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## LOUISIANA STATE RACING COMMISSION

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Charles A. Gardiner III  
Executive Director

February 1, 2022

Senate Commerce Committee  
P.O. Box 94183  
Baton Rouge, LA 70804-9183

House Commerce Committee  
P.O. Box 94486  
Baton Rouge, LA 70804-9486

RE: ANNUAL REPORT

Dear Committee Members:

Pursuant to La. R.S. 49:968(K), I am submitting the enclosed report of action taken by the Louisiana State Racing Commission with respect to proposing, amending and adoption of rules. The report contains all actions taken on rules which were proposed or promulgated between January 1, 2021 and December 31, 2021. The report also contains information on the petitions and submissions received by the LSRC as well as the LSRC's responses to those petitions and submissions.

If you have any questions regarding the enclosed material, please contact me at (504) 483-4000.

Sincerely,

A handwritten signature in blue ink, reading "Charles A. Gardiner III".

Charles A. Gardiner III  
Executive Director

CAG: tm  
Enclosures

cc: Office of the State Register  
Rules Committee Chairman

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## LSRC ACTIONS 2021

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The following is a summary of the actions taken by the Louisiana State Racing Commission with respect to amendment and adoption of proposed rules. These actions were taken from January 1, 2021 to December 31, 2021.

Commission Meeting Dates are those on which the Louisiana State Racing Commission held public hearings pursuant to La. R.S. 49:953. Oversight submittal dates are those on which documentation was submitted to the Legislative Fiscal Office and the House and Senate Commerce Committees pursuant to La. R.S. 49:968. Publication dates are those on which the notice of intended action was published in the *Louisiana Register* pursuant to La. R.S. 49:953. Public comments are accepted for submission up to 20 days (weekends and state holidays excluded) from the Notice of Intent publication date in the *Louisiana Register* pursuant to La. R.S. 49:953. Final rule promulgation dates are those on which the actions were published in the *Louisiana Register* pursuant to La. R.S. 49:954.

### **LAC 35: XIII.11609**

This proposes an amendment to Pick N Procedure.

Commission Meeting Date ( <i>Public Hearing</i> ):	March 30, 2021
Oversight Submittal to House & Senate Commerce Committees:	April 12, 2021
Publication Date (Notice of Intent):	May 20, 2021
Commission Meeting (Public Hearing) Formal Adoption Vote:	August 25, 2021
Final Rule Promulgation Date:	October 20, 2021

### **LAC 35: I.309**

This proposes an amendment to Protective Helmets and Safety Vests.

Commission Meeting Date ( <i>Public Hearing</i> ):	June 17, 2021
Oversight Submittal to House & Senate Commerce Committees:	July 15, 2021
Publication Date (Notice of Intent):	August 20, 2021
Commission Meeting (Public Hearing) Formal Adoption Vote:	October 26, 2021
Final Rule Promulgation Date:	November 20, 2021

### **LAC 35: I.1506**

This proposes an amendment to Permitted Medications in Quarter Horses.

Commission Meeting Date ( <i>Public Hearing</i> ):	June 17, 2021
Oversight Submittal to House & Senate Commerce Committees:	July 15, 2021
Publication Date (Notice of Intent):	August 20, 2021
Commission Meeting (Public Hearing) Formal Adoption Vote:	October 26, 2021
Final Rule Promulgation Date:	November 20, 2021

### **LAC 35: VII.Chapter 85**

This proposes amendments to Colors.

Commission Meeting Date ( <i>Public Hearing</i> ):	June 17, 2021
Oversight Submittal to House & Senate Commerce Committees:	July 15, 2021
Publication Date (Notice of Intent):	August 20, 2021
Commission Meeting (Public Hearing) Formal Adoption Vote:	October 26, 2021
Final Rule Promulgation Date:	November 20, 2021

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**LAC 35:XI.9902**

This proposes a new rule for Declaring a Horse Ineligible to be Claimed at Time of Entry.

Commission Meeting Date ( <i>Public Hearing</i> ):	June 17, 2021
Oversight Submittal to House & Senate Commerce Committees:	July 15, 2021
Publication Date (Notice of Intent):	August 20, 2021
Commission Meeting (Public Hearing) Formal Adoption Vote:	October 26, 2021
Final Rule Promulgation Date:	November 20, 2021

**LAC 35:XVII.Chapter 131**

This establishes emergency rules while going through the full rulemaking process and proposes new rules for Wagering on Historical Horse Racing.

Adoption of Emergency Rules per R.S. 49:953.1:	November 19, 2021
Oversight Notification of Emergency Rules:	November 19, 2021

Commission Meeting Date ( <i>Public Hearing</i> ):	November 19, 2021
Oversight Submittal to House & Senate Commerce Committees:	November 19, 2021
Publication Date (Notice of Intent):	December 20, 2021
Commission Meeting (Public Hearing) Formal Adoption Vote:	<i>Pending</i>
Final Rule Promulgation Date:	<i>Pending</i>

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## PETITIONS AND SUBMISSIONS TO LSRC 2021

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The following is a summary of the petitions and submissions received by the Louisiana State Racing Commission (hereinafter “LSRC”) with respect to amendment and adoption of rules and the LSRC’s response to those petitions and submissions from January 1, 2021 to December 31, 2021.

### **I. Petitions and Submissions Resulting in Rulemaking**

#### **LAC 35: XI.9902 “Declaring a Horse Ineligible to be Claimed at Time of Entry”**

Petition: On February 9, 2021, Mr. Edwin J. Fenasci, Executive Director of the Louisiana Horsemen’s Benevolent and Protective Association (LaHBPA), requested via email that the LSRC include an Agenda item for its next Commission Meeting to discuss adding a Waiver Claiming Rule. At the March 30, 2021 LSRC Meeting, Mr. Benard Chatters, President of the Louisiana Horsemen’s Benevolent and Protective Association (LaHBPA), and Mr. John Duvieilh, Counsel for LaHBPA, advocated for rulemaking and elaborated that it should allow for provisions for owner, trainer, or authorized agent to declare a horse ineligible to be claimed at the time of entry.

Response: Following discussion at the March 30, 2021 LSRC Meeting, LSRC drafted the proposed rule. With no opposition at the June 17, 2021 LSRC Meeting, LSRC initiated rule-making procedures with a Notice of Intent that was published on August 20, 2021. With no opposition at the October 26, 2021 LSRC Meeting, LSRC approved Formal Adoption of the rule.

#### **LAC 35: I.1506 “Permitted Medications in Quarter Horses”**

Petition: At the June 17, 2021 LSRC Meeting, Ms. Janet VanBebber, Chief Racing Officer of the American Quarter Horse Association (AQHA), advocated for the LSRC’s drafted rule to ban Albuterol use in Quarter Horses because it has a performance-enhancing effect on horses and because Louisiana is not in uniformity with many other racing jurisdictions that have outlawed the substance.

Response: Following discussion and with no opposition at the June 17, 2021 LSRC Meeting, LSRC initiated rule-making procedures with a Notice of Intent that was published on August 20, 2021. With no opposition at the October 26, 2021 LSRC Meeting, LSRC approved Formal Adoption of the rule.

### **II. Petitions and Submissions that have not resulted in Rulemaking at this time**

#### **Petition for Rulemaking regarding requiring racing facilities to open for stabling and training before and after race meets**

Petition: On February 8, 2021, Mr. Edwin J. Fenasci, Executive Director of the Louisiana Horsemen’s Benevolent and Protective Association (LaHBPA), requested via email that the LSRC include an Agenda item for its next Commission Meeting to discuss adding a rule about requiring racing facilities to be open for stabling and training 30 days prior to the first race of a scheduled meet and 15 days after the last race of a meet. At the March 30, 2021 LSRC Meeting, Mr. Benard Chatters, President of LaHBPA, and Mr. John Duvieilh, Counsel for LaHBPA, advocated for proceeding with rulemaking per Mr. Fenasci’s email and elaborated that it would replace the need for negotiation and contract agreements between LaHBPA and the Racing Associations for every race meet to avoid contentious disputes.

Response: LSRC requested further information and for the LaHBPA to submit their rule proposal in writing for the Commission’s consideration. LaHBPA has not yet provided specific language or information regarding their rulemaking request.

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**Petition for Rulemaking regarding requiring racing facilities to open for stabling and training during force majeure events**

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Petition: On February 8, 2021, Mr. Edwin J. Fenasci, Executive Director of the Louisiana Horsemen's Benevolent and Protective Association (LaHBPA), requested via email that the LSRC include an Agenda item for its next Commission Meeting to discuss adding a rule about requiring racing facilities that are not open at the time of a force majeure event to accept horses for stabling and training. At the March 30, 2021 LSRC Meeting, Mr. Benard Chatters, President of the Louisiana Horsemen's Benevolent and Protective Association (LaHBPA), and Mr. John Duvieilh, Counsel for LaHBPA, elaborated and advocated for rulemaking that would require racing facilities that have the ability and space to house horses to be open during force majeure events in the future to avoid issues with displaced horses in situations like the 2020 hurricanes that devastated Lake Charles.

Response: LSRC requested further information and for the LaHBPA to submit their rule proposal in writing for the Commission's consideration. LaHBPA has not yet provided specific language or information regarding their rulemaking request.

**Petition for Rulemaking regarding the ability of an owner to claim his or her own horse**

Petition: On February 9, 2021, Mr. Edwin J. Fenasci, Executive Director of the Louisiana Horsemen's Benevolent and Protective Association (LaHBPA), requested via email that the LSRC include an Agenda item for its next Commission Meeting to discuss adding a rule about giving an owner the ability to place a claim on their horse. At the March 30, 2021 LSRC Meeting, Mr. Benard Chatters, President of the Louisiana Horsemen's Benevolent and Protective Association (LaHBPA), and Mr. John Duvieilh, Counsel for LaHBPA, elaborated and advocated for rulemaking that would allow an owner to claim his or her own horse just like any other claimant.

Response: LSRC requested further information and for the LaHBPA to submit their rule proposal in writing for the Commission's consideration. LaHBPA has not yet provided specific language or information regarding their rulemaking request.

**Petition for Rulemaking regarding the creation and duties of an LSRC Track Superintendent to monitor the racing surfaces at every racetrack in Louisiana.**

Petition: On February 9, 2021, Mr. Edwin J. Fenasci, Executive Director of the Louisiana Horsemen's Benevolent and Protective Association (LaHBPA), requested via email that the LSRC include an Agenda item for its next Commission Meeting to discuss adding a rule involving LSRC employing a full-time Track Superintendent. At the March 30, 2021 LSRC Meeting, Mr. Benard Chatters, President of the Louisiana Horsemen's Benevolent and Protective Association (LaHBPA), and Mr. John Duvieilh, Counsel for LaHBPA, elaborated and advocated for rulemaking that would create a Track Superintendent full-time state civil servant position to be hired by LSRC who would monitor the racing surfaces at every racetrack in Louisiana and allow for LSRC to institute and enforce more standardized requirements to maintain consistent and safer racing surfaces.

Response: LSRC requested further information and for the LaHBPA to submit their rule proposal in writing for the Commission's consideration. LaHBPA has not yet provided specific language or information regarding their rulemaking request.