

**Colorado Racing Commission**  
**Adoption of New Emergency Rules:**  
**1 CCR 208-1**

**Statement of Emergency Justification and Adoption**

Pursuant to section 24-4-103(6)(a), C.R.S., the Colorado Racing Commission (“Commission”) hereby adopts the following emergency Colorado Racing Commission Rules:

1. Emergency Racing Commission Rule ER 2020-1;
2. Emergency Racing Commission Rule ER 2020-2;
3. Emergency Racing Commission Rule ER 2020-3;
4. Emergency Racing Commission Rule ER 2020-4;
5. Emergency Racing Commission Rule ER 2020-5;
6. Emergency Racing Commission Rule ER 2020-6; and
7. Emergency Racing Commission Rule ER 2020-7.

Section 24-4-103(6)(a), C.R.S., authorizes the Commission to adopt a temporary or emergency rule if the Commission finds that the immediate adoption of the rule is imperatively necessary to comply with a state law or for the preservation of public health, safety, or welfare and compliance with the requirements of section 24-4-103, C.R.S., would be contrary to the public interest.

The Commission hereby finds the following:

- The Commission is authorized under section 44-32-501, C.R.S. to license and regulate all race meets with pari-mutuel wagering in Colorado at which horses participate.
- The Commission is authorized under section 44-32-503(1), C.R.S., to promulgate rules necessary to ensure: fair play; proper and safe conduct of the sport of horse racing; the health, safety and welfare of persons and horses; the high standards and integrity of the sport of horse racing; and the control, safety, supervision, fingerprinting, identification, and direction of applicants, registrants, and licensees.
- The Commission is authorized under section 44-32-503(1), C.R.S., to promulgate rules necessary to provide for: supervising, disciplining, suspending, fining, and barring from racing of all persons required to be licensed or registered by this article 32; testing designated licensees for cause or by random selection to detect prohibited substances; and holding, conducting, and operating of all races, race meets, racetracks, in-state simulcast facilities, and out-of-state wagering on simulcast races conducted pursuant to Article 32 of Title 44, C.R.S.
- On April 26, 2020, Governor Jared Polis issued Executive Order D 2020 044, *Safer at Home*, continuing stay at home requirements for vulnerable individuals and permitting the limited reopening of postsecondary institutions and certain business operations due to the presence of coronavirus disease 2019 in Colorado.
- On May 25, 2020, Governor Jared Polis issued Executive Order D 2020 079, *Amending and Extending Executive Order D 2020 044 Safer at Home*, continuing stay at home requirements due to the presence of coronavirus disease 2019 in Colorado.

- On June 1, 2020, Governor Jared Polis issued Executive Order D 2020 091, *Safer at Home and in the Vast, Great Outdoors*, due to the presence of coronavirus disease 2019 in Colorado, implementing a number of measures that will allow many Coloradans to return to work and recreation in the great outdoors while maintaining a sustainable level of social distancing.
- Due to the unprecedented and extraordinary impact of the COVID-19 emergency, the Colorado Department of Public Health and Environment (“CDPHE”) issued Public Health Order 20-28 (“PHO 20-28”), on April 27, 2020.
- On June 2, 2020, CDPHE issued the Fifth Amended Public Health Order 20-28, *Safer at Home and in the Vast, Great Outdoors*, which in-relevant part prohibits horse races under section I.J, unless there are no spectators and race personnel maintain 6 feet distancing as much as possible.
- In an effort to ensure licensees’ compliance with Executive Order D 2020 091 and PHO 20-28, other existing CDPHE public health orders and local public health orders, as well as social distancing guidance issued by the CDPHE and the Centers of Diseases Control, the Commission finds it imperatively necessary to promulgate Emergency Racing Commission Rules ER 2020-1, ER 2020-2, ER 2020-3, ER 2020-4, ER 2020-5, ER 2020-6 and ER 2020-7 under 1 Code of Colorado Regulations (C.C.R.) 208-1.
- The Commission finds that its promulgation of Emergency Racing Commission Rules ER 2020-1, ER 2020-2, ER 2020-3, ER 2020-4, ER 2020-5, ER 2020-6 and ER 2020-7 will enable the horse track and licensees to race horses safely to ensure the health, safety and welfare of persons and horses in accordance with the requirements and restrictions provided in PHO 20-28.
- Pursuant to section 24-4-103(6)(a), C.R.S., the Commission finds that the immediate promulgation and adoption of Emergency Racing Commission Rules ER 2020-1, ER 2020-2, ER 2020-3, ER 2020-4, ER 2020-5, ER 2020-6 and ER 2020-7 are imperatively necessary for the preservation of public health, safety, or welfare.
- The Commission finds that the immediate promulgation and adoption of Emergency Racing Commission Rules ER 2020-1, ER 2020-2, ER 2020-3, ER 2020-4, ER 2020-5, ER 2020-6 and ER 2020-7 are necessary to carry out the purposes Article 32 of Title 44, C.R.S.

### **Statutory Authority**

Statutory authority for this emergency rule exists in Colorado Revised Statutes, sections 44-32-101, 44-32-301, 44-32-501, 44-32-503, 44-32-504, 44-32-507, and 44-32-512.

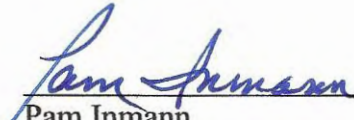
### **Basis and Purpose**

The purpose of Emergency Racing Commission Rules ER 2020-1, ER 2020-2, ER 2020-3, ER 2020-4, ER 2020-5, ER 2020-6 and ER 2020-7 is to provide the ability for licensees to operate race tracks and engage in racing horses in accordance with Article 32 of Title 44, C.R.S., while complying with Executive Order D 2020 091, Colorado Department of Public Health and Environment’s Public Health Order 20-28 most recently amended on June 2, 2020, and other guidance issued by the Colorado Department of Public Health and Environment and the Centers for Disease Control (CDC).

## Adoption

For the reasons set forth above, the Commission hereby adopt Emergency Racing Commission Rules ER 2020-1, ER 2020-2, ER 2020-3, ER 2020-4, ER 2020-5, ER 2020-6 and ER 2020-7 under 1 C.C.R. 208-1, which are attached hereto and which shall be effective on the date of the rules' adoption. These emergency rules shall be in force and effect for a period of one hundred and twenty days from the date of this notice, unless sooner terminated or replaced by permanent rules adopted in accordance with section 24-4-103, C.R.S.

Adopted this 4th day of June, 2020.

  
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Pam Inmann  
Chair  
Colorado Racing Commission

6-4-20  
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Date