

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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Name of Department Department of Finance & Administration

Agency or Division Name Arkansas Racing Commission

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

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Name of Rule Thoroughbred Rule 1217.3 Shock wave therapy

Newspaper Name Arkansas Democrat-Gazette

Date of Publishing August 14-16, 2022

Final Date for Public Comment September 22, 2022 @ 11 AM public meeting

Location and Time of Public Meeting Arkansas Racing Commission, 1515 W. 7th St., Suite 505, Little Rock, AR 72201, Oct. 14, 2021 @ 11 AM

Thoroughbred Rule 1217.3 Amendment Summary

This amendment to Rule 1217.3 sets additional guidelines for extracorporeal shock wave therapy.

Thoroughbred Rule 1217.3 Mark Up

~~Prohibited Practices~~—Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy

(a) The use of Extracorporeal Shock Wave Therapy, Radial Pulse Wave Therapy or similar treatments shall not be permitted on horses on the grounds of Oaklawn.

(b) Equipment used ~~to~~for Extracorporeal Shock Wave Therapy, Radial Pulse Wave Therapy or similar treatments shall not be allowed in the stable area at Oaklawn.

~~(c) — Any horse treated with Extracorporeal Shock Wave Therapy, Radial Pulse Wave Therapy or similar treatments shall not be permitted to race at Oaklawn for a minimum of thirty (30) days following such treatment. Any such treatments on horses racing at Oaklawn must be performed by licensed veterinarians, or otherwise in accordance with applicable laws, and regulations of the applicable governmental regulatory agency, of the State where such treatments take place.~~

~~(d) — All Extracorporeal Shock Wave Therapy, Radial Pulse Wave Therapy and similar treatments on horses racing at Oaklawn must be reported to the official veterinarian on the prescribed form not later than the time prescribed by the official veterinarian.~~

(c) The use of Shock Wave Therapy shall be disclosed to the Commission Veterinarian no less than 48 hours prior to use and shall not be permitted unless the following conditions are met:

(1) Any Shock Wave Therapy may only be performed with machines that are:

(i) Registered and approved for use by the Arkansas Racing Commission; and

(ii) used at a previously disclosed location that is approved by the Arkansas Racing Commission.

(2) The use of Shock Wave Therapy shall be limited to licensed veterinarians and must be reported to the Commission Veterinarian and the Commission within 48 hours of treatment.

(3) Any treated horse shall be placed on the Veterinarian's List and shall not be permitted to race or breeze for 30 days following treatment.

(d) The Commission Veterinarian and the trainer may be suspended from the race track for a period of 5 days if Shock Wave Therapy has not been reported within 48 hours of any treatment or procedure administered to a horse. For each subsequent omission of reporting, an additional 5 days suspension may be added. If there are 3 violations in a calendar year, the Commission Veterinarian and the trainer may be suspended for up to 6 months in the subsequent calendar year.

NOTICE OF PUBLIC HEARING

The Arkansas Racing Commission will meet on September 22, 2022, at 11:00 a.m. in the Commission office located at 1515 West Seventh Street, Suite 500, Little Rock, Arkansas, to consider the adoption of the following rule changes:

- (1) Thoroughbred Rule 1217.3. Proposed amendment to set additional guidelines for extracorporeal shock wave therapy.
- (2) Thoroughbred Rule 1218. Proposed amendment to repeal sections (b)(1) and (2) as those sections conflict with the proposed HISA rules.
- (3) Thoroughbred Rule 1219. Proposed new rule to list prohibited practices contained in the proposed HISA rules.
- (4) Thoroughbred Rule 2099.1 Commission Clocker. Proposed amendment to allow Stewards to grant extensions of up to seven (7) days for horse owners / trainers to record timed workouts.
- (5) Thoroughbred Rule 2128A. Proposed new rule to prohibit jockeys from using hand-held communication devices while on the race track.
- (6) Thoroughbred Rule 2260 Purse Distribution. Proposed amendment to change purse distributions to include more horses.
- (7) Thoroughbred Rule 2444 Claiming. Proposed amendment to improve and clarify the claiming process for multiple claims in the same race.

Any persons wishing to speak for or against any of the above-proposed rule changes should appear at the meeting on September 22, 2022, and they will be given the opportunity to express their views. Persons wishing to submit written comments on the above-proposed rule changes should send them to the Arkansas Racing Commission, P.O. Box 3076, Little Rock, Arkansas 72203, prior to the close of business on September 21, 2022. Copies of the complete text of the proposed rule changes can be obtained from the Racing Commission office during normal business hours and on its website and from the Secretary of State's office and on its website.