(12) A horse under four years of age has been injected with bisphosphonates. A horse four years of age or older may only be administered bisphosphonate if the bisphosphonate is Food and Drug Administration-approved for use in the horse and administered in accordance with the label requirements and only for diagnosed cases of navicular disease. If bisphosphonate is administered as permitted by rule, the commission shall be notified within 24 hours of the administration. If bisphosphonate is detected in sampling or if a horse is administered bisphosphonate, the horse shall be placed on the veterinarian’s list for no less than six months.

(13) A horse has had any intra-articular joint injection within the past six days. For the purpose of counting the number of days a horse is ineligible to run following an intra-articular injection, the day of injection is the first day. The detection of two or more corticosteroids constitutes a stacking violation.

(14) A horse has been administered thyroxine and thyroid modulators/hormones including, but not limited to, those containing T4 (tetraiodothyronine/thyroxine), T3 (triiodothyronine), or combinations thereof. This excludes a horse that has been individually prescribed thyroxine and thyroid modulators/hormones.

ITEM 7. Amend subparagraph **10.6(1)“b”(8)** as follows:

(8) The horse is a first-time starter not approved by the starter and does not have a minimum of two ~~published~~ official workouts for quarter horses or a minimum of three official workouts for thoroughbreds.

ITEM 8. Amend paragraph **10.6(2)“f”** as follows:

f. Consecutive days. No horse shall be run twice within ~~five~~ four consecutive calendar days. For the purpose of this rule, the day after the start shall count as the first day.

ITEM 9. Rescind paragraph **10.6(9)“a”** and adopt the following new paragraph in lieu thereof:

a. Thoroughbreds, when required.

(1) No horse shall be allowed to start unless the horse has raced in an official race or has had an approved official timed workout satisfactory to the stewards, and adheres to the following for horses that are not first-time starters:

1. A horse that has not started for a period of 60 days or more shall have had an official workout satisfactory to the stewards prior to the day of the race in which the horse started, and the horse must have had an official workout within the previous 30 days.

2. A horse that has not started for a period of 180 days or more shall have had two official workouts, one of which must have occurred within the previous 30 days prior to the day of the race in which the horse started.

3. A horse that has not started for a period of 365 days or more shall fulfill the following requirements before being allowed to start:

- The horse must have had three official workouts.
- One of the three official workouts must have been from the starting gate going at least one-half mile, within 60 days of starting.

(2) No first-time starter shall be allowed to race unless it has had three official workouts, with one having occurred from the gate within the previous 60 days and is approved to start from the gate by the starter.

ITEM 10. Reletter paragraphs **10.6(9)“b”** to **“d”** as **10.6(9)“d”** to **“f.”**

ITEM 11. Adopt the following new paragraphs **10.6(9)“b”** and **“c”**:

b. Quarter horses, when required.

(1) No horse shall be allowed to start unless the horse has raced in an official race or has had an approved official timed workout satisfactory to the stewards, and adheres to the following for horses that are not first-time starters:

1. A horse that has not started for a period of 60 days or more shall be ineligible to race until it has had an official workout satisfactory to the stewards prior to the day of the race in which the horse started, and the horse must have had an official workout within the previous 60 days.

2. A horse that has not started for a period of 180 days or more shall have had two official workouts, one of which must have occurred within the previous 60 days.

3. A horse that has not started for a period of 365 days or more shall fulfill the following requirements before being allowed to start:

- The horse must have had two official workouts.
- One of the two official workouts must have been from the starting gate within 60 days of starting.

(2) No first-time starter shall be allowed to race unless it has had two official workouts, with one having occurred from the gate within the previous 60 days and is approved to start from the gate by the starter.

c. *Counting of days.* For the purpose of counting the number of days a horse is ineligible to start, the day after the workout shall be considered the first day.

ITEM 12. Amend subparagraph **10.6(18)“a”(1)** as follows:

(1) Registered to race or open claim. No person may file a claim for any horse unless the person:

1. and 2. No change.

3. Has a valid open claim certificate. Any person not licensed as an owner, or a licensed authorized agent for the account of the same, or a licensed owner not having foal paper(s) registered with the racing secretary's office or who has not started a horse at the current meeting may request an open claim certificate from the commission. The person must submit a completed application for a prospective owner's license to the commission. The applicant must have the name of the trainer licensed by the commission who will be responsible for the claimed horse. A nonrefundable fee must accompany the application along with any financial information requested by the commission. The names of the prospective owners shall be prominently displayed in the offices of the commission and the racing secretary. The application will be processed by the commission; and when the open claim certificate is exercised, an owner's license will be issued; or

4. Is not a family member related within the second degree of affinity or consanguinity to the person or ownership entity who owns the horse. For the purpose of determining whether an ownership entity is excluded from claiming a horse or having a horse claimed, a family member within the second degree of affinity or consanguinity shall be defined as a parent, child, grandparent, grandchild, sibling, or in-law who owns or controls 5 percent or more of said entity.

ITEM 13. Amend paragraph **10.6(18)“i”** as follows:

i. *Disallowance of claim.* The stewards may cancel and disallow any claim within 24 hours after a race if they determine that a claim was made upon the basis of a lease, sale, or entry of a horse made for the purpose of fraudulently obtaining the privilege of making a claim; or if an eligible claimant improperly obtains information or access to horses by being present in the paddock during the claiming race unless the claimant has a horse in that claiming race, as determined solely by the stewards. In the event of a disallowance, the stewards may further order the return of a horse to its original owner and the return of all claim moneys. To disallow a claim, it must be shown by clear and convincing evidence that there is a direct and substantial connection between the eligible claimant and the owner or owner's trainer of the horse to be claimed wherein the eligible claimant improperly gained information about the horse to be claimed and the information was otherwise unavailable to other licensed owners or ownership entities. The mere appearance of impropriety is not a basis for disallowing a claim.

ITEM 14. Amend paragraph **10.6(18)“j”** as follows:

j. *Protest of claim.* A protest to any claim must be filed with the stewards before noon of the day following the date of the race in which the horse was claimed. Nonracing days are excluded from this rule. Should the stewards void a claim for reasons other than failure to follow the procedure for

claiming, when there are multiple claims on a singular horse, said claim shall not be voided until after the determination by lot.

ITEM 15. Amend subrule 14.8(3), introductory paragraph, as follows:

14.8(3) Reporting. The licensee shall provide ~~immediate~~ prompt notification of any facts which the licensee has reasonable grounds to believe indicate a violation of law or commission rule committed by licensees, their key persons, or their employees, including without limitation the performance of licensed activities different from those permitted under their license. The licensee is also required to provide a detailed written report within ~~72 hours~~ seven business days, or a time frame otherwise approved by the administrator, from the discovery for any of the following: