

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

**1 CCR 208-1**

**Rule #3.601**

**Statutory Authority:**

§44-32-201(1), C.R.S.	§44-32-202(3)(g), C.R.S.	§44-32-501(1)(a), C.R.S.
§44-32-202(3)(f), C.R.S.	§44-32-202(3)(i), C.R.S.	§44-32-503(1)(a), C.R.S.

**Basis and Purpose:**

To harmonize this rule with the Colorado Racing Commission Rule requiring associations to adopt and implement concussion management protocols. A baseline concussion test is proposed as a requirement in that rule.

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 health, safety and welfare of racing participants.

**CURRENT RULE**

All jockeys who intend to ride at a recognized race meet shall be required to show written documentation of a complete physical examination by a licensed physician affirming fitness to participate as a jockey. This examination must have taken place within a thirty (30) day period prior to the start of the meet at which the rider intends to participate. The board may waive the thirty (30) day requirement for riders that can provide written proof of a physical within one year that meets the requirements of this rule.

**PROPOSED RULE**

All jockeys who intend to ride at a recognized race meet shall be required to show written documentation of a complete physical examination by a licensed physician affirming fitness to participate as a jockey **AND MUST INCLUDE A BASELINE CONCUSSION TEST**. This examination must have taken place within a thirty (30) day period prior to the start of the meet at which the rider intends to participate. The board may waive the thirty (30) day requirement for riders that can provide written proof of a physical **AND BASELINE CONCUSSION TEST** within one year that meets the requirements of this rule.

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**1 CCR 208-1**

**Rule #4.713**

**Statutory Authority:**

§44-32-201(1), C.R.S.	§44-32-202(3)(i), C.R.S.	§44-32-503(1)(a), C.R.S.
§44-32-202(3)(f), C.R.S.	§44-32-501(1)(a), C.R.S.	§44-32-507(1), C.R.S.
§44-32-202(3)(g), C.R.S.		

**Basis and Purpose:**

To harmonize the Colorado Racing Commission Rules with the national Model Rules and other jurisdictions to modernize the methods of identifying and cataloguing thoroughbred race horses in the racing industry.

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 protection of the general and wagering public. This rule establishes a new identification and cataloguing system to ensure the horses participating are the same announced.

**PROPOSED RULE**

**EFFECTIVE JANUARY 1, 2020, THE RACING SECRETARY SHALL ENSURE THAT THE FOAL CERTIFICATES FOR ALL THOROUGHBRED HORSES ENTERED TO RACE THAT WERE FOALED IN 2018, OR THEREAFTER, HAVE A “DIGITAL TATTOO.” THIS DIGITAL TATTOO SHALL INDICATE THAT THE THOROUGHBRED RACING PROTECTIVE BUREAU HAS CONFIRMED THE IDENTITY OF THE HORSE AND UPLOADED UPDATED DIGITAL PHOTOGRAPHS TO THE BREED REGISTRY DATABASE.**

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**1 CCR 208-1**

**Rule #5.314**

**Statutory Authority:**

§44-32-201(1), C.R.S.	§44-32-202(3)(g), C.R.S.	§44-32-501(1)(a), C.R.S.
§44-32-202(3)(c), C.R.S.	§44-32-202(3)(i), C.R.S.	§44-32-503(1)(a), C.R.S.
§44-32-202(3)(f), C.R.S.		

**Basis and Purpose:**

To address recent trends in the racing industry whereby actors use multiple substances with similar pharmacological properties to gain performance enhancing results, as a way of avoiding detection of a single substance because of detection limits. This rule also addresses the practice of combining medications or “making cocktails” in order to produce a performance enhancing effect.

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 to safeguard the integrity of the racing industry, promote fairness and public trust, and to ensure the safety of participating animals. This rule is within the authority of the Commission to promulgate reasonable rules for the health, safety and welfare of racing participants.

**PROPOSED RULE**

**MEDICATION STACKING AND COMBINED USE**

- (a) THE CONCURRENT USE, OR STACKING, OF MEDICATIONS OR UNAUTHORIZED SUBSTANCES BEARING SIMILAR PHARMACOLOGICAL PROPERTIES AND/OR EFFECTS SHALL NOT BE PERMITTED. NO BLOOD OR URINE SAMPLE SHALL HAVE TWO OR MORE SUBSTANCES BEARING SIMILAR PHARMACOLOGICAL PROPERTIES AND/OR EFFECTS PRESENT AT ANY TIME, WITHOUT REGARD TO WHETHER ANY DETECTED SUBSTANCES ARE FOUND BY THE PRIMARY TESTING LABORATORY AT OR BELOW ANY ESTABLISHED REGULATORY THRESHOLD. MEDICATIONS AND UNAUTHORIZED SUBSTANCES SHALL BE DEEMED TO HAVE SIMILAR PROPERTIES OR EFFECTS IF THEY WOULD BE CLASSIFIED UNDER THE SAME SUBSECTION OF RULE 5.300.**
- (b) THE COMBINED USE OF MEDICATIONS OR UNAUTHORIZED SUBSTANCES SHALL NOT BE PERMITTED. NO BLOOD OR URINE SAMPLE SHALL HAVE ANY COMBINATION OF SUBSTANCES KNOWN TO HAVE ANY ADVERSE OR PERFORMANCE ENHANCING EFFECT AT ANY TIME, REGARDLESS OF WHETHER ANY DETECTED SUBSTANCES ARE FOUND BY THE**

**PRIMARY TESTING LABORATORY AT OR BELOW ANY ESTABLISHED REGULATORY THRESHOLD.**

**(c) THIS RULE 5.314 SHALL NOT APPLY WHEN:**

- a. THE SUBSTANCES DETECTED ARE NSAIDS AND WOULD BE ADDRESSED BY NSAID STACKING AS DETAILED BY RULE 5.312;**
- b. ANY CONCURRENT USE OF MEDICATIONS BEARING SIMILAR PHARMACOLOGICAL PROPERTIES AND/OR EFFECTS OR COMBINED USED OF MEDICATION KNOWN TO HAVE ANY ADVERSE OR PERFORMANCE ENHANCING EFFECT HAS BEEN APPROVED IN ADVANCE BY THE DIVISION VETERINARIAN.**

**(d) VIOLATIONS OF THIS RULE 5.314 SHALL BE PENALIZED AS A CLASS A MEDICATION VIOLATION AS PRESCRIBED BY RULE 5.441.**

**Rule #6.114**

**Statutory Authority:**

§44-32-201(1), C.R.S.	§44-32-202(3)(g), C.R.S.	§ 44-32-702(1)(f)(II),
§44-32-202(3)(c), C.R.S.	§44-32-202(3)(i), C.R.S.	C.R.S.
§44-32-202(3)(f), C.R.S.	§44-32-501(1)(a), C.R.S.	
	§44-32-503(1)(a), C.R.S.	

**Basis and Purpose:**

To enable the Director to authorize the release of certain funds for the purpose of ensuring that the racing industry continues to exist in the State of Colorado as well as ensuring that facilities are maintained or built in a manner .

This rule is authorized by § 44-32-702(1)(f)(II), C.R.S. which states that money placed into this account “shall be paid . . . as otherwise authorized by the rules of the commission.” 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 conduct of racing in Colorado and to ensure the purposes of § 44-32-101 *et sec.*, C.R.S. are met.

**PROPOSED RULE**

**THE DIRECTOR MAY, UPON WRITTEN REQUEST FROM A RACING ASSOCIATION, ORDER THE RELEASE OF FUNDS CREDITED TO THE HORSE PURSE TRUST ACCOUNT FROM THE SOURCE MARKET FEE TO THE REQUESTING ASSOCIATION FOR THE LIMITED PURPOSES OF ENSURING THE CONTINUITY OF RACING OPERATIONS OR CAPITAL IMPROVEMENTS TO THE LICENSED RACING FACILITY. ALL REQUESTS SHALL CONTAIN A BRIEF STATEMENT OF THE ISSUE FOR WHICH THE FUNDS ARE REQUESTED AND SHALL BE ACCOMPANIED BY DOCUMENTATION EVIDENCING THE COST INCURRED FOR RESOLVING THE ISSUE OR PROPOSED COST OF THE IMPROVEMENT. THE DIRECTOR MAY APPROVE, IN ANY FRACTION OR IN FULL, OR DENY THE REQUEST AND MAY INCLUDE ANY OVERSIGHT PROVISIONS OR CONDITIONS THE DIRECTOR SEES FIT TO INCLUDE IN GRANTING THE REQUEST. ANY ORDER APPROVING THE RELEASE OF FUNDS MUST BE ACCEPTED BY THE REQUESTING ASSOCIATION PRIOR TO THE FUNDS BEING RELEASED.**

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**1 CCR 208-1**

**Rule #11.110**

**Statutory Authority:**

§44-32-201(1), C.R.S.	§44-32-202(3)(i), C.R.S.	§44-32-503(1)(a), C.R.S.
§44-32-202(3)(f), C.R.S.	§44-32-501(1)(a), C.R.S.	§44-32-507(1)(a), C.R.S.
§44-32-202(3)(g), C.R.S.		

**Basis and Purpose:**

To require associations to adopt and implement concussion management protocols for the protection of all participants who, by nature of their license and job functions, are exposed to potential or actual head trauma.

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 those operating under a Colorado racing license. This rule establishes safety standards for licensees participating in horse racing in Colorado with internationally recognized and accepted concussion protocols.

**PROPOSED RULE**

**AN ASSOCIATION SHALL ADOPT, HAVE POSTED, AND IMPLEMENT A PROTOCOL FOR EDUCATION, EVALUATION, DIAGNOSIS, AND MANAGEMENT OF CONCUSSION OF ALL PARTICIPANTS EXPOSED TO POTENTIAL OR ACTUAL HEAD TRAUMA WHICH SHALL BE APPROVED BY THE COMMISSION. AT A MINIMUM, THE PROTOCOL SHALL INCLUDE:**

- (a) EACH JOCKEY SHALL ACKNOWLEDGE IN WRITING THAT THEY HAVE BEEN MADE AWARE OF THE CONCUSSION PROTOCOLS IN PLACE FOR THE FACILITY AT WHICH THEY ARE RIDING;**
- (b) A MINIMUM ASSESSMENT SHALL INCLUDE THE MOST CURRENT SPORT CONCUSSION ASSESSMENT TOOL EXAMINATION, WHEN NECESSARY, AND BE PERFORMED BY A MEDICAL PROFESSIONAL AUTHORIZED IN THAT JURISDICTION TO PERFORM SUCH EVALUATION;**
- (c) EACH JOCKEY SHALL OBTAIN A BASELINE CONCUSSION TEST TO BE SUBMITTED WITH THE PHYSICAL FITNESS FORMS.**
- (d) A RETURN-TO-RIDE AND RETURN-TO-WORK GUIDELINE SHALL BE ESTABLISHED IN ORDER TO CLEAR A PARTICIPANT WHO HAS BEEN CONCUSSED, OR IS BELIEVED TO HAVE BEEN CONCUSSED, ONCE THE PARTICIPANT IS DECLARED FIT-TO-RIDE OR FIT-TO-WORK BY A MEDICAL PROFESSIONAL AUTHORIZED TO DO SO; AND,**
- (e) THE STEWARDS SHALL BE NOTIFIED WHEN A JOCKEY IS NOT PERMITTED TO RIDE AND WHEN THE JOCKEY HAS BEEN AUTHORIZED TO RETURN TO RIDING.**

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**1 CCR 208-1**

**Rule #11.404**

**Statutory Authority:**

§44-32-201(1), C.R.S.	§44-32-202(3)(g), C.R.S.	§44-32-501(1)(a), C.R.S.
§44-32-202(3)(f), C.R.S.	§44-32-202(3)(i), C.R.S.	§44-32-503(1)(a), C.R.S.

**Basis and Purpose:**

To eliminate unnecessary language and provision from the current rule.

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 licensees. This rule removes language that is no longer relevant or enforceable.

**CURRENT RULE**

Associations may allow telephones in their respective racetrack or simulcast facilities during their meet for the benefit of the public and press for transacting ordinary business during a race program. Transmitting any race information through the use of a telephone or other device at the racetrack or simulcast facility is prohibited, unless express authorization is granted by the Commission or Director.

**PROPOSED RULE**

~~Associations may allow telephones in their respective racetrack or simulcast facilities during their meet for the benefit of the public and press for transacting ordinary business during a race program.~~ Transmitting any race information through the use of a telephone or other device at the racetrack or simulcast facility is prohibited, unless express authorization is granted by the Commission or Director.

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**1 CCR 208-1**

**Rule #11.465**

**Statutory Authority:**

§44-32-201(1), C.R.S.	§44-32-202(3)(i), C.R.S.	§44-32-503(1)(a), C.R.S.
§44-32-202(3)(f), C.R.S.	§44-32-501(1)(a), C.R.S.	§44-32-507(1)(a), C.R.S.
§44-32-202(3)(g), C.R.S.		

**Basis and Purpose:**

To harmonize the Colorado Racing Commission Rules with the national Model Rules and other jurisdictions to incorporate early warning weather system at horse racetracks.

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 health, safety and welfare of all racing participants and the general race-going public. This rule establishes a requirement that all racetracks develop or use an early warning weather system to enhance safety at events.

**PROPOSED RULE**

**THE ASSOCIATION SHALL DEVELOP A HAZARDOUS WEATHER AND LIGHTNING PROTOCOL TO BE APPROVED BY THE COMMISSION WHICH SHALL INCLUDE THE USE OF AN EARLY WARNING DETECTION SYSTEM. THE ASSOCIATION SHALL DESIGNATE A PERSON RESPONSIBLE FOR MONITORING THE SYSTEM WHO SHALL NOTIFY THE STEWARDS IF CONDITIONS EXIST THAT WARRANT DELAY AND/OR CANCELLATION OF A PERFORMANCE AND/OR THE NOTIFICATION TO THE PUBLIC OF SUCH THREATENING WEATHER CONDITIONS. THE STEWARDS SHALL COMMENCE A RACE DELAY AND/OR CANCELLATION WHEN LIGHTNING IS DETECTED WITHIN AN 8 MILE RADIUS OF THE RACETRACK WHICH SHALL REMAIN IN EFFECT UNTIL A MINIMUM OF 30 MINUTES HAS PASSED SINCE THE LAST STRIKE IS OBSERVED WITHIN AN 8 MILE RADIUS.**



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**1 CCR 208-1**

**Rule #12.127**

**Statutory Authority:**

§44-32-201(1), C.R.S.	§44-32-202(3)(i), C.R.S.	§44-32-503(1)(a), C.R.S.
§44-32-202(3)(f), C.R.S.	§44-32-501(1)(a), C.R.S.	§44-32-507(1)(a), C.R.S.
§44-32-202(3)(g), C.R.S.		

**Basis and Purpose:**

To ensure that off-track betting facilities have enough cash on hand to pay out winning tickets.

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 those involved in off-track betting and pari-mutuel operations. This rule ensures that businesses are able to accommodate customers by having adequate monetary resources on hand to pay all-tickets, and give the option of issuing a check if the winning ticket exceeds a certain value.

**PROPOSED RULE**

**AT THE START OF THE BUSINESS DAY, AN ADDITIONAL SIMULCAST FACILITY SHALL HAVE ADEQUATE RESOURCES ON PREMISES TO CASH WINNING PARI-MUTUEL TICKETS OR VOUCHERS ISSUED BY THE FACILITY. UPON TENDER OF A WINNING PARI-MUTUEL TICKET OR VOUCHER ISSUED BY THE FACILITY FOR PAYMENT, AN ADDITIONAL SIMULCAST FACILITY IS REQUIRED TO PAY OUT, IN CASH, THE WINNING PARI-MUTUEL TICKET OR VOUCHER ISSUED BY THE FACILITY UP TO \$5,000, UNLESS THE FACILITY HAS DEPLETED ITS ADEQUATE RESOURCES. ANY REMAINING AMOUNT OR TICKET OR VOUCHER OVER \$5,000 MAY BE PAID BY CHECK WITHIN SEVEN DAYS OF TENDER FOR PAYMENT. "ADEQUATE RESOURCES" ARE DEFINED AS: 50% OF DAILY AVERAGE WAGERING HANDLE OR \$5,000, WHICHEVER IS GREATER.**

**Statement of Authority, Basis and Purpose  
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**1 CCR 208-1**

**Rule #12.178**

**Statutory Authority:**

§44-32-201(1), C.R.S.	§44-32-202(3)(g), C.R.S.	§44-32-501(1)(a), C.R.S.
§44-32-202(3)(f), C.R.S.	§44-32-202(3)(i), C.R.S.	§44-32-503(1)(a), C.R.S.

**Basis and Purpose:**

To eliminate unnecessary language and provision from the current rule.

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 licensees. This rule removes language that is no longer relevant or enforceable.

**CURRENT RULE**

Vouchers not cashed by the end of the race meet shall be valid for a minimum of one year from the date issued. At that time, the value of any uncashed vouchers shall revert to the association that issued them. Any currently outstanding vouchers from previous years shall revert to the association that issued them on December 31, 2004. The expiration policy for all vouchers shall be published daily in the racing program and posted at the racing facility.

**PROPOSED RULE**

Vouchers not cashed by the end of the race meet shall be valid for a minimum of one year from the date issued. At that time, the value of any uncashed vouchers shall revert to the association that issued them. ~~Any currently outstanding vouchers from previous years shall revert to the association that issued them on December 31, 2004.~~ The expiration policy for all vouchers shall be published daily in the racing program and posted at the racing facility.

**Statement of Authority, Basis and Purpose  
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**1 CCR 208-1**

**Rule #12.400**

**Statutory Authority:**

§44-32-201(1), C.R.S.	§44-32-202(3)(i), C.R.S.	§44-32-503(1)(a), C.R.S.
§44-32-202(3)(f), C.R.S.	§44-32-501(1)(a), C.R.S.	§44-32-507(1)(a), C.R.S.
§44-32-202(3)(g), C.R.S.		

**Basis and Purpose:**

To harmonize rule with current practice and outline the contract requirements for racing associations.

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 licensees. This rule updates the language to conform with current practice and requirements.

**CURRENT RULE**

All contracts governing participation in interstate common pools, along with the host state's commission approval, shall be submitted to the Division for approval by the Commission at least two business days prior to the effective date of such contract and/or agreement. These contracts shall include but are not limited to horsemen's agreements and simulcast contracts.

**PROPOSED RULE**

All contracts governing participation in interstate common pools, along with the host state's commission approval, shall be ~~submitted to the Division for approval~~ED by the Commission. **REQUEST SHALL BE SUBMITTED TO THE DIVISION** at least two business days prior to the effective date of such contract and/or agreement. **THE REQUEST SHALL INCLUDE THE FOLLOWING MINIMUM INFORMATION: NAME OF THE HOST TRACK, DATE CONTRACT WAS EXECUTED, TYPE OF CONTRACT, START DATE, END DATE, DAYS TAKEN, SIGNAL FEES, TAKEOUT, TOTE COMPANY, AND DATE SUBMITTED. AT ANY TIME, THE COMMISSION OR THE DIVISION MAY REQUEST ADDITIONAL INFORMATION OR THAT ANY OR ALL AGREEMENTS OR CONTRACTS BE PROVIDED.** These contracts shall include but are not limited to horsemen's agreements and simulcast contracts.