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LOUISIANA STATE RACING COMMISSION

MEETING NOTICE

THE LOUISIANA STATE RACING COMMISSION WILL HOLD A MEETING AT 10:00AM ON TUESDAY, AUGUST 23, 2022 IN MOJO'S SPORTS BAR OF THE EVANGELINE DOWNS RACETRACK & CASINO, 2235 CRESWELL LANE EXTENSION, OPELOUSAS, LOUISIANA. THE PUBLIC MAY ATTEND AND PARTICIPATE IN-PERSON ONLY.

APPROVAL OF APRIL 26, 2022 &
JUNE 13, 2022 MEETING MINUTES

I. ADJUDICATIONS

PLEASE NOTE: THE FOLLOWING ADJUDICATION MATTERS ARE CONTINUED TO THE NEXT MEETING OF THE COMMISSION DUE TO THE COMMISSION ATTORNEY'S REQUIRED ATTENDANCE AT AN EMERGENCY INJUNCTION HEARING IN EAST BATON ROUGE THAT WAS REQUESTED BY THE COMMISSION, THE LOUISIANA GAMING CONTROL BOARD, AND THE HORSEMEN'S BENEVOLENT & PROTECTIVE ASSOCIATION TO PROTECT RACING INTERESTS - ALL SUBPOENAS ARE CONTINUED AND THOSE SUBPOENAED ARE ORDERED TO APPEAR AT THE NEXT MEETING OF THE LOUISIANA STATE RACING COMMISSION

A. VIOLATION OF La. R.S. 4:150 (Qualifications of Applicant for a License) & LAC 46:I.513 (Omission/Misrepresentation)

1. Cecilia A. Mucio, Owner. *(Adjudications Appealed)*
Ruling#DD24953 of 07/06/22 – *Falsification of License Application*
Ruling#DD24954 of 07/06/22 – *Falsification of License Application*

B. VIOLATIONS OF LAC 35:I.1797 (Equine Positives)

1. Larry D. Keith, Trainer. *(Adjudications Referred & Appealed)*
Ruling#DD24857 of 05/11/22 – *Zilpaterol (ARCI Category II)*
Ruling#DD24859 of 05/11/22 – *Zilpaterol (ARCI Category II)*
Ruling#DD24861 of 05/11/22 – *Zilpaterol (ARCI Category II)*
Ruling#DD24862 of 05/11/22 – *Zilpaterol (ARCI Category II)*

Continued from June 13, 2022 Commission Meeting

2. **Jose D. Barron, Trainer.** (*Adjudication Referred & Appealed*)
Ruling#DD24849 of 05/05/22 – *Zilpaterol (ARCI Category II)*
Continued from June 13, 2022 Commission Meeting
(*Adjudication Referred*)
Ruling#DD24971 of 07/16/22 – *Zilpaterol (ARCI Category II)*
3. **Kenneth “Trey” Ellis, Trainer.** (*Adjudications Referred*)
Ruling#LD24803 of 03/20/22 – *Zilpaterol (ARCI Category II)*
Ruling#LD24804 of 03/20/22 – *Zilpaterol (ARCI Category II)*
Ruling#LD24805 of 03/21/22 – *Zilpaterol (ARCI Category II)*
Ruling#LD24806 of 03/21/22 – *Zilpaterol (ARCI Category II)*
Ruling#LD24821 of 03/28/22 – *Zilpaterol (ARCI Category II)*
4. **Barbara J. Ball, Trainer.** (*Adjudications Referred*)
Ruling#LD24816 of 03/27/22 – *Zilpaterol (ARCI Category II)*
Ruling#LD24817 of 03/27/22 – *Zilpaterol (ARCI Category II)*
5. **Patrick L. Clemons, Trainer.** (*Adjudication Referred & Appealed*)
Ruling#DD24883 of 05/21/22 – *Albuterol (ARCI Category III)*
6. **Ruben Chavez, Trainer.** (*Adjudications Referred & Appealed*)
Ruling#DD24916 of 06/09/22 – *Zilpaterol (ARCI Category II)*
Ruling#DD24917 of 06/09/22 – *Zilpaterol (ARCI Category II)*
Ruling#DD24918 of 06/09/22 – *Zilpaterol (ARCI Category II)*
Ruling#DD24978 of 07/21/22 – *Boldenone (ARCI Category III)*
7. **John T. Foutch, Trainer.** (*Adjudication Referred*)
Ruling#LD24811 of 03/23/22 – *Zilpaterol (ARCI Category II)*
8. **Luis Martinez, Trainer.** (*Adjudication Referred & Appealed*)
Ruling#DD24928 of 06/22/22 – *Zilpaterol (ARCI Category II)*
9. **Gilberto Rosales, Trainer.** (*Adjudications Referred & Appealed*)
Ruling#DD24933 of 06/23/22 – *Zilpaterol (ARCI Category II)*
Ruling#DD24994 of 08/02/22 – *Albuterol (ARCI Category III)*
10. **Hector R. Alcalá, Trainer.** (*Adjudication Referred*)
Ruling#ED24870 of 05/13/22 – *Clenbuterol (ARCI Category III)*

C. VIOLATIONS OF LAC 35:1.1801 (Exclusion/Ejection)

1. **Thomas W. Sam, Jr., Trainer.** (*Adjudications Referred & Appealed*)
Ruling#DD23687 of 10/24/19 – *Animal Neglect/Cruelty*
Ruling#DD23756 of 12/06/19 – *Animal Neglect/Cruelty*
2. **Keith T. Sam, Jr., Owner/Groom.** (*Adjudications Referred & Appealed*)
Ruling#DD23688 of 10/24/19 – *Animal Neglect/Cruelty*
Ruling#DD23757 of 12/06/19 – *Animal Neglect/Cruelty*

II. LICENSE APPROVAL

A. REQUEST FOR REDUCTION OF SENTENCE/REINSTATEMENT

1. **Kalee A. Mancha, Specimen Collector.**
Seeking reinstatement of license.

III. ASSOCIATION REQUESTS

A. BOYD RACING, LLC d/b/a DELTA DOWNS RACETRACK, CASINO & HOTEL

1. PROGRESS REPORT

2022 QUARTER HORSE MEET

2. RACES

a. Approval of designated races for Transferred Fair Grounds 2022 quarter horse meet:

08/12/22	LQHBA Sales Futurity Trials
08/13/22	LQHBA Sales Futurity Trials (Continued)
08/13/22	Esplanade
09/02/22	De Saix
09/03/22	LQHBA Sales Futurity Colts and Geldings Stakes
09/03/22	LQHBA Sales Futurity Filly Stakes
09/03/22	Faubourg St. John
09/03/22	Audubon
09/03/22	Mid City
09/03/22	LQHBA Sales Futurity Finals

2022-2023 THOROUGHBRED MEET

3. RACES

a. Approval of first condition book for 2022-2023 thoroughbred meet.

b. Approval of designated races for 2022-2023 thoroughbred meet:

10/07/22	Magnolia
10/08/22	Gold Cup
10/14/22	Louisiana Jewel
10/15/22	Louisiana Legacy
11/04/22	Treasure Chest
11/05/22	Delta Mile
11/11/22	My Trusty Cat
11/12/22	Jean Lafitte
12/29/22	Lookout
12/30/22	B-Connected
01/06/23	Orleans
01/07/23	Sam's Town
02/04/23	LA Bred Premier Night Ladies Starter
02/04/23	LA Bred Premier Night Gentlemen Starter
02/04/23	LA Bred Premier Night Ragin Cajun Starter
02/04/23	LA Bred Premier Night Bon Temps Starter
02/04/23	LA Bred Premier Night Prince
02/04/23	LA Bred Premier Night Starlet
02/04/23	LA Bred Premier Night Distaff
02/04/23	LA Bred Premier Night Championship
02/04/23	LA Bred Premier Night Matron
02/04/23	LA Bred Premier Night Sprint

4. STEWARD

a. Approval of Tom Davis to serve as state steward for 2022-2023 thoroughbred meet.

2023 QUARTER HORSE MEET

5. LICENSE APPROVALS

a. Approval for 2023 quarter horse meet:

1. 10 year license to own and operate a race track, per R.S. 4:158.
2. 10 year license to own and operate OTB locations, per R.S. 4:211 et seq.
3. Serve as concessionaire.

6. RACING DATES (R.S. 4:158A), RACES AND POST TIMES

a. Approval for 2023 quarter horse meet:

1. Quarter horse racing on the flat
2. 46 quarter horse race dates (4/28/23 through 7/15/23):
 - April 28,29
 - May 3,4,5,6,10,11,12,13,17,18,19,20,24,25,26,27,31
 - June 1,2,3,7,8,9,10,14,15,16,17,21,22,23,24,28,29,30
 - July 1,5,6,7,8,12,13,14,15
3. Hold minimum of 8 live quarter horse races daily (Wednesday through Saturday)
4. Daily post time 6:15 PM

7. WAGERING (LAC 35:XIII.Ch 103-127)

a. Approval for 2023 quarter horse meet wagering:

1. \$1 minimum WPS & Exacta on all races
2. 50¢ Trifecta on all races with five or more entries
3. 10¢ Superfecta on all races with six or more entries
4. 50¢ Rolling Pick 3 beginning on Race 1
5. 50¢ Pick 4 on Races 2-5 and last 4 races using Pick N Wagering Method Number 4
6. 50¢ Pick 5 on first 5 races and last 5 races using Pick N Wagering Method Number 4
7. \$1 Rolling Daily Double beginning on Race 1

B. THE OLD EVANGELINE DOWNS, LLC

d/b/a EVANGELINE DOWNS RACETRACK & CASINO

1. PROGRESS REPORT

2. TURF TRACK

- a. Discussion of the long-term plans to update the turf track for consistent use throughout the 2023 Thoroughbred Meet.

3. THOROUGHBRED RACE DATES OVERLAP

- a. Discussion of the Racing Days Committee proposal regarding overlap of thoroughbred race dates between Evangeline Downs and Louisiana Downs.

2022 THOROUGHBRED MEET

4. STEWARDS, OFFICIALS & MANAGEMENT

a. Ratification of additional officials for 2022 thoroughbred meet:

- *Lloyd Beaty – Outrider
- *David Tastet – Stall Superintendent
- *Harvey Lourd III – Clerk of Scales
- *new officials*

2022 QUARTER HORSE MEET

5. STEWARD

- a. Approval of Charles Ashy, Jr. to serve as state steward for 2022 quarter horse meet.

2023 THOROUGHBRED MEET

6. LICENSE APPROVALS

a. Approval for 2023 thoroughbred meet:

1. 10 year license to own and operate a race track, per R.S. 4:158.
2. 10 year license to own and operate OTB locations, per R.S. 4:211 et seq.
3. Serve as concessionaire.
4. Operate as official training facility for 2023 during off-season.

7. RACING DATES (R.S. 4:158A), RACES AND POST TIMES**a. Approval for 2023 thoroughbred meet:**

1. Thoroughbred racing on the flat
2. 84 thoroughbred race dates (4/5/23 through 8/26/23):

April	5,6,7,8,12,13,14,15,19,20,21,22,26,27,28,29
May	3,4,5,6,10,11,12,13,17,18,19,20,24,25,26,27,31
June	1,2,3,7,8,9,10,14,15,16,17,21,22,23,24,28,29,30
July	1,5,6,7,8,12,13,14,15,19,20,21,22,26,27,28,29
August	2,3,4,5,9,10,11,12,16,17,18,19,23,24,25,26
3. Hold minimum of 8 live thoroughbred races daily (Wednesday through Saturday)
4. Daily post time 5:30 PM

8. WAGERING (LAC 35:XIII.Ch 103-127)**a. Approval for 2023 thoroughbred meet wagering:**

1. WPS & Exacta on all races
2. Daily Double on all races
3. Trifecta on all races complying with the *Rules of Racing*
4. Rolling Pick 3 beginning with Race 1
5. Pick 4 on first 4 races and on last 4 races using Pick N Wagering Method Number 4
6. Pick 5 on the last 5 races using Pick N Wagering Method Number 4
7. Superfecta on all races complying with the *Rules of Racing*

C. CHURCHILL DOWNS LOUISIANA HORSERACING COMPANY, LLC**d/b/a FAIR GROUNDS RACE COURSE & SLOTS****1. PROGRESS REPORT****2022-2023 THOROUGHBRED MEET****2. STEWARD**

- a. Approval of Roy Wood, Jr. and Charles Ashy, Jr. to serve as state stewards for 2022-2023 thoroughbred meet.

D. LOUISIANA DOWNS INVESTMENT COMPANY, LLC**d/b/a LOUISIANA DOWNS CASINO & RACETRACK****1. PROGRESS REPORT****2. PURSE ISSUE**

- a. Update of Purse Issue between LaHBPA and Harrah's Bossier City Investment Company, LLC.

3. OTB CONSIDERATION

- a. Consideration/Approval to open 17 Louisiana Downs OTBs per submitted applications:

1. 1 OTB Application for Bienville Parish
2. 6 OTB Applications for Caddo Parish
3. 1 OTB Application for Claiborne Parish
4. 1 OTB Application for Desoto Parish
5. 2 OTB Applications for Lincoln Parish
6. 3 OTB Applications for Ouachita Parish
7. 3 OTB Applications for Webster Parish

2023 QUARTER HORSE MEET**4. LICENSE APPROVALS****a. Approval for 2023 quarter horse meet:**

1. 10 year license to own and operate a race track, per R.S. 4:158.
2. 10 year license to own and operate OTB locations, per R.S. 4:211 et seq.
3. Serve as concessionaire.

5. RACING DATES (R.S. 4:158A), RACES AND POST TIMES**a. Approval for 2023 quarter horse meet:**

1. Quarter horse racing on the flat
2. 46 quarter horse race dates (1/5/23 through 4/1/23):

January	5,6,7,12,13,14,19,20,21,26,27,28
February	2,3,4,9,10,11,16,17,18,23,24,25
March	1,2,3,4,8,9,10,11,15,16,17,18,21,22,23,24,25,28,29,30,31
April	1
3. Hold minimum of 7 live quarter horse races daily
4. Post time 1:00 PM

6. WAGERING (LAC 35:XIII.Ch 103-127)**a. Approval for 2023 quarter horse meet wagering:**

1. WPS & Exacta on all races
2. Rolling Daily Double beginning with Race 1
3. Rolling Pick 3 beginning with Race 1
4. Trifecta on all races complying with the *Rules of Racing*
5. Superfecta on all races complying with the *Rules of Racing*
6. Pick 4 on last 4 races using Pick N Wagering Method Number 1
7. Pick 5 on last 5 races using Pick N Wagering Method Number 1
8. Pick 6 on last 6 races using Pick N Wagering Method Number 7
9. Super Hi-5 on the last race

7. STEWARD**a. Approval of Roy Wood, Jr. to serve as state steward for 2023 quarter horse meet.****2023 THOROUGHBRED MEET****8. LICENSE APPROVALS****a. Approval for 2023 thoroughbred meet:**

1. 10 year license to own and operate a race track, per R.S. 4:158.
2. 10 year license to own and operate OTB locations, per R.S. 4:211 et seq.
3. Serve as concessionaire.

9. RACING DATES (R.S. 4:158A), RACES AND POST TIMES**a. Approval for 2023 thoroughbred meet:**

1. Thoroughbred racing on the flat
2. 84 thoroughbred race dates (5/8/23 through 10/5/23):

May	8,9,10,11,15,16,17,18,22,23,24,25,29,30,31
June	1,5,6,7,8,12,13,14,19,20,21,22,26,27,28
July	3,4,5,6,10,11,12,17,18,19,24,25,26,27,31
August	1,2,7,8,9,14,15,16,21,22,23,24,28,29,30,31
September	4,5,6,7,11,12,13,14,15,18,19,20,21,22,25,26,27,28,29
October	2,3,4,5
3. Hold minimum of 7 live thoroughbred races daily
4. Post time 4:00 PM

10. WAGERING (LAC 35:XIII.Ch 103-127)

- a. Approval** for 2023 thoroughbred meet wagering:
 - 1. WPS & Exacta on all races
 - 2. Rolling Daily Double beginning with Race 1
 - 3. Rolling Pick 3 beginning with Race 1
 - 4. Trifecta on all races complying with the *Rules of Racing*
 - 5. Superfecta on all races complying with the *Rules of Racing*
 - 6. Pick 4 on last 4 races using Pick N Wagering Method Number 1
 - 7. Pick 5 on last 5 races using Pick N Wagering Method Number 1
 - 8. Pick 6 on last 6 races using Pick N Wagering Method Number 7
 - 9. Super Hi-5 on the last race

IV. BREEDER UPDATES

A. LOUISIANA THROUGHbred BREEDERS ASSOCIATION (LTBA)

1. PROGRESS REPORT

B. LOUISIANA QUARTER HORSE BREEDERS ASSOCIATION (LQHBA)

1. PROGRESS REPORT

V. COMMITTEE REPORTS

- A. MEDICATION COMMITTEE**, by *Committee Chair Patrick Bernard*
- B. RULES COMMITTEE**, by *Committee Chair Lane T. Cortez*
- C. LEGAL COMMITTEE**, by *Committee Chair Thomas B. Calvert*
- D. SECURITY COMMITTEE**, by *Committee Chair Louis Reine*
- E. RACETRACK/HBPA LIAISON COMMITTEE**, by *Committee Chair Donald "Don" Cravins*
- F. FINANCE COMMITTEE**, by *Committee Chair Leslie Bouie*
- G. RACING DAYS COMMITTEE**, by *Committee Chair Mike R. McHalfey*
- H. SB272 & HB1055 AD HOC COMMITTEE**, by *Committee Chair Louis Reine*

VI. OTHER

A. LAHBPA REQUESTS

- 1. **Discussion** of LaHBPA's request for Racing Associations' track surface experts to work cooperatively to ensure proper track maintenance and repairs continued from June 13, 2022 Commission Meeting.
- 2. **Discussion** of LaHBPA's request for additional stalls at Delta Downs, Evangeline Downs, and Fair Grounds continued from June 13, 2022 Commission Meeting.
- 3. **Discussion** of Arsenic Levels in Quarter Horses per LaHBPA's request.
- 4. **Discussion** of Test Clearances per LaHBPA's request.

VII. RULES

A. FORMAL ADOPTIONS:

1. LAC 35:VII Chapter 89 – Whips
§8902. Use of Riding Crop in Thoroughbred Races [new]
2. LAC 35:XI Chapter 99 – Claiming Rule
§9911. Claiming Procedures [amend]
§9913. Vesting of Title; Tests [amend]
§9914. Voided and Voidable Claims [new]
§9949. Purse to Claim Price Ratio [new]
3. LAC 46:XLI Chapter 3 – Trainer
§321. Horses Suspended Concurrent with Trainer [new]

B. DISCUSSION/NOTICE OF INTENT/EMERGENCY ADOPTION:

1. LAC 35:III Chapter 57 – Associations' Duties and Obligations
§5771. Minimum Infrastructure Investment Requirements [new]
§5773. Association Annual Plan of Operation Report [new]
§5775. Association Quarterly Reports [new]
 - Rules to establish Association Infrastructure Fund and Reporting Requirements per SB 272 and HB 1055 per Ad Hoc Committee recommendation.
 - Consideration to approve Notice of Intent to follow permanent rule-making procedures, and Emergency Adoption to put these rules into immediate effect for 180 days starting on September 30, 2022 in order to meet October 1, 2022 Statute deadline.

VIII. ADJOURNMENT



Charles A. Gardiner III
Executive Direct

This notice was posted by the entrance of the Louisiana State Racing Commission, Thursday, August 18, 2022 at 5:00PM.

**RULE FOR FORMAL ADOPTION
AT AUGUST 23, 2022 COMMISSION MEETING**

**Title 35
HORSE RACING
Part VII. Equipment and Colors**

Chapter 89. Whips

§8902. Use of Riding Crop in Thoroughbred Races

A. Although the use of a riding crop is not required, a jockey who uses a riding crop during a thoroughbred race shall do so only in a manner consistent with exerting his or her best efforts to win.

B. In any thoroughbred race in which a jockey will ride without a riding crop, an announcement of that fact shall be made over the public address system.

C. An electrical or mechanical device or other expedient designed to increase or retard the speed of a horse in a thoroughbred race, other than a riding crop approved by the stewards, shall not be possessed by anyone, or applied by anyone to a horse at any time at a location under the jurisdiction of the commission.

D. A riding crop shall not be used on a two-year-old horse in thoroughbred races before April 1 of each year.

E. Allowable uses of a riding crop in thoroughbred races include the following:

1. the riding crop may be used at any time, without penalty, if, in the opinion of the stewards, the riding crop is used to avoid a dangerous situation or preserve the safety of other riders or horses in a race;

2. use of the riding crop in the overhand fashion for a total of six times from the three-eighths pole to the finish line, only to be used two times in succession and then must give a horse a chance to respond;

3. if necessary during a race, a riding crop may be used in a backhanded fashion on the hindquarters from the three-eighths to the finish line. This use will not be counted toward the use of the crop six times in the overhand fashion;

4. tapping the horse on the shoulder with the crop in the down position, while both hands are holding onto the reins and both hands are touching the neck of the horse; and

5. showing or waving the crop without contact with the horse and giving the horse time to respond before striking the horse.

F. Use of the riding crop to make contact with a horse to maintain focus and concentration, to control the horse for safety of the horse and rider, or to encourage a horse is allowed in thoroughbred races, with the following exceptions:

1. in any manner, other than backhanded on the hindquarters as set forth in Paragraph 3 of Subsection E, tapping on the shoulder as set forth in Paragraph 4 of Subsection E, or resulting in more than six times in the overhand manner as set forth in Paragraph 2 of Subsection E;

2. the riding crop shall not be used more than twice in succession and the horse must be given a chance to respond before using it again;

a. "Chance to respond" is defined as one of the following actions by a jockey:

- i. pausing the use of the riding crop on their horse before resuming again;
- ii. pushing on their horse with a rein in each hand, keeping the riding crop in the up or down position;
- iii. showing the horse the riding crop without making contact; or
- iv. moving the riding crop from one hand to the other.

3. with the rider's wrist above helmet height;

4. on the head, flanks, or on any other part of its body other than the shoulders or hindquarters;

5. during the post parade or after the finish of the race except if necessary to control the horse;

6. excessive or brutal use of the crop causing injury to the horse;

7. causing welts or breaks in the skin;

8. if the horse is clearly out of the race or has obtained its maximum placing; and

9. if the horse is showing no response.

G. A riding crop shall not be used to strike another person.

H. Use of the crop during workouts shall be permitted so long as such use does not violate Subsection F of this rule.

I. The giving of instructions by any licensee that, if obeyed, would lead to a violation of this Section may result in disciplinary action also being taken against the licensee who gave the instructions.

J. Only padded/shock absorbing riding crops approved by the stewards, which have not been modified in any way, may be carried in a thoroughbred race.

K. During a thoroughbred race, if a jockey rides in a manner contrary to this Rule, at the stewards' discretion, the stewards may impose a warning or fine of \$100 to \$500 or a suspension. If in the opinion of the stewards the violation is egregious or intentional, the stewards have the discretion to impose both a fine and a suspension. Factors in determining whether a violation is egregious include, but are not limited to:

- 1. recent history of similar violations;
- 2. number of uses over the total and consecutive limits described; and
- 3. using the crop in the overhanded position more than six times.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147, R.S. 4:148, and R.S. 4:172.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission LR 48:

RULES FOR FORMAL ADOPTION AT AUGUST 23, 2022 COMMISSION MEETING

Title 35 HORSE RACING Part XI. Claiming Rules and Engagements

Chapter 99. Claiming Rule

§9911. Claiming Procedures

A. All claims shall be signed, sealed, time stamped and deposited in a locked box provided for that purpose in a designated place, at least 15 minutes prior to post time for each race. The claim box shall be opened by the stewards and all claims shall remain in their possession. The claim envelopes shall not be opened by the stewards earlier than 10 minutes prior to post time for the designated race. Notification will be made by the stewards to the proper officials of any claim or claims, if any. No money shall accompany the claim. Each person desiring to make a claim, unless he shall have such amount to his credit with the horsemen's bookkeeper, must first deposit with the horsemen's bookkeeper the whole amount of his claim in cash, for which a receipt will be given. If more than one person shall enter a claim for the same horse, the disposition of the horse shall be decided by lot by one of the stewards or his deputy, and the person so determined to have the right of the claim shall become the owner of the horse whether it be alive or dead, sound or unsound or injured during the race or after it, except as otherwise provided by voided and voidable claims sections. Any horse, other than the winner, that has been claimed, shall be taken to the paddock after the race has been run, for delivery to the claimant unless sent to the retention barn for delivery to the claimant after the specimen has been collected.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 1:497 (November 1975), amended LR 2:446 (December 1976), LR 3:42 (January 1977), LR 4:285 (August 1978), LR 48:

§9913. Vesting of Title; Tests

A. Title to a claimed horse shall be vested in the successful claimant at the time the horse becomes a starter. The successful claimant shall then become the owner of the horse whether alive or dead, sound or unsound, or injured at any time after leaving the starting gate, during the race or after, except as otherwise provided by voided and voidable claims section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:446 (December 1976), amended LR 3:42 (January 1977), LR 4:285 (August 1978), LR 5:136 (June 1979), amended by the Office of the Governor, Division of Administration, Racing Commission LR 30:1476 (July 2004), LR 31:3160 (December 2005), LR 35:2756 (December 2009), LR 48:

§9914. Voided and Voidable Claims

A. A claim shall be voided if a horse is a starter as determined by the regulatory authority, and the horse:

1. dies on the racetrack; or
2. suffers an injury which requires the euthanasia of the horse as determined by the official veterinarian while the horse is on the racetrack.

B. A claim is voidable at the discretion of the new owner for a period of one hour after the race is made official, for any horse:

1. that is vanned off the track at the direction of the official veterinarian; or
2. that is observed by the official veterinarian to be lame or unsound while on the racetrack for that race; or
3. that is observed by the official veterinarian to have bled through its nostrils while on the track.

C. The successful claimant may request on the claim blank at the time he makes his claim that the horse be tested for the presence of equine infectious anemia via a Coggins test and/or erythropoietin and/or darbepoietin.

1. Should the test for equine infectious anemia prove positive, it shall be cause for a horse to be returned to his previous owner and barred from racing in the state of Louisiana.

2. Should the test for recombinant erythropoietin and/or darbepoietin prove positive, it shall be cause for a horse to be returned to his previous owner and barred from racing in the state of Louisiana until such time as the horse tests negative.

3. Additionally, if such erythropoietin and/or darbepoietin positive result is found, the claimant, claimant's trainer or claimant's authorized agent shall have 48 hours in which to request the claim be declared invalid, such request to be made in writing to the stewards.

4. The expense of the tests and the maintenance of the horse during the period requested for the tests shall be absorbed by the successful claimant.

5. If such tests are requested the claimed horse will be sent to the retention barn of the Louisiana State Racing Commission where the state veterinarian will draw blood samples.

a. Blood samples drawn to test for equine infectious anemia shall be sent to a laboratory approved by the Louisiana Livestock Sanitary Board for the conduct of such test.

b. Blood samples drawn to detect by immunoassay recombinant erythropoietin and/or darbepoietin shall be sent to the Louisiana State Racing Commission's state chemist.

6. Notwithstanding any inconsistent provision of the Part, a horse shall not be subject to disqualification from the race and from any share of the purse in the race, and the trainer of the horse shall not be subject to application of trainer's responsibility based upon the finding by the laboratory that erythropoietin and/or darbepoietin was present in the sample taken from that horse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission LR 48:

§9949. Purse to Claim Price Ratio

A. The purse-to-claim price ratio in claiming races for open bred horses shall not be greater than a 3:1 ratio, except for races where supplements are added for accredited Louisiana bred horses who compete in open bred races, where the purse-to-claim price ratio shall not be greater than 4:1.

B. The purse-to-claim price ratio for restricted accredited Louisiana bred races shall not be greater than 4:1, except where the conditions for the race limit the entries to accredited Louisiana bred horses sired by stallions standing in the state as of the breeding date where the ratio shall not be greater than 5:1.

C. Modifications to Subsections A and B may be made at any duly noticed meeting of the Racing Commission.

1. Approved modifications shall be posted on the Racing Commission's website and posted at the Racing Commission's racetrack offices.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142, and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission LR 48:

**RULE FOR FORMAL ADOPTION
AT AUGUST 23, 2022 COMMISSION MEETING**

**Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLI. Horseracing Occupations**

Chapter 3. Trainer

§321. Horses Suspended Concurrent with Trainer

A. All horses in the charge of a trainer at the time of a violation and also during the pendency of violation proceedings and appeals, where the trainer's license has been revoked or suspended for six months or more, shall not be permitted to race during the period of such trainer's suspension. Upon application by the owners of such suspended horses, the stewards may approve the bona fide transfer of such horses to the care of another registered trainer, and upon such approved transfer, such horses may be entered to race, unless said horse is on the Stewards' List for a positive test until the horse is removed from the Stewards' List.

B. The trainer whose license has been revoked or suspended for six months or more must remove all signage and relinquish all assigned stalls to the track, and horses may not be transferred to any relative of the suspended trainer, current employee of the suspended trainer, or person employed by the suspended trainer within a year prior to the trainer's suspension. For purposes of this section, the term "relative" shall be deemed to be any past or present spouses, children, past or present spouses of children, siblings, past or present spouses of siblings, children of siblings, half-siblings, past or present spouses of half-siblings, children of siblings, parents, past or present spouses of parents, grandparents, past or present spouses of grandparents, grandchildren, and past or present spouses of grandchildren.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142, and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission LR 48:

RULES FOR NOTICE OF INTENT AND EMERGENCY ADOPTION AT AUGUST 23, 2022 COMMISSION MEETING

Title 35 HORSE RACING

Part III. Personnel, Registration and Licensing

Chapter 57. Associations' Duties and Obligations

§5771. Minimum Infrastructure Investment Requirements

A. An association shall deposit 10 percent of its gross profits into a fund for infrastructure maintenance and improvements per R.S. 4:164.

1. These deposits shall occur at the same time as when the association's state taxes are paid each month.

2. The association shall continue depositing 10 percent of its gross profits until such time when the commission determines that the association has complied with all infrastructure maintenance and improvements as required by the commission in this Chapter.

a. When the commission determines full compliance with its required infrastructure maintenance and improvements by the association, that association shall maintain a minimum fund balance of \$3,000,000.

b. When the commission determines full compliance with its required infrastructure maintenance and improvements by the association, the commission can authorize any of the following by two-thirds vote:

- i. exemption from maintaining fund balance,
- ii. exemption from making deposits, or
- iii. allow fund balance to be withdrawn

c. The commission, by majority vote, may reconsider prior determination of compliance and revoke any exemption or allowance granted to an association per this Subsection at any time.

3. The funds specified in this Subsection are subject to audit at any time by the commission and the legislative auditor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142, R.S. 4:148, and R.S. 4:164.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 48:

§5773. Association Annual Plan of Operation Report

A. An association shall provide an annual report to the commission, due by January 30 after each fiscal year ends starting with fiscal year 2022 due on January 30, 2023, regarding the association's plan of operation for the upcoming fiscal year to include details about:

1. customer service;
2. full-time and seasonal employment;
3. marketing and promotions for horse racing;
4. capital improvements;
5. facility maintenance;
6. facility improvements; and
7. a summary of the prior fiscal year's plan of operation implementation and status.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142, R.S. 4:148, and R.S. 4:158.1.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 48:

§5775. Association Quarterly Reports

A. The quarterly reports required each year under this Section shall be due within 20 days of the end of each quarter as follows:

1. Reports from January to March are due no later than April 20.
2. Reports from April to June are due no later than July 20.
3. Reports from July to September are due no later than October 20.
4. Reports from October to December are due no later than January 20.

B. Each association shall provide quarterly reports to the commission of the names and addresses of each individual, corporation, firm, partnership, association, or other legal entity that furnishes professional services, as defined in R.S. 4:158.2, to the association.

1. The reports must also specify whether or not the listed entities are any of the following:

- a. a registered Louisiana business;
- b. a female-owned business; and
- c. a minority-owned business.

C. Each association shall provide quarterly reports to the commission of the demographic information of its workforce, to include:

1. race;
2. gender; and
3. Louisiana residency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142, R.S. 4:148, and R.S. 4:158.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 48: