

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 1218

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 1218 Amendment Summary

This amendment repeals sections (b)(1) and (2) of Rule 1218 as those sections conflict with the new HISA Rules, and the ARC is attempting to make its Rules comply with HISA before it is mandatory to do so.

Thoroughbred Rule 1218 Mark Up

1218. Any trainer, attendant, owner, veterinarian or other person who shall participate in the illegal administration of any drug, medication or chemical substance to any horse entered in a race, or otherwise tamper with an entered horse for the purpose of enhancing or retarding the performance of such a horse, shall be punished to such an extent as the Stewards rule.

(a) Upon receipt of a positive laboratory report, the Stewards shall direct that no undistributed money earned by the positive horse be awarded pending a final determination of the matter. Distributed purse money may be ordered returned by the Stewards. If it is determined that a violation has occurred, the purse money will be ordered forfeited and redistributed among the other horses in the race as determined by the Stewards. Pari-mutuel wagering shall not be affected by purse money redistribution.

(b) ~~(1) External non-invasive treatments such as icing, massage therapy, use of magnetic blanket or vibrator, or equine chiropractic treatments may be administered prior to the time the horse is required to be in the paddock for any race in which the horse is entered; provided, however, such permitted external treatments shall not include any activity involving (i) any incision or piercing of the skin, (ii) the application of extracorporeal shock wave therapy or radial pulse wave therapy otherwise prohibited by Rule 1217.3, or (iii) the use of any prohibited drug or other prohibited substance.~~

~~(2) No device designed to produce localized anesthesia at the site or underlying tissues may be used on a horse after 6:00 p.m. on the day immediately prior to any day the horse is an entry in a race. The application of extracorporeal shock wave therapy and radial pulse wave therapy must comply with Rule 1217.3.~~

(31) Any person performing any equine chiropractic services on the grounds of the association shall consult with a veterinarian licensed by the Commission regarding the chiropractic services to be performed, and shall conduct such services in compliance with applicable Arkansas law governing such services. In addition, any person performing any equine chiropractic services on the grounds of the association must be licensed as a vendor by the Commission, and must have such further licenses if and to the extent required by applicable Arkansas law.

(42) Any machine or other device to be used in connection with any chiropractic treatment on any horse on the grounds of the association must be registered with and approved by

the Commission or its designee before use. Any machine or other device producing localized anesthesia or electronic or other similar shock wave used in connection with any treatment on any horse on the grounds of the association, including, without limitation, any laser, ultrasound and nerve stimulator devices (e.g., "TENS" machine), must be registered with and approved by the Commission or its designee before use. Customarily used vibrators, magnetic blankets and magnetic boots are not required to be so registered. No machine or other device which produces localized anesthesia at the site or underlying issues lasting more than twelve (12) hours shall be approved unless use is limited to such lead times before racing as the official veterinarian shall determine is necessary for the anesthesia effect to properly dissipate.

| (53) Use of any machine or other device required to be registered with the Commission or its designee under subsection (4) of this rule on a horse on the grounds of the association must be reported to the official veterinarian on the prescribed form not later than the time prescribed by the official veterinarian.

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.