

**Statement of Authority, Basis and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #3.402

Statutory Authority:

§12-60-201(1), C.R.S.	§12-60-202(3)(i), C.R.S.	§12-60-503(1)(a), C.R.S.
§12-60-202(3)(f), C.R.S.	§12-60-501(1)(a), C.R.S.	§12-60-507(1)(a), C.R.S.
§12-60-202(3)(g), C.R.S.		

Basis and Purpose:

To incorporate current international safety equipment standards into the Colorado rule. Also to reflect the recent location change of the DRE office.

This rule is recommended by the Director under his statutory responsibility to do so for the improvement and conduct of racing in Colorado. This rule is within the authority of the Commission to promulgate reasonable rules for the control, supervision and direction of jockeys and all other horsemen in direct contact with horses who are operating under a Colorado license. This rule establishes safety standards for licensees participating in horse racing in Colorado with internationally recognized and accepted safety standards for all horse riders.

CURRENT RULE

Any person mounted on a horse or stable pony on association grounds, must wear a properly secured safety helmet at all times. Additionally, all members of the starting gate crew and Association Valets must adhere to this regulation at all times while performing their duties or handling a horse. For the purpose of this regulation, a member of the starting gate crew means any person licensed as an assistant starter or any person who handles a horse at the starting gate. The helmet must comply with one of the following minimum safety standards:

- (a) American Society for Testing and Materials (ASTM 1163);
- (b) UK Standards (EN-1384 or PAS-015); or,
- (c) Australian/New Zealand Standards (AS/NZ 3838 or ARB HS 2012); or Snell Equestrian Standard 2001.

Any person mounted on a horse or stable pony on the association grounds must wear a safety vest at all times. Additionally, all members of the starting gate crew and Association Valets must also adhere to this regulation at all times while performing their duties or handling a horse. For the purpose of this regulation, a member of the starting gate crew means any person licensed as

an assistant starter or any person who handles a horse at the starting gate. The safety vest must comply with one of the following minimum standards:

- (a) British Equestrian Trade Association (BETA):2000 Level 1;
- (b) Euro Norm (EN) 13158:2000 Level 1;
- (c) American Society for Testing and Materials (ASTM) F2681-08 or F1937;
- (d) Shoe and Allied Trade Research Association (SATRA) Jockey Vest Document M6 Issue 3;
or,
- (e) Australian Racing Board (ARB) Standard 1.1998.

And all jockeys shall wear a safety vest of the type approved by the Commission, when they are performing their duties on a horse racetrack.

A safety helmet or a safety vest shall not be altered in any manner nor shall the product marking be removed or defaced.

The Commission adopts as part of Rule 3.402 of the Colorado Racing Commission Rules certain industry standards referred to in this Rule 3.402. Such industry standards are published by the American Society for Testing and Materials, British Equestrian Trade Association, Shoe and Allied Trade Research Association (SATRA), or Australian Racing Board (ARB) Standard. These industry standards were promulgated pursuant to the bodies, boards or committees or sub-committees with body protection expertise. This rule incorporates these industry standards as they existed on March 15, 2010. This rule does not include amendments to or later editions of the incorporated industry standards.

Certified copies of the complete text of the material incorporated are maintained at the Colorado Department of Revenue Division of Racings Events, 1881 Pierce Street, Room 108, Lakewood, Colorado 80214-1494 and may be inspected by contacting the Rule Coordinator at that address during normal business hours. The incorporated material may also be examined at any state publications depository library. Certified copies shall be provided at cost upon request.

PROPOSED RULE

Any person mounted on a horse or stable pony on association grounds, must wear a properly secured safety helmet at all times. Additionally, all members of the starting gate crew and Association Valets must adhere to this regulation at all times while performing their duties or handling a horse. For the purpose of this regulation, a member of the starting gate crew means any person licensed as an assistant starter or any person who handles a horse at the starting gate. The helmet must comply with one of the following minimum safety standards:

- (a) American Society for Testing and Materials (ASTM 1163);

(b) UK Standards (EN-1384 or PAS-015 **OR VG1**); or,

(c) Australian/New Zealand Standards (AS/NZ 3838 or ARB HS 2012); or Snell Equestrian Standard 2001.

Any person mounted on a horse or stable pony on the association grounds must wear a safety vest at all times. Additionally, all members of the starting gate crew and Association Valets must also adhere to this regulation at all times while performing their duties or handling a horse. For the purpose of this regulation, a member of the starting gate crew means any person licensed as an assistant starter or any person who handles a horse at the starting gate. The safety vest must comply with one of the following minimum standards:

(a) British Equestrian Trade Association (BETA):2000 Level 1;

(b) Euro Norm (EN) 13158:2000 Level 1;

(c) American Society for Testing and Materials (ASTM) F2681-08 or F1937;

(d) Shoe and Allied Trade Research Association (SATRA) Jockey Vest Document M6 Issue 3;
or,

(e) Australian Racing Board (ARB) Standard 1.1998.

And all jockeys shall wear a safety vest of the type approved by the Commission, when they are performing their duties on a horse racetrack.

A safety helmet or a safety vest shall not be altered in any manner nor shall the product marking be removed or defaced.

The Commission adopts as part of Rule 3.402 of the Colorado Racing Commission Rules certain industry standards referred to in this Rule 3.402. Such industry standards are published by the American Society for Testing and Materials, British Equestrian Trade Association, Shoe and Allied Trade Research Association (SATRA), or Australian Racing Board (ARB) Standard. These industry standards were promulgated pursuant to the bodies, boards or committees or sub-committees with body protection expertise. This rule incorporates these industry standards as they existed on March 15, ~~2010~~ **2017**. This rule does not include amendments to or later editions of the incorporated industry standards.

Certified copies of the complete text of the material incorporated are maintained at the Colorado Department of Revenue Division of Racings Events, ~~1881 Pierce Street, Room 108, Lakewood Colorado 80214-1494~~ **1707 COLE BOULEVARD, SUITE 350, LAKEWOOD, COLORADO, 80401**, and may be inspected by contacting the Rule Coordinator at that address during normal business hours. The incorporated material may also be examined at any state publications depository library. Certified copies shall be provided at cost upon request.

**Statement of Authority, Basis and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #3.602

Statutory Authority:

§12-60-201(1), C.R.S.	§12-60-202(3)(i),C.R.S.	§12-60-507(1)(a), C.R.S.
§12-60-202(3)(f), C.R.S.	§12-60-501(1)(a), C.R.S.	§12-60-508(3)(a) C.R.S.
§12-60-202(3)(g), C.R.S.	§12-60-503(1)(a), C.R.S.	

Basis and Purpose:

To update terminology to accurately reflect terms as they are used in horse racing.

This rule is recommended by the Director under his statutory responsibility to do so for the improvement and conduct of racing in Colorado. This rule is within the authority of the Commission to promulgate reasonable rules for the control, supervision and direction of jockeys operating under a Colorado license. This rule may also be promulgated under the Commission's express responsibility to promulgate rules for safety and welfare of equine athletes.

CURRENT RULE

An applicant for a jockey or apprentice jockey license shall show competence by prior licensing whereby the applicant shall demonstrate their riding ability, which may include participation in up to five races witnessed by the Stewards and a Division Representative, with the consideration of the recommendations from the starter, the head outrider, and the designated representatives of the jockeys and the horsemen at the track.

The demonstration of riding ability is defined at a minimum of:

- (a) Breaking a horse in company from the starting gate;
- (b) Working a horse in company around the turn and down the stretch;
- (c) Switching the riding whip from one hand to the other while maintaining control of the horse; and
- (d) Aiding a horse to switch leads.

PROPOSED MODIFICATION

An applicant for a jockey or apprentice jockey license shall show competence by prior licensing whereby the applicant shall demonstrate their riding ability, which may include participation in up to five races witnessed by the Stewards and a Division Representative, with the consideration

of the recommendations from the starter, the head outrider, and the designated representatives of the jockeys and the horsemen at the track.

The demonstration of riding ability is defined at a minimum of:

- (a) Breaking a horse in company from the starting gate;
- (b) Working a horse in company around the turn and down the stretch;
- (c) Switching the riding ~~whip~~ **CROP** from one hand to the other while maintaining control of the horse; and
- (d) Aiding a horse to switch leads.

**Statement of Authority, Basis and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #5.248

Statutory Authority:

§12-60-201(1), C.R.S.	§12-60-202(3)(g), C.R.S.	§12-60-503(1)(a), C.R.S.
§12-60-202(3)(c), C.R.S.	§12-60-202(3)(i), C.R.S.	§12-60-507(1)(a), C.R.S.
§12-60-202(3)(f), C.R.S.	§12-60-501(1)(a), C.R.S.	

Basis and Purpose:

To clarify that prescription medications may be administered by a trainer on track grounds, so long as the treatment is prescribed by a veterinarian and the treatment is documented under new treatment record provisions adopted by the Association of Racing Commissioners International and proposed by the Division of Racing Events.

This rule is recommended by the Director under his statutory responsibility to do so for the improvement and conduct of racing in Colorado and the protection of equine athletes. This rule is within the authority of the Commission to promulgate reasonable rules for the control, supervision and direction trainers operating at a licensed racetrack under a Colorado license.

CURRENT RULE

(Modified Effective date May 15, 2015) No person other than a Veterinarian licensed to practice veterinary medicine in this jurisdiction and licensed by the Commission may administer a prescription or controlled medication, drug, chemical or other substance (including any medication, drug, chemical or other substance by injection, or another method) to a horse at any location under the jurisdiction of the Commission. Non-Veterinarians found in possession or control of any syringe, tubing, or other apparatus that may be used to deliver unauthorized treatments to a horse may be subject to Summary Suspension and other administrative action.

PROPOSED AMENDMENT

(Modified Effective date May 15, 2015 2018) No person other than a Veterinarian licensed to practice veterinary medicine in this jurisdiction and licensed by the Commission may administer a prescription or controlled medication, drug, chemical or other substance (including any medication, drug, chemical or other substance by injection, or another method) to a horse at any location under the jurisdiction of the Commission. **A TRAINER OR A TRAINER'S EMPLOYEE MAY ADMINISTER A PRESCRIPTION MEDICATION TO A HORSE UNDER THE TRAINER'S CARE AND CUSTODY, SO LONG AS ALL REQUIREMENTS REGARDING TREATMENT RECORDS UNDER RULE 5.510 ARE MET.** Non-Veterinarians found in possession or control of any syringe, tubing, or

other apparatus that may be used to deliver unauthorized treatments to a horse may be subject to Summary Suspension and other administrative action.

**Statement of Authority, Basis and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #5.402

Statutory Authority:

§12-60-201(1), C.R.S.	§12-60-202(3)(g), C.R.S.	§12-60-503(1)(a), C.R.S.
§12-60-202(3)(c), C.R.S.	§12-60-202(3)(i), C.R.S.	§12-60-507(1)(a), C.R.S.
§12-60-202(3)(f), C.R.S.	§12-60-501(1)(a), C.R.S.	

Basis and Purpose:

To expressly empower the Board and/or Division veterinarian to take hair samples for the purposes of drug testing.

This rule is recommended by the Director under his statutory responsibility to do so for the improvement and conduct of racing in Colorado, as well as his statutory responsibility to employ animal drug testing to ensure the health, safety and welfare of horses and ensuring the fairness of races conducted in Colorado. This rule is within the authority of the Commission to promulgate reasonable rules for the control, supervision and direction of owners and trainers who are operating under a Colorado license. This rule reflects the statutory delegation of power of the Commission and Division to take biological material from equine athletes for purposes of testing for prohibited substances.

CURRENT RULE

The Board and/or Division veterinarian, at their discretion, may take or cause to have taken any or all of the following specimens from a designated animal: saliva, urine, blood or other body fluid. In addition, biopsy or necropsy samples may be taken from a designated animal.

PROPOSED AMENDMENT

The Board and/or Division veterinarian, at their discretion, may take or cause to have taken any or all of the following specimens from a designated animal: **HAIR**, saliva, urine, blood or other body fluid. In addition, biopsy or necropsy samples may be taken from a designated animal.

**Statement of Authority, Basis and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #5.403

Statutory Authority:

§12-60-201(1), C.R.S.	§12-60-202(3)(g), C.R.S.	§12-60-503(1)(a), C.R.S.
§12-60-202(3)(c), C.R.S.	§12-60-202(3)(i), C.R.S.	§12-60-507(1)(a), C.R.S.
§12-60-202(3)(f), C.R.S.	§12-60-501(1)(a), C.R.S.	

Basis and Purpose:

To expand upon current protocols to allow for hair samples to be taken as a condition of entry, for the purposes of establishing a baseline to detect whether an unauthorized medication or prohibited substance has been administered to a horse.

This rule is recommended by the Director under his statutory responsibility to do so for the improvement and conduct of racing in Colorado, as well as his statutory responsibility to employ animal drug testing to ensure the health, safety and welfare of horses and ensuring the fairness of races conducted in Colorado. This rule is within the authority of the Commission to promulgate reasonable rules for the control, supervision and direction of owners and trainers who are operating under a Colorado license. This rule expressly delegates power to the Director to manage the conduct of racing in Colorado by allowing the Director to require hair sample testing of any equine athlete under the Commission's jurisdiction for the purposes of ensuring highest standards of equine athlete safety and fair play.

PROPOSED RULE

ALL HORSES ENTERING RACETRACK GROUNDS MAY BE REQUIRED TO SUBMIT TO HAIR SAMPLING REQUIREMENTS AS ESTABLISHED IN RULE 5.412(II). THE DIRECTOR SHALL HAVE FULL DISCRETION TO REQUIRE WITHOUT NOTICE THAT ANY HORSES UNDER THE JURISDICTION OF THE COMMISSION SUBMIT TO HAIR TESTING AS A CONDITION OF ELIGIBILITY AT A COLORADO RACE TRACK OR AS AN ADDITIONAL REQUIREMENT FOR ELIGIBILITY INTO A TRIAL, FUTURITY, STAKES OR ANY OTHER RACE AS THE DIRECTOR SHALL REQUIRE.

**Statement of Authority, Basis and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #5.412

Statutory Authority:

§12-60-201(1), C.R.S.	§12-60-202(3)(g), C.R.S.	§12-60-503(1)(a), C.R.S.
§12-60-202(3)(c), C.R.S.	§12-60-202(3)(i), C.R.S.	§12-60-507(1)(a), C.R.S.
§12-60-202(3)(f), C.R.S.	§12-60-501(1)(a), C.R.S.	

Basis and Purpose:

To further expand out of competition rules for the testing of hair.

This rule is recommended by the Director under his statutory responsibility to do so for the improvement and conduct of racing in Colorado, as well as his statutory responsibility to employ animal drug testing to ensure the health, safety and welfare of horses and ensuring the fairness of races conducted in Colorado. This rule is within the authority of the Commission to promulgate reasonable rules for the control, supervision and direction of owners and trainers who are operating under a Colorado license. This rule seeks execute the statutory purpose of ensuring that the health, safety and welfare horses under the Commission’s jurisdiction are protected by empowering the Division to test equine athletes that may or may not be subject to typical drug testing situations for non-therapeutic substances not commonly found at a race track.

CURRENT RULE

Random or extra testing may be required by the Division designee, Stewards, or the Commission at any time on any horse entered or eligible to race in Colorado. Such extra testing may include, but is not limited to, the following:

Out of Competition Testing for Blood and/or Gene Doping Agents

(1) Any horse on the grounds at a racetrack or training center, or under the care or control of trainer or owner licensed by the Commission is subject to testing for blood and/or gene doping agents without advance notice, whether located in Colorado or in another ARCI jurisdiction. This rule does not apply to therapeutic medications approved by the FDA for use in the horse.

(2) The Commission Veterinarian, or any licensed veterinarian authorized by the Commission, may at any time, take a urine, blood, saliva, and/or hair samples from a horse for this purpose.

(3) Prohibited substances, practices and procedures are defined as:

(a) Blood doping agents including, but not limited to Erythropoietin (EPO), Darbopoetin, Oxyglobin, Hempure, Aranesp or any substance that abnormally enhances the oxygenation of body tissues;

- (b) Gene doping agents or the non-therapeutic use of genes, genetic elements and/or cells that have the capacity to enhance athletic performance or produce analgesia;
- (c) Growth hormones, Insulin-Like Growth factor, Endorphin/Enkephalins, the non-therapeutic administration of whole blood or packed red blood cells.
- (d) Naturally produced venoms, synthetic analogues of venoms, derivatives of venoms, or synthetic analogues of derivatives of venoms;
- (e) Substances capable of producing a repartitioning effect that are not FDA approved for use in horses, including, but not limited to, Ractopamine, Zilpaterol, or any similar agent;
- (f) AAS (androgenic-anabolic steroids) other than Stanozolol, Nandrolone, Boldenone, Testosterone, and metabolites thereof;
- (g) The presence in a horse of any substance that the Colorado Division of Racing Events defines as prohibited; and
- (h) The presence in a horse of any substance or biomarker indicative of a prohibited practice as defined by the Racing Medication and Testing Consortium (RMTC) or the World Anti-Doping Agency (WADA).

(4) An owner, trainer, or any authorized designee shall fully cooperate with the Division Veterinarian, or his/ her designee by:

- (a) Locating and identifying any horse designated for out of competition testing;
- (b) Making the horse available for the collection of the specimen at an agreed upon stall or other safe location; and
- (c) Observing the collection of the specimen.

(5) The collection shall occur no later than six (6) hours after notice of intent to collect a specimen from a horse is received. If the collection does not occur within the time provided, then any horse that is designated for testing may be barred from racing in Colorado and placed on the Veterinarian's list and the Steward's List for a period of 180 days and the owner and trainer of the horse may be subject to the penalties for medication violations of prohibited substances.

(6) The owner and/or trainer of the horses may be subject to any other sanctions allowed by Colorado Law and regulations, including fine or suspension of license. The executive director, Stewards, or hearing officer may summarily suspend and or penalize any trainer and/ or authorized representative or designee who does not fully cooperate with a Commission employee or Division Representative in assisting and identifying an eligible horse or providing a safe stall to collect samples in a timely fashion.

(7) A horse that is barred from racing in Colorado and placed on the Veterinarians list for 180 days shall remain barred from racing:

- (a) Upon sale or transfer of the horse to another owner or trainer until the expiration of the 180 days; and
- (b) Until the horse is determined by the Commission to test negative for any substance described in Section 4 of this Administrative Regulation, and is approved for Racing by the Division Veterinarian and the Chief State Steward.

(8) The Commission shall approve the laboratories for screening, confirmation, and split sample testing. Out of competition samples will be sent to the official laboratory of the Commission, or

other laboratory as designated by the Commission with reports made in accordance with the provisions of these medication rules and the penalty provisions thereof. (See CRCR 5.423)

(9) In the absence of extraordinary mitigating circumstances, a minimum penalty of ten (10) year suspension will be assessed for a violation of this rule, with additional penalties for any drug not FDA approved for use in horses.

PROPOSED AMENDMENT

Random or extra testing may be required by the Division designee, Stewards, or the Commission at any time on any horse entered or eligible to race in Colorado. Such extra testing may include, but is not limited to, the following:

I. Out of Competition Testing for Blood and/or Gene Doping Agents

(1) Any horse on the grounds at a racetrack or training center, or under the care or control of trainer or owner licensed by the Commission is subject to testing for blood and/or gene doping agents without advance notice, whether located in Colorado or in another ARCI jurisdiction. This rule does not apply to therapeutic medications approved by the FDA for use in the horse.

(2) The Commission Veterinarian, or any licensed veterinarian authorized by the Commission, may at any time, take a urine, blood, saliva, and/or hair samples from a horse for this purpose.

(3) Prohibited substances, practices and procedures are defined as:

- (a) Blood doping agents including, but not limited to Erythropoietin (EPO), Darbopoetin, Oxyglobin, Hempure, Aranesp or any substance that abnormally enhances the oxygenation of body tissues;
- (b) Gene doping agents or the non-therapeutic use of genes, genetic elements and/or cells that have the capacity to enhance athletic performance or produce analgesia;
- (c) Growth hormones, Insulin-Like Growth factor, Endorphin/Enkephalins, the non-therapeutic administration of whole blood or packed red blood cells.
- (d) Naturally produced venoms, synthetic analogues of venoms, derivatives of venoms, or synthetic analogues of derivatives of venoms;
- (e) Substances capable of producing a repartitioning effect that are not FDA approved for use in horses, including, but not limited to, Ractopamine, Zilpaterol, or any similar agent;
- (f) AAS (androgenic-anabolic steroids) other than Stanozolol, Nandrolone, Boldenone, Testosterone, and metabolites thereof;
- (g) The presence in a horse of any substance that the Colorado Division of Racing Events defines as prohibited; and
- (h) The presence in a horse of any substance or biomarker indicative of a prohibited practice as defined by the Racing Medication and Testing Consortium (RMTC) or the World Anti-Doping Agency (WADA).

(4) An owner, trainer, or any authorized designee shall fully cooperate with the Division Veterinarian, or his/ her designee by:

- (a) Locating and identifying any horse designated for out of competition testing;

- (b) Making the horse available for the collection of the specimen at an agreed upon stall or other safe location; and
- (c) Observing the collection of the specimen.

(5) The collection shall occur no later than six (6) hours after notice of intent to collect a specimen from a horse is received. If the collection does not occur within the time provided, then any horse that is designated for testing may be barred from racing in Colorado and placed on the Veterinarian's list and the Steward's List for a period of 180 days and the owner and trainer of the horse may be subject to the penalties for medication violations of prohibited substances.

(6) The owner and/or trainer of the horses may be subject to any other sanctions allowed by Colorado Law and regulations, including fine or suspension of license. The executive director, Stewards, or hearing officer may summarily suspend and or penalize any trainer and/ or authorized representative or designee who does not fully cooperate with a Commission employee or Division Representative in assisting and identifying an eligible horse or providing a safe stall to collect samples in a timely fashion.

(7) A horse that is barred from racing in Colorado and placed on the Veterinarians list for 180 days shall remain barred from racing:

- (a) Upon sale or transfer of the horse to another owner or trainer until the expiration of the 180 days; and
- (b) Until the horse is determined by the Commission to test negative for any substance described in Section 4 of this Administrative Regulation, and is approved for Racing by the Division Veterinarian and the Chief State Steward.

(8) The Commission shall approve the laboratories for screening, confirmation, and split sample testing. Out of competition samples will be sent to the official laboratory of the Commission, or other laboratory as designated by the Commission with reports made in accordance with the provisions of these medication rules and the penalty provisions thereof. (See CRCR 5.423)

(9) In the absence of extraordinary mitigating circumstances, a minimum penalty of ten (10) year suspension will be assessed for a violation of this rule, with additional penalties for any drug not FDA approved for use in horses.

II. HAIR SAMPLING FOR ENTRY INTO RACETRACK GROUNDS

(1) ANY HORSES ENTERING RACETRACK GROUNDS FOR THE PURPOSE OF COMPETITION IN A RACE MAY BE REQUIRED TO SUBMIT TO HAIR SAMPLING UPON ARRIVAL. IN SPECIAL CIRCUMSTANCES, SUBMITTAL OF HAIR SAMPLES MAY BE AUTHORIZED BY THE DIVISION VETERINARIAN IN ADVANCE OF ARRIVAL TO A COLORADO RACETRACK. NO HORSE SHALL BE ELIGIBLE FOR ENTRY UNTIL SUCH A SAMPLE HAS BEEN COLLECTED FOR TESTING AND THE RESULTS ARE KNOWN TO THE DIVISION.

(2) HAIR SAMPLES SHALL BE COLLECTED BY THE DIVISION VETERINARIAN OR THEIR DESIGNEE WHO SHALL MAKE EVERY REASONABLE EFFORT TO COLLECT THESE SAMPLES IN AS EXPEDITIOUS MANNER AS POSSIBLE. THE OWNER AND/OR TRAINER OF THE HORSE SHALL BE

PROVIDED WITH A FULL REPORT OF ALL SUBSTANCES THAT WERE FOUND IN THE HAIR SAMPLE. ALL RESULTS WILL BE KEPT ON FILE WITH THE DIVISION.

(3) HORSES WITH A TEST RESULT INDICATING THAT A NON-THERAPEUTIC SUBSTANCE IS PRESENT IN THE HAIR SAMPLE SHALL BE INELIGIBLE TO BE ENTERED INTO A RACE UNTIL SUCH TIME THAT THE HORSE TESTS NEGATIVE FOR THE IDENTIFIED NON-THERAPEUTIC SUBSTANCE. “NON-THERAPEUTIC” FOR THE PURPOSES OF THIS PART (II) SHALL MEAN ANY SUBSTANCE NOT CURRENTLY AUTHORIZED AND LISTED IN THE *ESTIMATED THERAPEUTIC MEDIATIONS WITHDRAWAL TIMES*, AS WELL AS CLENBUTEROL.

(4) THE OWNER OR TRAINER OF A HORSE WITH A POSITIVE HAIR SAMPLE MAY BE FINED UP TO FIVE THOUSAND DOLLARS (\$5,000.00) IF A SUBSEQUENT HAIR TEST PERFORMED DURING THE SAME RACE MEET INDICATES THE PRESENCE OF ANY NON-THERAPEUTIC SUBSTANCE NOT PREVIOUSLY INDICATED IN A TEST RESULT, EXCEPT WHEN USE OF THE SUBSTANCE HAS BEEN DISCLOSED TO AND APPROVED BY THE DIVISION VETERINARIAN PRIOR TO ADMINISTRATION.

(5) ALL OTHER PROVISIONS OF OUT OF COMPETITION TESTING FOR BLOOD AND/OR GENE DOPING AGENTS SHALL APPLY FOR ANY HAIR SAMPLE TAKEN UNDER THAT SECTION (I).

**Statement of Authority, Basis and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #5.441

Statutory Authority:

§12-60-201(1), C.R.S.	§12-60-202(3)(g), C.R.S.	§12-60-503(1)(a), C.R.S.
§12-60-202(3)(c), C.R.S.	§12-60-202(3)(i), C.R.S.	§12-60-507(1)(a), C.R.S.
§12-60-202(3)(f), C.R.S.	§12-60-501(1)(a), C.R.S.	§12-60-507(1)(n), C.R.S.

Basis and Purpose:

To ensure that the Penalty Schedule as adopted by the Colorado Racing Commission is current in its references to the Model Rules and all associated guidelines. Also to update changes to the physical address.

This rule is recommended by the Director under his statutory responsibility to do so for the improvement and conduct of racing in Colorado, as well as his statutory responsibility to employ animal drug testing to ensure the health, safety and welfare of horses and ensuring the fairness of races conducted in Colorado. This rule is within the authority of the Commission to promulgate reasonable rules for the control, supervision and direction of owners and trainers who are operating under a Colorado license. This rule defines the Penalty Schedule for licensees found to have administered therapeutic and/or non-therapeutic substances to a horse under the licensee's care and custody. As a member jurisdiction of the Association of Racing Commissioners International, the Commission had adopted many provisions of the Model Rules and this Rule further elaborates the way that substances are treated in the State of Colorado.

CURRENT RULE

- (1) In issuing penalties against individuals found guilty of medication and drug violations, a regulatory distinction shall be made between the detection of therapeutic medications used routinely to treat racehorses and those drugs that have no reason to be found at any concentration in the test sample on race day.
- (2) The Stewards, Hearing Officers, or the Commission shall use the *Penalty Guideline Listing* as a starting place in the penalty stage of the deliberations for a rule violation for any drug listed in the *Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances*, available at 1881 Pierce Street, Room 108, Lakewood CO 80214-1494 during normal business hours.
- (3) If a licensed Veterinarian is administering or prescribing a drug not listed in the RCI *Uniform Classification Guide lines for Foreign Substance* or shown in the *Penalty Guideline Listing* (provided below), the identity of the drug shall be forwarded to the official

Veterinarian to be forwarded to the Racing Medication and Testing Consortium for classification.

- (4) Any drug or metabolite thereof found to be presenting a pre- or post-race sample which is not classified in the most current RCI *Uniform Classification Guidelines for Foreign Substances* shall be assumed to be a RCI Class 1 Drug and the trainer and owner shall be subject to those penalties as set forth in schedule “A” unless satisfactorily demonstrated otherwise by the Racing Medication and Testing Consortium, with a penalty category assigned.
- (5) The penalty categories and their related schedules, if applicable, shall be on the following criteria:
 - (a) Whether the drug is approved by the U.S. Food and Drug Administration for use in the horse;
 - (b) Whether the drug is approved by the U.S. Food and Drug Administration for use in any species;
 - (c) Whether the drug has any legitimate therapeutic application in the equine athlete;
 - (d) Whether the drug was identified as “necessary” by the RMTC Veterinary Advisory Committee;
 - (e) Whether legitimate, recognized therapeutic alternatives exist,
 - (f) The current RCI Classification of the drug, and;
 - (g) Whether there are Multiple Medication Violations in accordance with the ARCI-011-0020 Medications and Prohibited Substances Penalties for Multiple Medication Violations (MMV), from the Association of Racing Commissioners International (provided below).

PENALTY GUIDELINE LISTING

The penalty categories “A”, “B” and “C” and their related schedules for Trainers and Owners are shown in the following tables.

The following are recommended penalties for violations due to the presence of a drug carrying a Category “A” penalty and for violations of ARCI-011-015: Prohibited Practices:

LICENSED TRAINER:		
1 st offense	2 nd LIFETIME offense in any jurisdiction	3 rd LIFETIME offense in any jurisdiction
<ul style="list-style-type: none"> ◦ Minimum one-year suspension absent mitigating Circumstances. The presence of aggravating factors could be used to impose a maximum of a three-year suspension. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$10,000 or 10% of total purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$25,000 or 25% of purse (greater of the two). <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ May be referred to the Commission for any further action deemed necessary by the Commission. 	<ul style="list-style-type: none"> ◦ Minimum three-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of license revocation with no reapplication for a three-year period. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$25,000 or 25% of total purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$50,000 or 50% of purse (greater of the two). <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ May be referred to the Commission for any further action deemed necessary by the Commission. 	<ul style="list-style-type: none"> ◦ Minimum five-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of license revocation with no reapplication for a five-year period. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$50,000 or 50% of total purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$100,000 or 100% of purse (greater of the two). <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ May be referred to the Commission for any further action deemed necessary by the Commission.

LICENSED OWNER:		
1 st offense	2 nd LIFETIME offense in owner's stable in any jurisdiction	3 rd LIFETIME offense in owner's stable in any jurisdiction
◦ Loss of purse.	◦ Loss of purse.	◦ Loss of purse and \$50,000 fine. AND ◦ Referral to the Commission with a recommendation of a suspension for a minimum of 90 days.
Horse		
1 st offense	2 nd LIFETIME offense in owner's stable in any jurisdiction	3 rd LIFETIME offense in owner's stable in any jurisdiction
◦ Disqualification. AND ◦ In accordance with CRCR 5.612, Horse shall be placed on the Veterinarian's list for 90 days and must pass a Commission-approved examination before becoming eligible to be entered.	◦ Disqualification. AND ◦ In accordance with CRCR 5.612, Horse shall be placed on the Veterinarian's list for 120 days and must pass a Commission-approved examination before becoming eligible to be entered.	◦ Disqualification. AND ◦ In accordance with CRCR 5.612, Horse shall be placed on the Veterinarian's list for 180 days and must pass a Commission-approved examination before becoming eligible to be entered.

PENALTY GUIDELINE LISTING

The following are recommended penalties for violations due to the presence of a drug carrying Category “B” penalty, for the presence of more than one NSAID in a plasma/serum sample, subject to the provisions set forth in ARCI-011-020 E.(1)(c) and for violations of the established levels for total carbon dioxide. Except for those violations specified in 5.441(2)(a):*

LICENSED TRAINER:		
1 st offense	2 nd offense (365-day period) in any jurisdiction	3 rd offense (365-day period) in any jurisdiction
<ul style="list-style-type: none"> ◦ Minimum 15-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 60-day suspension. <p align="center">AND</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$1,000. <p>Minimum fine of \$2,500 and a minimum 180 day suspension absent mitigating circumstances if the presence of a nerve blocking drug or Clenbuterol is detected.</p>	<ul style="list-style-type: none"> ◦ Minimum 30-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension. <p align="center">AND</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$1,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$2,500. <p>Minimum fine of \$2,500 and a minimum 180 day suspension absent mitigating circumstances if the presence of a nerve blocking drug or Clenbuterol is detected.</p>	<ul style="list-style-type: none"> ◦ Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a one-year suspension. <p align="center">AND</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$5,000 or 5% of purse (greater of the two). <p>Minimum fine of \$2,500 and a minimum 180 day suspension absent mitigating circumstances if the presence of a nerve blocking drug or Clenbuterol is detected.</p> <ul style="list-style-type: none"> ◦ May be referred to the Commission for any further action deemed necessary by the Commission.
LICENSED OWNER:		
1 st offense	2 nd offense in stable (365-day period) in any jurisdiction	3 rd offense in stable (365-day period) in any jurisdiction
<ul style="list-style-type: none"> ◦ Loss of purse. 	<ul style="list-style-type: none"> ◦ Loss of purse. 	<ul style="list-style-type: none"> ◦ Loss of purse, and in the absence of mitigating circumstances a \$5,000 fine.

HORSE:		
1 st offense	2 nd offense in stable (365-day period) in any jurisdiction	3 rd offense in stable (365-day period) in any jurisdiction
<ul style="list-style-type: none"> ◦ Disqualification. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ In accordance with CRCR 5.612, Horse shall be placed on the Veterinarian's list for 45 days and must pass a Commission-approved examination before becoming eligible to be entered. <p>*Prohibited use of Nerve blocking drugs or Clenbuterol, will require a horse to be placed on the Veterinarian's list for 180 days and must pass a Commission approved examination before becoming eligible to be entered.</p>	<ul style="list-style-type: none"> ◦ Disqualification. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ In accordance with CRCR 5.612, Horse shall be placed on the Veterinarian's list for 60 days and must pass a Commission-approved examination before becoming eligible to be entered. <p>*Prohibited use of Nerve blocking drugs or Clenbuterol, will require a horse to be placed on the Veterinarian's list for 180 days and must pass a Commission approved examination before becoming eligible to be entered.</p>	<ul style="list-style-type: none"> ◦ Disqualification. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ In accordance with CRCR 5.612, Horse shall be placed on the Veterinarian's list for 90 days and must pass a Commission-approved examination before becoming eligible to be entered. <p>*Prohibited use of Nerve blocking drugs or Clenbuterol, will require a horse to be placed on the Veterinarian's list for 180 days and must pass a Commission approved examination before becoming eligible to be entered.</p>

CATEGORY C CHART

The following are recommended penalties for violations due to the presence of a drug carrying a Category “C” penalty and overages for permitted NSAIDs and furosemide: (All concentrations are for measurements in serum or plasma.)

LICENSED TRAINER	Phenylbutazone (2.0- 5.0 mcg/ml) Flunixin (21-99 ng/ml) Ketoprofen (2.00- 50.0 ng/ml) Furosemide (>100 ng/ml) and no furosemide when identified as administered*	Phenylbutazone (>5.0 mcg/ml) Flunixin (>100 ng/ml) Ketoprofen (>50 ng/ml) and CLASS C Violations
1 st Offense (365-day period) in any jurisdiction	Minimum fine of \$250 absent mitigating circumstances.	Minimum fine of \$1000 absent mitigating circumstances.
2 nd Offense (365-day period) in any jurisdiction	Minimum fine of \$500 absent mitigating circumstances.	Minimum fine of \$1,500 and 15-day suspension absent mitigating circumstances.
3 rd Offense (365-day period) in any jurisdiction	Minimum fine of \$1,000 and 15-day suspension absent mitigating circumstances.	Minimum fine of \$2,500 and 30-day suspension absent mitigating circumstances.
LICENSED OWNER	Phenylbutazone (2.0- 5.0 mcg/ml) Flunixin (21-99 ng/ml) Ketoprofen (2.00- 50.0 ng/ml) Furosemide (>100 ng/ml) and no furosemide when identified as administered*	Phenylbutazone (>5.0 mcg/ml) Flunixin (>100 ng/ml) Ketoprofen (>50 ng/ml) and CLASS C Violations
1 st Offense (365-day period) in any jurisdiction	Horse must pass commission-approved examination before being eligible to run.	Loss of purse. Horse must pass Commission-approved examination before being eligible to run.
2 nd Offense (365-day period) in any jurisdiction	Loss of purse. If same horse, placed on Veterinarian’s list for 45 days, and then must pass Commission-approved examination before being eligible to run.	Loss of purse. If same horse, placed on Veterinarian’s list for 45 days, must pass Commission-approved examination before being eligible to run.
3 rd Offense (365-day period) in any jurisdiction	Loss of purse. Minimum \$5,000 fine. If same horse, placed on Veterinarian’s list for 60 days, and then must pass Commission-approved examination before being eligible to run.	Loss of purse. Minimum \$5,000 fine. If same horse, placed on Veterinarian’s list for 60 days, must pass Commission-approved examination before being eligible to run.

HORSE	Phenylbutazone (2.0- 5.0 mcg/ml) Flunixin (21-99 ng/ml) Ketoprofen (2.00- 50.0 ng/ml) Furosemide (>100 ng/ml) and no furosemide when identified as administered*	Phenylbutazone (>5.0 mcg/ml) Flunixin (>100 ng/ml) Ketoprofen (>50 ng/ml) and CLASS C Violations
1st Offense (365-day period) in any jurisdiction	In accordance with CRCR 5.612, horse required to pass Commission-approved examination before being eligible to run.	Disqualification. AND In accordance with CRCR 5.612, horse will be placed on Veterinarian's list for 30 days, and then must pass Commission-approved examination before being
2nd Offense (365-day period) in any jurisdiction	Disqualification. AND In accordance with CRCR 5.612, If same horse, placed on Veterinarian's list for 45 days, must pass Commission-approved examination before being eligible to run.	Disqualification. AND In accordance with CRCR 5.612, If same horse, placed on Veterinarian's list for 45 days, must pass Commission-approved examination before being eligible to run.
3rd Offense (365-day period) in any jurisdiction	Disqualification. AND In accordance with CRCR 5.612, If same horse, placed on Veterinarian's list for 60 days, must pass Commission-approved examination before being eligible to run.	Disqualification. AND In accordance with CRCR 5.612, If same horse, placed on Veterinarian's list for 60 days, must pass Commission-approved examination before being eligible to run.

*If the trainer has not had more than one violation within the previous two years, the Stewards/Judges are encouraged to issue a warning in lieu of a fine provided the reported level is below 3.0 mcg/ml, absent of aggravating factors.

After a two year period, if the licensee has had no further violations, any penalty due to an overage in the 2.0 – 5.0 category will be expunged from the licensee's record for penalty purposes.

Penalties

Multiple Medication Violations (MMV)

- (a) A trainer who receives a penalty for a medication violation based upon a horse testing positive for a Class 1-5 medication with Penalty Class A-D, as provided in the ARCI Uniform Classification for Foreign Substances shall be assigned points based upon the medication's penalty guideline as follows:

Penalty Class	Points If Controlled Therapeutic Substance	Points If Non-Controlled Substance
Class A	N/A	6
Class B	2	4
Class C	½ for first violation with an additional ½ point for each additional violation within 365 days ¹	1 for first violation with an additional ½ point for each additional violation within 365 days
Class D	0	0

¹ Points for NSAID violations only apply when the primary threshold of the NSAID is exceeded. Points are not to be separately assigned for a stacking violation.

If the Board or the Commission rules that the violation is due to environmental contamination, they may assign lesser or no points against the trainer based upon the specific facts of the case.

- (b) The points assigned to a medication violation shall be included in the Stewards' or Commission Ruling. Such Ruling shall be included in the ARCI official database and the ARCI shall assign points consistent with section (a) for advisory purposes for medication violations where points have not been assigned by regulatory action. Points assigned by such regulatory ruling or by the ARCI shall reflect, in the case of multiple positive tests as described in paragraph (d), whether they shall thereafter constitute a single violation. Points will be assessed after a ruling is rendered, and penalty enhancement shall be applied to future violations. The Stewards' or Commission Ruling shall be posted on the official website of the Commission and within the official database of the Association of Racing Commissioners International. If an appeal is pending, that fact shall be noted in such Ruling. No points shall be applied until a final adjudication of the enforcement of any such violation.
- (c) A trainer's cumulative points for violations in all racing jurisdictions shall be maintained and certified by the Association of Racing Commissioners International. Once all appeals are waived or exhausted, the points shall immediately become part of the trainer's official ARCI record and shall be considered by the Commission in its determination to subject the trainer to the mandatory enhanced penalties by the Stewards or Commission as provided in this regulation.

- (d) Multiple positive tests for the same medication incurred by a trainer prior to delivery of official notice by the commission may be treated as a single violation.
- (e) The official ARCI record shall constitute prima facie evidence of a trainer's past record of violations and cumulative points. Nothing in this administrative regulation shall be construed to confer upon a licensed trainer the right to appeal a violation for which all remedies have been exhausted or for which the appeal time has expired as provided by applicable law.
- (f) The Stewards or Commission shall include all points for violations in all racing jurisdictions as contained in the trainer's official ARCI record when determining whether the mandatory enhancements provided in this regulation shall be imposed.
- (g) In addition to the penalty for the underlying offense, the following enhancements shall be imposed upon a licensed trainer based upon the cumulative points contained in his/her official ARCI record:

Points	Suspension in Days
5 – 5.5	15 to 30
6.0 – 8.5	45 to 60
9 – 10.5	90 to 180
11 or more	180 to 360

This MMV policy is not a substitute for the current penalty system and is intended to be an additional penalty when the licensee:

- (i) Has more than one violation for the relevant time period, and
 - (ii) Exceeds the permissible number of points.
- (h) The suspension periods as provided above, shall run consecutive to any suspension imposed for the underlying offense.
- (i) The Stewards' or Commission Ruling shall distinguish between the penalty for the underlying offense and the enhancement based upon the trainer's cumulative points.
- (j) Any trainer who has received a medication violation may petition the ARCI to expunge the points received for the violation for the purpose of the MMV system only. The points shall be expunged as follows:

Penalty Classification	Time to Expire
A	3 years
B	2 years

C	1 years
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In the case of a medication violation that results in a suspension, any points assessed expire on the anniversary date of the date the suspension is completed.

- (6) The recommended penalty for a violation involving a drug that carries a Category “D” penalty is a written warning to the trainer and owner. Multiple violations may result in fines and/or suspensions.
- (7) On Multiple Medication Violation (MMV) offenses, the Division, Board of Stewards, and Hearing Officer shall consider points given in all other States, regardless of whether they have formally adopted the ARCI-001-020 Medications and Prohibited Substances Penalty Chart for Multiple Medication Violations (MMV). The Division shall consider all cumulative points, and such enhanced penalty shall run consecutive to the Colorado penalty assessment.
- (8) Any licensee of the Commission, including veterinarians, found to be responsible for the improper or intentional administration of any drug resulting in a positive test may, after proper notice and hearing, be subject to the same penalties set forth for the licensed trainer.
- (9) The licensed owner, veterinarian or any other licensed party involved in a positive laboratory finding shall be notified in writing of the hearing and any resulting action. In addition their presence may be required at any and all hearings relative to the case.
- (10) Any veterinarian found to be involved in the administration of any drug carrying the penalty category of “A” shall be referred to the State Licensing Board of Veterinary Medicine for consideration of further disciplinary action and/or license revocation. This is in addition to any penalties issued by the Stewards or the Commission.
- (11) Any person who the Stewards or the Commission believe may have committed acts in violation of criminal statutes may be referred to the appropriate law enforcement agency. Administrative action taken by the Stewards or the Commission in no way prohibits a prosecution for criminal acts committed.
- (12) A licensed trainer shall not benefit financially during the period for which the individual has been suspended. This includes, but is not limited to, ensuring that horses are not transferred to licensed family members.

The Commission hereby cites the following sources:

(1) Version 13.00 January 1, 2017 of the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances by the Association of Racing Commissioners International, 1510 Newtown Pike, Suite 210, Lexington, Kentucky, USA 40511. This rule does not include any later Amendments or Editions of the *ARCI Uniform Classification Guidelines for Foreign Substances*.

Certified copies of the complete text of the referenced materials are maintained at the Colorado Department of Revenue Division of Racing Events, 1881 Pierce Street, Room 108, Lakewood Colorado 80214-1494, and may be inspected at that address during normal business hours. Certified copies shall be provided at requestors cost.

PROPOSED MODIFICATION

- (1) In issuing penalties against individuals found guilty of medication and drug violations, a regulatory distinction shall be made between the detection of therapeutic medications used routinely to treat racehorses and those drugs that have no reason to be found at any concentration in the test sample on race day.
- (2) The Stewards, Hearing Officers, or the Commission shall use the *Penalty Guideline Listing* as a starting place in the penalty stage of the deliberations for a rule violation for any drug listed in the *Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances*, available at ~~1881 Pierce Street, Room 108, Lakewood Colorado 80214-1494~~ **1707 COLE BOULEVARD, SUITE 350, LAKEWOOD, COLORADO, 80401**.
- (3) If a licensed Veterinarian is administering or prescribing a drug not listed in the RCI *Uniform Classification Guide lines for Foreign Substance* or shown in the *Penalty Guideline Listing* (provided below), the identity of the drug shall be forwarded to the official Veterinarian to be forwarded to the Racing Medication and Testing Consortium for classification.
- (4) Any drug or metabolite thereof found to be presenting a pre- or post-race sample which is not classified in the most current RCI *Uniform Classification Guidelines for Foreign Substances* shall be assumed to be a RCI Class 1 Drug and the trainer and owner shall be subject to those penalties as set forth in schedule “A” unless satisfactorily demonstrated otherwise by the Racing Medication and Testing Consortium, with a penalty category assigned.
- (5) The penalty categories and their related schedules, if applicable, shall be on the following criteria:
 - (a) Whether the drug is approved by the U.S. Food and Drug Administration for use in the horse;

- (b) Whether the drug is approved by the U.S. Food and Drug Administration for use in any species;
- (c) Whether the drug has any legitimate therapeutic application in the equine athlete;
- (d) Whether the drug was identified as “necessary” by the RMTC Veterinary Advisory Committee;
- (e) Whether legitimate, recognized therapeutic alternatives exist,
- (f) The current RCI Classification of the drug, and;
- (g) Whether there are Multiple Medication Violations in accordance with the ARCI-011-0020 Medications and Prohibited Substances Penalties for Multiple Medication Violations (MMV), from the Association of Racing Commissioners International (provided below).

PENALTY GUIDELINE LISTING

The penalty categories “A”, “B” and “C” and their related schedules for Trainers and Owners are shown in the following tables.

The following are recommended penalties for violations due to the presence of a drug carrying a Category “A” penalty and for violations of ARCI-011-015: Prohibited Practices:

LICENSED TRAINER:		
1 st offense	2 nd LIFETIME offense in any jurisdiction	3 rd LIFETIME offense in any jurisdiction
<ul style="list-style-type: none"> ◦ Minimum one-year suspension absent mitigating Circumstances. The presence of aggravating factors could be used to impose a maximum of a three-year suspension. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$10,000 or 10% of total purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$25,000 or 25% of purse (greater of the two). <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ May be referred to the Commission for any further action deemed necessary by the Commission. 	<ul style="list-style-type: none"> ◦ Minimum three-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of license revocation with no reapplication for a three-year period. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$25,000 or 25% of total purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$50,000 or 50% of purse (greater of the two). <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ May be referred to the Commission for any further action deemed necessary by the Commission. 	<ul style="list-style-type: none"> ◦ Minimum five-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of license revocation with no reapplication for a five-year period. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$50,000 or 50% of total purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$100,000 or 100% of purse (greater of the two). <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ May be referred to the Commission for any further action deemed necessary by the Commission.

LICENSED OWNER:		
1 st offense	2 nd LIFETIME offense in owner's stable in any jurisdiction	3 rd LIFETIME offense in owner's stable in any jurisdiction
◦ Loss of purse.	◦ Loss of purse.	◦ Loss of purse and \$50,000 fine. AND ◦ Referral to the Commission with a recommendation of a suspension for a minimum of 90 days.
Horse		
1 st offense	2 nd LIFETIME offense in owner's stable in any jurisdiction	3 rd LIFETIME offense in owner's stable in any jurisdiction
◦ Disqualification. AND ◦ In accordance with CRCR 5.612, Horse shall be placed on the Veterinarian's list for 90 days and must pass a Commission-approved examination before becoming eligible to be entered.	◦ Disqualification. AND ◦ In accordance with CRCR 5.612, Horse shall be placed on the Veterinarian's list for 120 days and must pass a Commission-approved examination before becoming eligible to be entered.	◦ Disqualification. AND ◦ In accordance with CRCR 5.612, Horse shall be placed on the Veterinarian's list for 180 days and must pass a Commission-approved examination before becoming eligible to be entered.

PENALTY GUIDELINE LISTING

The following are recommended penalties for violations due to the presence of a drug carrying Category “B” penalty, for the presence of more than one NSAID in a plasma/serum sample, subject to the provisions set forth in ARCI-011-020 E.(1)(c) and for violations of the established levels for total carbon dioxide. Except for those violations specified in 5.441(2)(a):*

LICENSED TRAINER:		
1 st offense	2 nd offense (365-day period) in any jurisdiction	3 rd offense (365-day period) in any jurisdiction
<ul style="list-style-type: none"> ◦ Minimum 15-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 60-day suspension. <p align="center">AND</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$1,000. <p>Minimum fine of \$2,500 and a minimum 180 day suspension absent mitigating circumstances if the presence of a nerve blocking drug or Clenbuterol is detected.</p>	<ul style="list-style-type: none"> ◦ Minimum 30-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension. <p align="center">AND</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$1,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$2,500. <p>Minimum fine of \$2,500 and a minimum 180 day suspension absent mitigating circumstances if the presence of a nerve blocking drug or Clenbuterol is detected.</p>	<ul style="list-style-type: none"> ◦ Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a one-year suspension. <p align="center">AND</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$5,000 or 5% of purse (greater of the two). <p>Minimum fine of \$2,500 and a minimum 180 day suspension absent mitigating circumstances if the presence of a nerve blocking drug or Clenbuterol is detected.</p> <ul style="list-style-type: none"> ◦ May be referred to the Commission for any further action deemed necessary by the Commission.
LICENSED OWNER:		
1 st offense	2 nd offense in stable (365-day period) in any jurisdiction	3 rd offense in stable (365-day period) in any jurisdiction
<ul style="list-style-type: none"> ◦ Loss of purse. 	<ul style="list-style-type: none"> ◦ Loss of purse. 	<ul style="list-style-type: none"> ◦ Loss of purse, and in the absence of mitigating circumstances a \$5,000 fine.

HORSE:		
1 st offense	2 nd offense in stable (365-day period) in any jurisdiction	3 rd offense in stable (365-day period) in any jurisdiction
<ul style="list-style-type: none"> ◦ Disqualification. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ In accordance with CRCR 5.612, Horse shall be placed on the Veterinarian's list for 45 days and must pass a Commission-approved examination before becoming eligible to be entered. <p>*Prohibited use of Nerve blocking drugs or Clenbuterol, will require a horse to be placed on the Veterinarian's list for 180 days and must pass a Commission approved examination before becoming eligible to be entered.</p>	<ul style="list-style-type: none"> ◦ Disqualification. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ In accordance with CRCR 5.612, Horse shall be placed on the Veterinarian's list for 60 days and must pass a Commission-approved examination before becoming eligible to be entered. <p>*Prohibited use of Nerve blocking drugs or Clenbuterol, will require a horse to be placed on the Veterinarian's list for 180 days and must pass a Commission approved examination before becoming eligible to be entered.</p>	<ul style="list-style-type: none"> ◦ Disqualification. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ In accordance with CRCR 5.612, Horse shall be placed on the Veterinarian's list for 90 days and must pass a Commission-approved examination before becoming eligible to be entered. <p>*Prohibited use of Nerve blocking drugs or Clenbuterol, will require a horse to be placed on the Veterinarian's list for 180 days and must pass a Commission approved examination before becoming eligible to be entered.</p>

CATEGORY C CHART

The following are recommended penalties for violations due to the presence of a drug carrying a Category “C” penalty and overages for permitted NSAIDs and furosemide: (All concentrations are for measurements in serum or plasma.)

LICENSED TRAINER	Phenylbutazone (2.0- 5.0 mcg/ml) Flunixin (21-99 ng/ml) Ketoprofen (2.00- 50.0 ng/ml) Furosemide (>100 ng/ml) and no furosemide when identified as administered*	Phenylbutazone (>5.0 mcg/ml) Flunixin (>100 ng/ml) Ketoprofen (>50 ng/ml) and CLASS C Violations
1 st Offense (365-day period) in any jurisdiction	Minimum fine of \$250 absent mitigating circumstances.	Minimum fine of \$1000 absent mitigating circumstances.
2 nd Offense (365-day period) in any jurisdiction	Minimum fine of \$500 absent mitigating circumstances.	Minimum fine of \$1,500 and 15-day suspension absent mitigating circumstances.
3 rd Offense (365-day period) in any jurisdiction	Minimum fine of \$1,000 and 15-day suspension absent mitigating circumstances.	Minimum fine of \$2,500 and 30-day suspension absent mitigating circumstances.
LICENSED OWNER	Phenylbutazone (2.0- 5.0 mcg/ml) Flunixin (21-99 ng/ml) Ketoprofen (2.00- 50.0 ng/ml) Furosemide (>100 ng/ml) and no furosemide when identified as administered*	Phenylbutazone (>5.0 mcg/ml) Flunixin (>100 ng/ml) Ketoprofen (>50 ng/ml) and CLASS C Violations
1 st Offense (365-day period) in any jurisdiction	Horse must pass commission-approved examination before being eligible to run.	Loss of purse. Horse must pass Commission-approved examination before being eligible to run.
2 nd Offense (365-day period) in any jurisdiction	Loss of purse. If same horse, placed on Veterinarian’s list for 45 days, and then must pass Commission-approved examination before being eligible to run.	Loss of purse. If same horse, placed on Veterinarian’s list for 45 days, must pass Commission-approved examination before being eligible to run.
3 rd Offense (365-day period) in any jurisdiction	Loss of purse. Minimum \$5,000 fine. If same horse, placed on Veterinarian’s list for 60 days, and then must pass Commission-approved examination before being eligible to run.	Loss of purse. Minimum \$5,000 fine. If same horse, placed on Veterinarian’s list for 60 days, must pass Commission-approved examination before being eligible to run.

HORSE	Phenylbutazone (2.0- 5.0 mcg/ml) Flunixin (21-99 ng/ml) Ketoprofen (2.00- 50.0 ng/ml) Furosemide (>100 ng/ml) and no furosemide when identified as administered*	Phenylbutazone (>5.0 mcg/ml) Flunixin (>100 ng/ml) Ketoprofen (>50 ng/ml) and CLASS C Violations
1st Offense (365-day period) in any jurisdiction	In accordance with CRCR 5.612, horse required to pass Commission-approved examination before being eligible to run.	Disqualification. AND In accordance with CRCR 5.612, horse will be placed on Veterinarian's list for 30 days, and then must pass Commission-approved examination before being
2nd Offense (365-day period) in any jurisdiction	Disqualification. AND In accordance with CRCR 5.612, If same horse, placed on Veterinarian's list for 45 days, must pass Commission-approved examination before being eligible to run.	Disqualification. AND In accordance with CRCR 5.612, If same horse, placed on Veterinarian's list for 45 days, must pass Commission-approved examination before being eligible to run.
3rd Offense (365-day period) in any jurisdiction	Disqualification. AND In accordance with CRCR 5.612, If same horse, placed on Veterinarian's list for 60 days, must pass Commission-approved examination before being eligible to run.	Disqualification. AND In accordance with CRCR 5.612, If same horse, placed on Veterinarian's list for 60 days, must pass Commission-approved examination before being eligible to run.

*If the trainer has not had more than one violation within the previous two years, the Stewards/Judges are encouraged to issue a warning in lieu of a fine provided the reported level is below 3.0 mcg/ml, absent of aggravating factors.

After a two year period, if the licensee has had no further violations, any penalty due to an overage in the 2.0 – 5.0 category will be expunged from the licensee's record for penalty purposes.

Penalties

Multiple Medication Violations (MMV)

- (a) A trainer who receives a penalty for a medication violation based upon a horse testing positive for a Class 1-5 medication with Penalty Class A-D, as provided in the ARCI Uniform Classification for Foreign Substances shall be assigned points based upon the medication's penalty guideline as follows:

Penalty Class	Points If Controlled Therapeutic Substance	Points If Non-Controlled Substance
Class A	N/A	6
Class B	2	4
Class C	½ for first violation with an additional ½ point for each additional violation within 365 days ¹	1 for first violation with an additional ½ point for each additional violation within 365 days
Class D	0	0

¹ Points for NSAID violations only apply when the primary threshold of the NSAID is exceeded. Points are not to be separately assigned for a stacking violation.

If the Board or the Commission rules that the violation is due to environmental contamination, they may assign lesser or no points against the trainer based upon the specific facts of the case.

- (b) The points assigned to a medication violation shall be included in the Stewards' or Commission Ruling. Such Ruling shall be included in the ARCI official database and the ARCI shall assign points consistent with section (a) for advisory purposes for medication violations where points have not been assigned by regulatory action. Points assigned by such regulatory ruling or by the ARCI shall reflect, in the case of multiple positive tests as described in paragraph (d), whether they shall thereafter constitute a single violation. Points will be assessed after a ruling is rendered, and penalty enhancement shall be applied to future violations. The Stewards' or Commission Ruling shall be posted on the official website of the Commission and within the official database of the Association of Racing Commissioners International. If an appeal is pending, that fact shall be noted in such Ruling. No points shall be applied until a final adjudication of the enforcement of any such violation.
- (c) A trainer's cumulative points for violations in all racing jurisdictions shall be maintained and certified by the Association of Racing Commissioners International. Once all appeals are waived or exhausted, the points shall immediately become part of the trainer's official ARCI record and shall be considered by the Commission in its determination to subject the trainer to the mandatory enhanced penalties by the Stewards or Commission as provided in this regulation.

- (d) Multiple positive tests for the same medication incurred by a trainer prior to delivery of official notice by the commission may be treated as a single violation.
- (e) The official ARCI record shall constitute prima facie evidence of a trainer's past record of violations and cumulative points. Nothing in this administrative regulation shall be construed to confer upon a licensed trainer the right to appeal a violation for which all remedies have been exhausted or for which the appeal time has expired as provided by applicable law.
- (f) The Stewards or Commission shall include all points for violations in all racing jurisdictions as contained in the trainer's official ARCI record when determining whether the mandatory enhancements provided in this regulation shall be imposed.
- (g) In addition to the penalty for the underlying offense, the following enhancements shall be imposed upon a licensed trainer based upon the cumulative points contained in his/her official ARCI record:

Points	Suspension in Days
5 – 5.5	15 to 30
6.0 – 8.5	45 to 60
9 – 10.5	90 to 180
11 or more	180 to 360

This MMV policy is not a substitute for the current penalty system and is intended to be an additional penalty when the licensee:

- (i) Has more than one violation for the relevant time period, and
 - (ii) Exceeds the permissible number of points.
- (h) The suspension periods as provided above, shall run consecutive to any suspension imposed for the underlying offense.
- (i) The Stewards' or Commission Ruling shall distinguish between the penalty for the underlying offense and the enhancement based upon the trainer's cumulative points.
- (j) Any trainer who has received a medication violation may petition the ARCI to expunge the points received for the violation for the purpose of the MMV system only. The points shall be expunged as follows:

Penalty Classification	Time to Expire
A	3 years
B	2 years

C	1 years
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In the case of a medication violation that results in a suspension, any points assessed expire on the anniversary date of the date the suspension is completed.

- (6) The recommended penalty for a violation involving a drug that carries a Category “D” penalty is a written warning to the trainer and owner. Multiple violations may result in fines and/or suspensions.
- (7) On Multiple Medication Violation (MMV) offenses, the Division, Board of Stewards, and Hearing Officer shall consider points given in all other States, regardless of whether they have formally adopted the ARCI-001-020 Medications and Prohibited Substances Penalty Chart for Multiple Medication Violations (MMV). The Division shall consider all cumulative points, and such enhanced penalty shall run consecutive to the Colorado penalty assessment.
- (8) Any licensee of the Commission, including veterinarians, found to be responsible for the improper or intentional administration of any drug resulting in a positive test may, after proper notice and hearing, be subject to the same penalties set forth for the licensed trainer.
- (9) The licensed owner, veterinarian or any other licensed party involved in a positive laboratory finding shall be notified in writing of the hearing and any resulting action. In addition their presence may be required at any and all hearings relative to the case.
- (10) Any veterinarian found to be involved in the administration of any drug carrying the penalty category of “A” shall be referred to the State Licensing Board of Veterinary Medicine for consideration of further disciplinary action and/or license revocation. This is in addition to any penalties issued by the Stewards or the Commission.
- (11) Any person who the Stewards or the Commission believe may have committed acts in violation of criminal statutes may be referred to the appropriate law enforcement agency. Administrative action taken by the Stewards or the Commission in no way prohibits a prosecution for criminal acts committed.
- (12) A licensed trainer shall not benefit financially during the period for which the individual has been suspended. This includes, but is not limited to, ensuring that horses are not transferred to licensed family members.

The Commission hereby cites the following sources:

(1) Version ~~13.00 January 1, 2017~~ **13.3 JULY 29, 2017** of the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances by the Association of Racing Commissioners International, 1510 Newtown Pike, Suite 210, Lexington, Kentucky, USA 40511. This rule does not include any later Amendments or Editions of the *ARCI Uniform Classification Guidelines for Foreign Substances*.

Certified copies of the complete text of the referenced materials are maintained at the Colorado Department of Revenue Division of Racing Events, ~~1881 Pierce Street, Room 108, Lakewood Colorado 80214-1494~~ **1707 COLE BOULEVARD, SUITE 350, LAKEWOOD, COLORADO, 80401**, and may be inspected at that address during normal business hours. Certified copies shall be provided at requestors cost.

**Statement of Authority, Basis and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #5.510

Statutory Authority:

§12-60-201(1), C.R.S.	§12-60-202(3)(i), C.R.S.	§12-60-507(1)(a), C.R.S.
§12-60-202(3)(f), C.R.S.	§12-60-501(1)(a), C.R.S.	§12-60-508(3)(a) C.R.S.
§12-60-202(3)(g), C.R.S.	§12-60-503(1)(a), C.R.S.	

Basis and Purpose:

To enact a rule that reflects the adoption of a substantially identical rule in the national Model Rules requiring trainers to keep and provide, upon demand, specific data when treating equine athletes under supervision of a licensed veterinarian.

This rule is recommended by the Director under his statutory responsibility to do so for the improvement and conduct of racing in Colorado and the protection of equine athletes. This rule is within the authority of the Commission to promulgate reasonable rules for the control, supervision and direction trainers operating at a licensed racetrack under a Colorado license.

Proposed Rule

ALL TRAINERS ARE RESPONSIBLE FOR KEEPING A TREATMENT RECORD OF MEDICATION OR A PROCEDURE CONTAINING A MEDICATION FOR ALL HORSES UNDER HIS/HER CONTROL, CARE OR CUSTODY ADMINISTERED BY THE TRAINER OR THE TRAINER'S DESIGNEE. THE TRAINER MUST PRODUCE THE RECORD FOR INSPECTION UPON DEMAND FROM THE DIVISION VETERINARIAN, THE STEWARDS OR ANY DIVISION DESIGNEE. THE TREATMENT RECORD SHALL CONTAIN THE FOLLOWING INFORMATION: THE NAME OF THE HORSE; THE GENERIC NAME OF THE DRUG (E.G. PHENYL BUTAZONE, METHOCARBAMOL); THE NAME AND ADDRESS OF THE PRESCRIBING VETERINARIAN; THE BRAND NAME OF THE DRUG; THE DATE OF THE TREATMENT; THE ROUTE OF ADMINISTRATION; THE DOSAGE ADMINISTERED; APPROXIMATE TIME (TO THE NEAREST HOUR) OF EACH TREATMENT, THE FIRST AND LAST NAME OF THE INDIVIDUAL WHO ADMINISTERED THE TREATMENT, AND; THE TREATING VETERINARIAN SHALL INITIAL THE TREATMENT LOG ON THE FIRST DAY A HORSE RECEIVES A PRESCRIPTION MEDICATION. FAILURE TO PROVIDE ACCURATE AND COMPLETE TREATMENT RECORDS SHALL RESULT IN DISCIPLINARY ACTION.

**Statement of Authority, Basis and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #6.401

Statutory Authority:

§12-60-201(1), C.R.S.	§12-60-202(3)(i), C.R.S.	§12-60-507(1)(a), C.R.S.
§12-60-202(3)(f), C.R.S.	§12-60-501(1)(a), C.R.S.	§12-60-508(3)(a) C.R.S.
§12-60-202(3)(g), C.R.S.	§12-60-503(1)(a), C.R.S.	

Basis and Purpose:

To remove the Race Review Committee process and make all decisions regarding the disqualification or placement of a horse during the running of a race a final agency action.

This rule is recommended by the Director under his statutory responsibility to do so for the improvement and conduct of racing in Colorado. This rule is within the authority of the Commission to promulgate reasonable rules for the control, supervision and direction of jockeys operating under a Colorado license. This rule may also be promulgated under the Commission's express responsibility to promulgate rules for hearings held by the Board of Stewards. This rule clearly sets out the authority of the Board of Stewards act in the capacity for which they are employed to determine whether all participants have performed within the scope of these Rules, and is an express grant of authority to the Board from the Commission, by virtue of its training and experience, as the sole deciding body regarding the effect and result of a foul and/or disqualification that has occurred during the running of a race.

CURRENT RULE

A decision by the stewards regarding a disqualification, placement or derogatory comment of an animal during the running of the race is final and may not be appealed to the Commission, except as provided below.

1: A decision by the stewards regarding a disqualification, placement or derogatory comment of an animal during the running of the race may be appealed to the race review committee.

2: If a timely objection by a trainer concerning the disqualification, placement or derogatory comment of an animal during the running of the race is filed in accordance with the rules, the Division executive director may refer the objection to the race review committee. The Division shall issue and send, or deliver, to the objecting party a notice of hearing stating the date, time and place at which the race review committee will hear the appeal. The notice of hearing shall also be sent, or delivered, to any trainer or owner the placement of whose animal may be affected by the outcome of the appeal. The race review committee shall review the official tape or tapes

of the race. Affected parties shall be given the opportunity to state their positions to the committee.

3: The objection shall be filed in writing and must clearly state the reason for disagreement and/or where the objection is lodged during the running of the race.

4: A non-refundable fee of one hundred dollars (\$100.00) for a horse race will be submitted to the Division with the written objection.

5: The committee shall state its conclusions as to the merits of the objection and shall make a recommendation to the Director as to whether to uphold the stewards' determination, or to revise the derogatory comment, or to revise the disqualification or placement to the order of finish. The Commission shall then make the final determination as to the order of finish. The race review committee and the Commission may only address the issues raised in the appeal filed.

PROPOSED AMENDMENT

A decision by the stewards regarding a disqualification, ~~OR placement or derogatory comment of an animal~~ **OF A HORSE** during the running of the race is final and may not be appealed to the Commission, ~~except as provided below.~~

~~1: A decision by the stewards regarding a disqualification, placement or derogatory comment of an animal during the running of the race may be appealed to the race review committee.~~

~~2: If a timely objection by a trainer concerning the disqualification, placement or derogatory comment of an animal during the running of the race is filed in accordance with the rules, the Division executive director may refer the objection to the race review committee. The Division shall issue and send, or deliver, to the objecting party a notice of hearing stating the date, time and place at which the race review committee will hear the appeal. The notice of hearing shall also be sent, or delivered, to any trainer or owner the placement of whose animal may be affected by the outcome of the appeal. The race review committee shall review the official tape or tapes of the race. Affected parties shall be given the opportunity to state their positions to the committee.~~

~~3: The objection shall be filed in writing and must clearly state the reason for disagreement and/or where the objection is lodged during the running of the race.~~

~~4: A non-refundable fee of one hundred dollars (\$100.00) for a horse race will be submitted to the Division with the written objection.~~

~~5: The committee shall state its conclusions as to the merits of the objection and shall make a recommendation to the Director as to whether to uphold the stewards' determination, or to revise the derogatory comment, or to revise the disqualification or placement to the order of finish. The Commission shall then make the final determination as to the order of finish. The race review committee and the Commission may only address the issues raised in the appeal filed.~~

**Statement of Authority, Basis and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #7.604

Statutory Authority:

§12-60-201(1), C.R.S.	§12-60-202(3)(i),C.R.S.	§12-60-507(1)(a), C.R.S.
§12-60-202(3)(f), C.R.S.	§12-60-501(1)(a), C.R.S.	§12-60-508(3)(a) C.R.S.
§12-60-202(3)(g), C.R.S.	§12-60-503(1)(a), C.R.S.	

Basis and Purpose:

To update terminology to accurately reflect terms as they are used in horse racing as well as to include national ARCI Model Rule standards for the composition of the “standard” riding crop.

This rule is recommended by the Director under his statutory responsibility to do so for the improvement and conduct of racing in Colorado. This rule is within the authority of the Commission to promulgate reasonable rules for the control, supervision and direction of jockeys operating under a Colorado license. This rule may also be promulgated under the Commission’s express responsibility to promulgate rules for safety and welfare of equine athletes.

CURRENT RULE

Only the ordinary whip approved by the stewards may be applied to a horse at any time during the running of a race or in workouts or training.

PROPOSED MODIFICATION

Only the ~~ordinary whip~~ **STANDARD RIDING CROP** approved by the stewards may be applied to a horse at any time during the running of a race or in workouts or training. **ALL RIDING CROPS ARE SUBJECT TO INSPECTION AND APPROVAL BY THE STEWARDS AND THE CLERK OF SCALES.**

(1) RIDING CROPS SHALL HAVE A SHAFT AND A FLAP AND WILL BE ALLOWED ONLY AS FOLLOWS:

- a. MAXIMUM WEIGHT OF EIGHT OUNCES;**
- b. MAXIMUM LENGTH, INCLUDING FLAP, OF 30 INCHES;**
- c. MINIMUM DIAMETER OF THE SHAFT OF THREE-EIGHTHS INCH; AND**
- d. SHAFT CONTACT AREA MUST BE SMOOTH, WITH NO PROTRUSIONS OR RAISED SURFACE, AND COVERED BY SHOCK ABSORBING MATERIAL THAT GIVES A COMPRESSION FACTOR OF AT LEAST ONE-MILLIMETER THROUGHOUT ITS CIRCUMFERENCE.**

(2) THE FLAP IS THE ONLY ALLOWABLE ATTACHMENT TO THE SHAFT AND MUST MEET THESE SPECIFICATIONS:

- a. LENGTH BEYOND THE END OF THE SHAFT A MAXIMUM OF ONE INCH;**

- b. WIDTH A MINIMUM OF 0.8 INCH AND A MAXIMUM OF 1.6 INCHES;**
- c. NO REINFORCEMENTS OR ADDITIONS BEYOND THE END OF THE HAFT;**
- d. NO BINDING WITHIN SEVEN INCHES OF THE END OF THE SHAFT; AND**
- e. SHOCK ABSORBING CHARACTERISTICS SIMILAR TO THOSE OF THE CONTACT AREA OF THE SHAFT.**

**Statement of Authority, Basis and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #7.724

Statutory Authority:

§12-60-201(1), C.R.S.	§12-60-202(3)(i),C.R.S.	§12-60-507(1)(a), C.R.S.
§12-60-202(3)(f), C.R.S.	§12-60-501(1)(a), C.R.S.	§12-60-508(3)(a) C.R.S.
§12-60-202(3)(g), C.R.S.	§12-60-503(1)(a), C.R.S.	

Basis and Purpose:

To include a rule which expressly gives the Board authority to hold film reviews to discipline jockeys for events that occur during the running of a race.

This rule is recommended by the Director under his statutory responsibility to do so for the improvement and conduct of racing in Colorado. This rule is within the authority of the Commission to promulgate reasonable rules for the control, supervision and direction of jockeys operating under a Colorado license. This rule may also be promulgated under the Commission's express responsibility to promulgate rules for hearings held by the Board of Stewards. This rule clearly sets out the authority of the Board of Stewards to hold a film review for a jockey whose mount was involved with a foul that occurred during the running of a race. The purpose is to determine whether the jockey was a contributing cause to the foul which occurred, to allow the jockey to supply to the Board his or her perspective and, if found to be a contributing cause to the foul, an appropriate corrective penalty.

Proposed Rule

WHEN THE BOARD DETERMINES THAT A FOUL HAS OCCURRED DURING THE RUNNING OF A RACE THAT MAY REQUIRE THAT A FILM REVIEW BE HELD WITH ANY JOCKEYS INVOLVED IN THE RACE, THE BOARD, OR THE BOARD'S REPRESENTATIVE, SHALL VERBALLY NOTIFY THOSE LICENSEES OF THE FILM REVIEW IMMEDIATELY FOLLOWING THE DETERMINATION BY THE BOARD THAT A FOUL OCCURRED.

A FILM REVIEW IS NOT RECORDED AND THE BOARD HAS FULL AUTHORITY TO ASSESS PENALTIES TO ANYONE FOUND TO HAVE BEEN RESPONSIBLE FOR A FOUL OR VIOLATION INCLUDING SUSPENSION AND FINES. THE SCOPE OF THE REVIEW IS LIMITED TO FOULS OR VIOLATIONS THAT OCCURRED DURING THE RUNNING OF THE RACE, BUT THE BOARD MAY CONSIDER PREVIOUS RIDING INFRACTIONS AND/OR WARNINGS ISSUED TO THE JOCKEY IN ITS PENALTY DETERMINATION.

**Statement of Authority, Basis and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #7.740

Statutory Authority:

§12-60-201(1), C.R.S.	§12-60-202(3)(i),C.R.S.	§12-60-507(1)(a), C.R.S.
§12-60-202(3)(f), C.R.S.	§12-60-501(1)(a), C.R.S.	§12-60-508(3)(a) C.R.S.
§12-60-202(3)(g), C.R.S.	§12-60-503(1)(a), C.R.S.	

Basis and Purpose:

To update terminology to accurately reflect terms as they are used in horse racing.

This rule is recommended by the Director under his statutory responsibility to do so for the improvement and conduct of racing in Colorado. This rule is within the authority of the Commission to promulgate reasonable rules for the control, supervision and direction of jockeys operating under a Colorado license. This rule may also be promulgated under the Commission's express responsibility to promulgate rules for safety and welfare of equine athletes.

CURRENT RULE

A whip shall not be applied by anyone in an abusive manner at any time.

PROPOSED MODIFICATION

~~A whip~~ **THE RIDING CROP** shall not be applied by anyone in an abusive manner at any time.

**Statement of Authority, Basis and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #7.742

Statutory Authority:

§12-60-201(1), C.R.S.	§12-60-202(3)(i),C.R.S.	§12-60-507(1)(a), C.R.S.
§12-60-202(3)(f), C.R.S.	§12-60-501(1)(a), C.R.S.	§12-60-508(3)(a) C.R.S.
§12-60-202(3)(g), C.R.S.	§12-60-503(1)(a), C.R.S.	

Basis and Purpose:

To update terminology to accurately reflect terms as they are used in horse racing.

This rule is recommended by the Director under his statutory responsibility to do so for the improvement and conduct of racing in Colorado. This rule is within the authority of the Commission to promulgate reasonable rules for the control, supervision and direction of jockeys operating under a Colorado license. This rule may also be promulgated under the Commission's responsibility to ensure that the wagering public is informed as to conditions which may affect an equine athlete's performance.

CURRENT RULE

If a horse races without the use of a whip it shall be announced over the public address system.

PROPOSED MODIFICATION

If a horse races without the use of a ~~whip~~ **RIDING CROP** it shall be announced over the public address system.

**Statement of Authority, Basis and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #7.744

Statutory Authority:

§12-60-201(1), C.R.S.	§12-60-202(3)(i),C.R.S.	§12-60-507(1)(a), C.R.S.
§12-60-202(3)(f), C.R.S.	§12-60-501(1)(a), C.R.S.	§12-60-508(3)(a) C.R.S.
§12-60-202(3)(g), C.R.S.	§12-60-503(1)(a), C.R.S.	

Basis and Purpose:

To implement a rule that provides guidance to jockeys for the appropriate use of the riding crop and clarifies industry terms as they appear in the national Model Rules.

This rule is recommended by the Director under his statutory responsibility to do so for the improvement and conduct of racing in Colorado. This rule is within the authority of the Commission to promulgate reasonable rules for the control, supervision and direction of jockeys operating under a Colorado license. This rule may also be promulgated under the Commission's express responsibility to promulgate rules for safety and welfare of equine athletes.

PROPOSED RULE

ALL RIDERS SHOULD COMPLY WITH THE FOLLOWING WHEN USING A RIDING CROP:

- (1) SHOWING THE HORSE THE RIDING CROP AND GIVING IT TIME TO RESPOND BEFORE HITTING IT;**
- (2) HAVING USED THE RIDING CROP, GIVING THE HORSE A CHANCE TO RESPOND BEFORE USING IT AGAIN;**
 - (A) A JOCKEY GIVES A HORSE THE "CHANCE TO RESPOND" WHEN THE JOCKEY:**
 - (I) PAUSES THE USE OF THE RIDING CROP ON THE HORSE BEFORE RESUMING USE; OR,**
 - (II) PUSHES ON THE HORSE WITH A REIN IN EACH HAND, KEEPING THE RIDING CROP IN THE UP OR DOWN POSITION; OR,**
 - (III) SHOWS THE HORSE THE RIDING CROP WITHOUT MAKING CONTACT;**
 - OR**
 - (IV) MOVES THE RIDING CROP FROM ONE HAND TO THE OTHER.**
- (3) USING THE RIDING CROP IN RHYTHM WITH THE HORSE'S STRIDE.**

**Statement of Authority, Basis and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #12.210

Statutory Authority:

§12-60-201(1), C.R.S.	§12-60-202(3)(g), C.R.S.	§12-60-501(1)(a), C.R.S.
§12-60-202(3)(f), C.R.S.	§12-60-202(3)(i), C.R.S.	§12-60-503(1)(a), C.R.S.

Basis and Purpose:

To make permanent Commission Order 17-01 lowering the required number of starts to retain certain types of wagers.

This rule is recommended by the Director under his statutory responsibility to do so for the improvement and conduct of racing in Colorado. This rule is within the authority of the Commission to promulgate reasonable rules for the operation of pari-mutuel wagering in Colorado. This rule seeks to execute the statutory purpose of the Division and Commission for the direction of the operation of wagering under the pari-mutuel system in the State of Colorado.

CURRENT RULE

At the time the pools are opened for wagering, unless the Commission otherwise provides, the association:

:1 - shall offer win, place, and show wagering on all races when five (5) or more betting interests leave the paddock for the post; except in horse racing, show wagering may, with the prior approval of the Division, be cancelled by the Association and, if cancelled, all show bets refunded, when less than five (5) betting interests start the race.

:2 - shall prohibit Quiniela, Exacta, Quiniela Double or Twin Quiniela wagering on any race when less than four (4) betting interests leave the paddock for the post;

:3 - shall prohibit Trifecta, Superfecta, or Super Five, wagering on any race when less than six (6) betting interests leave the paddock for the post, and;

:4 - shall prohibit Twin Trifecta, Twin Superfecta or Tri-Superfecta wagering on any race when less than seven (7) betting interests leave the paddock for the post.

PROPOSED AMENDMENT

At the time the pools are opened for wagering, unless the Commission otherwise provides, the association:

:1 - shall offer win, place, and show wagering on all races when ~~five (5)~~ **FOUR (4)** or more betting interests leave the paddock for the post; except in horse racing, show wagering may, with the prior approval of the Division, be cancelled by the Association and, if cancelled, all show bets refunded, when less than ~~five (5)~~ **FOUR (4)** betting interests start the race.

:2 - shall prohibit Quiniela, Exacta, Quiniela Double or Twin Quiniela wagering on any race when less than four (4) betting interests leave the paddock for the post;

:3 - shall prohibit Trifecta, Superfecta, or Super Five, wagering on any race when less than six (6) betting interests leave the paddock for the post, and;

:4 - shall prohibit Twin Trifecta, Twin Superfecta or Tri-Superfecta wagering on any race when less than seven (7) betting interests leave the paddock for the post.