

Minnesota Racing Commission

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Amendments to Rules Governing Horse Racing: Definitions, Facilities and Equipment, Class C Licensees, Thoroughbred/Quarter Horse Races, Harness Races, Horse Medication, Physical Examination, Medical Testing, Breeders' Fund, and Prohibited Acts; Chapters 7869, 7875, 7877, 7883, 7884, 7890, 7891, 7892, 7895, and 7897. Revisor's ID Number R-04887 Docket Number OAH 22-0911-4189.

Introduction. The Minnesota Racing Commission intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules, until Thursday, January 30, 2025.

Agency Contact Person. Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is Taylor Traufler at the Minnesota Racing Commission, 15201 Zurich Street STE 212, Columbus MN, 55025 at 651-925-3951(phone), 651-925-3953 (fax), and taylor.traufler@state.mn.us (email).

Subject of Rules and Statutory Authority. The proposed rule updates strive to keep Minnesota Racing Commission rules current and relevant as the industry evolves. This rulemaking initiative will modify, clarify, and update various existing MRC rules pertaining to licensing, animal welfare, and the safety of all participants. There is an emphasis on horse health, veterinary practices, and racing rules. Following is a summary of the changes.

7869.0100 Subp. 31f. **Definitions.**

This definition is being added to define "HISA-covered person" which is used elsewhere in the rules and comes directly from the definitions chapter in the 1000 series of HISA regulations.

7869.0100 Subp. 31h. **Definitions.**

This subpart is being renumbered from "31f" to "31h".

7869.0100 Subp. 50a. **Definitions.**

This definition is being added to define "Qualifying line" which is used elsewhere in the rules.

7869.0100 Subp. 51b. **Definitions.**

This definition is being added to define "Race line" which is used elsewhere in the rules.

7869.0200 Subp. 2A. **Association of Racing Commissioners International.**

This proposed rule change specifies that the Association of Racing Commissioners International (ARCI) Endogenous, Dietary, or Environmental Substances Schedule is incorporated by reference for Standardbred and Quarter Horse racing only.

7869.0200 Subp. 2B. **Association of Racing Commissioners International.**

This proposed rule change specifies that Association of Racing Commissioners International (ARCI) Therapeutic Medication Schedule for Horses is incorporated by reference for Standardbred and Quarter Horse racing only.

7869.0200 Subp. 2C. **Association of Racing Commissioners International.**

This proposed rule change specifies that the Association of Racing Commissioners International (ARCI) Uniform Classification Guidelines for Foreign Substances and Recommended Penalties Model Rule is incorporated by reference for Standardbred and Quarter Horse racing only.

7869.0200 Subp. 2D. **Association of Racing Commissioners International.**

This proposed rule change specifies that the Association of Racing Commissioners International (ARCI) Multiple Medication Violation Model Rule is incorporated by reference for Standardbred and Quarter Horse racing only.

7869.0200 Subp. 2a. **Horseracing Integrity and Safety Authority.**

This proposed rule specifies that the Horseracing Integrity and Safety Authority Rule Series 1000 to 9000 are incorporated by reference for Thoroughbred racing.

7875.0100 Subpart 1. **Facilities.**

This rule is being amended to require each association to provide an equine isolation facility along with the receiving barn, detention facility, paddock, room for jockeys and drivers, lighting, stabling, restrooms, medical facilities, racing officials' space, viewing room, commission office and parking space, space for the Alcohol and Gambling Enforcement Division, and information window that were originally included in this subpart.

7877.0130 Subp. 1a. **Timely licensure.**

This proposed rule requires an owner of a horse entered to race at a Minnesota racetrack to be licensed by the commission no later than the posted scratch time on the day the horse is entered to race. Failure of an owner to be licensed by this time will result in their horse being scratched by the stewards.

7877.0130 Subp. 3B. **Trainers and assistant trainers.**

This rule change specifies the requirements for licensure of Thoroughbred and Quarter Horse trainer or assistant trainer applicants in Minnesota.

7877.0130 Subp. 3C. **Trainers and assistant trainers.**

This proposed rule requires first time harness horse trainer or assistant trainer applicants in Minnesota to satisfy the United States Trotting Association (USTA) requirements for licensure.

7877.0130 Subp. 3D. **Trainers and assistant trainers.**

This rule is being renumbered from subpart "3C" to subpart "3D".

7877.0130 Subp. 3E. **Trainers and assistant trainers.**

This rule is being renumbered from subpart "3D" to subpart "3E".

7877.0130 Subp. 3F. **Trainers and assistant trainers.**

This rule is being renumbered from subpart “3E” to subpart “3F”.

7877.0130 Subp. 4. **Prospective trainers and assistant trainers.**

This rule change specifies that an applicant who has never been licensed by the commission or by another racing jurisdiction as a trainer or an assistant trainer for Thoroughbreds or Quarter Horses must have at least two years’ experience in an occupation that indicates a knowledge of horsemanship and racing practices. New trainer or assistant trainer applicants for Standardbreds have different requirements.

7877.0130 Subp. 4B. **Prospective trainers and assistant trainers.**

This rule change specifies that a prospective trainer or assistant trainer applicant for Thoroughbred or Quarter Horse racing must pass a written examination administered by the stewards, covering such subjects as rules of racing, care and handling of horses, and proper use of racing equipment. Prospective trainer or assistant trainer applicants for Standardbred racing have different requirements.

7877.0130 Subp. 4C. **Prospective trainers and assistant trainers.**

This rule change specifies that a prospective trainer or assistant trainer applicant for Thoroughbred or Quarter Horse racing must pass a practical test of horsemanship administered by the stewards or their designee. A prospective trainer or assistant trainer applicant for Standardbred racing must meet different requirements.

7877.0130 Subp. 4D. **Prospective trainers and assistant trainers.**

This proposed rule requires new harness horse trainers or assistant trainers applying for a Minnesota racing license to satisfy all USTA requirements.

7877.0170 Subp. 2H. **Trainers.**

This rule change allows a trainer to use a veterinarian that is not licensed by the commission as a consultant, if they are approved in advance by a commission veterinarian and the non-licensed veterinarian is escorted by a commission veterinarian while on association grounds.

7877.0170 Subp. 2N. **Trainers.**

This rule is being amended as “nerved” horses are no longer allowed to race.

7877.0170 Subp. 2S. **Trainers.**

This rule is being updated to clarify Quarter Horse and Thoroughbred trainers licensed as owners must train all horses owned wholly or in part by them.

7877.0170 Subp. 2V. **Trainers.**

This proposed rule requires Thoroughbred trainer treatment records to be transferred to the new trainer under HISA rules in the event of a successful claim.

7877.0170 Subp. 2W. **Trainers.**

This rule change specifies what records Quarter Horse and Standardbred racehorse trainers are responsible for providing to a new trainer after a successful claim and the timeframe in which

they must provide them. It is also being renumbered from subpart “2V” to subpart “2W”.

7877.0170 Subp. 2X. Trainers.

This item is being renamed from subpart “2W” to subpart “2X”.

7877.0170 Subp. 2Y. Trainers.

This item is being renamed from subpart “2X” to subpart “2Y”.

7877.0170 Subp. 10F. Pony riders.

This proposed rule clarifies that if a pony rider wishes to act as a lead pony during the races, they are required to be in proper attire determined by the association and represent him or herself in a clean and tidy manner.

7877.0175 Subpart 1C. Racing secretary.

This rule change requires the association’s racing secretary to provide the stewards with a proper and complete daily racing program.

7877.0175 Subp. 4. Paddock judge; Thoroughbred and Quarter Horse races.

This rule is being updated as the entirety of subpart 4 is specific to a paddock judge working at Quarter Horse and Thoroughbred races.

7877.0175 Subp. 4G. 2. Paddock judge; Thoroughbred and Quarter Horse races.

This rule is being updated to bring it into alignment with rule 7883.0150, subpart 3, which states that all paddock boots and bandages, except those bandages that will be worn during racing, must be removed upon arrival in the paddock.

7877.0175 Subp. 7C. Claims clerk (Thoroughbred, Quarter Horse, and Arabian only).

This rule is being amended to require the claims clerk at Thoroughbred, Quarter Horse, and Arabian races to make certain a claimant has the amount of the claim, plus any applicable tax or fee in their account when a claim is made.

7877.0175 Subp. 8. Commission veterinarian.

This subpart is being added back to this chapter for clarity.

7877.0175 Subp. 8b. C. Veterinarian’s list.

This proposed rule change requires horses needing an official timed workout to be removed from the veterinarian’s list to have documentation from the attending veterinarian that the horse is sound to work and complete medical testing prior to removal from the veterinarian’s list.

7883.0100 Subp. 2A. Horse must be registered and eligible.

This rule amendment requires all Thoroughbred horses to be registered with HISA before they are eligible to start in a race.

7883.0100 Subp. 2B. Horse must be registered and eligible.

This rule is being updated to remove the inaccurate reference to a freeze brand registration number.

7883.0100 Subp. 2a. C. **Prohibited starters.**

The word “or” is being removed from this item.

7883.0100 Subp. 2a. D. **Prohibited starters.**

The word “or” is being added to the end of this rule to allow for another requirement to be listed.

7883.0100 Subp. 2a. E. **Prohibited starters.**

This rule is being added to prohibit a Thoroughbred or Quarter Horse from starting if it has raced more than 3 times in 30 consecutive days.

7883.0100 Subp. 4E. **Entering procedure.**

This proposed rule requires a jockey to be named on a specific horse at the time of entry.

7883.0100 Subp. 4F. **Entering procedure.**

This proposed rule would allow a jockey to be named on only one horse in the body of a race and one also eligible or one Main Track Only horse, or both.

7883.0100 Subp. 4G. **Entering procedure.**

This proposed rule requires jockeys not represented or present at the draw to call the racing secretary by 9AM the following day to declare their intent to honor their designated engagements.

7883.0100 Subp. 16B. **Workout requirements.**

This rule is being amended to not allow a Quarter Horse to start that has not started for a period of 46 days or more until it has completed one timed workout within 45 days of and no less than 48 hours prior to the race in which it is entered. A Quarter Horse that has not started for a period of 61 days or more is not eligible to start until it has completed two timed workouts within 60 days and no less than 48 hours before the race in which it is entered, which is an increase from one timed workout within that timeframe.

7883.0100 Subp. 16J. **Workout requirements.**

This proposed rule requires a Quarter Horse that has not previously started at 870 yards to complete one timed workout at 660 yards or more before the horse can start in a race scheduled for 870 yards. This timed workout must be within 60 days of and not less than 48 hours before the race in which it is entered.

7883.0100 Subp. 20. **Quarter Horses must stand in the gate.**

This proposed rule requires each Quarter Horse entered in a stakes race to stand in the starting gate either the day before or the day of the race in which the horse is entered.

7883.0130 Subp. 4A. **Sex allowance.**

This rule change clarifies that in all races against male horses, except handicaps and races where the conditions expressly state to the contrary, Thoroughbred fillies two years old are allowed three pounds and Thoroughbred fillies and mares three years old and upwards are allowed five pounds before September 1 and three pounds thereafter. This sex allowance may not be waived.

7883.0130 Subp. 4B. **Sex allowance.**

This proposed rule declares there is no sex allowance in all races for Quarter Horse fillies and mares.

7883.0140 Subp. 8A. **Voided claims.**

The word “or” is being removed from the end of this item.

7883.0140 Subp. 8B. **Voided claims.**

This rule change clarifies when the stewards must void a claim for a Quarter Horse. The word “or” is also being added to the end of the rule to allow for another subpart.

7883.0140 Subp. 8C. **Voided claims.**

This proposed rule declares when the stewards must void a claim for a Thoroughbred, which is if the horse is placed on the veterinarian’s list within one hour of racing for unsoundness or bleeding. A claimant may elect to claim the horse regardless of whether the horse is placed on the veterinarian’s list or not on the claim form.

7883.0140 Subp. 15. **Protest of claim for Quarter Horses.**

This subpart is being renamed as it will only apply to Quarter Horses. Thoroughbred horses must follow HISA regulations for protest of claim.

7883.0140 Subp. 15a. **Protest of claim for Thoroughbreds.**

This proposed rule is being added as claims protested for Thoroughbred horses must follow HISA regulations.

7883.0150 Subp. 14A. **Flipping halters.**

This subpart is being split into “14A” and “14B”.

7883.0150 Subp. 14B. **Flipping halters.**

This proposed rule declares there will be no refund of wagering because a flipping halter prevents the starting gate from opening properly.

7883.0160 Subpart 1. **Thoroughbreds and Quarter Horses must be tattooed physically or be microchipped and tattooed digitally.**

This rule is being updated as Thoroughbred and Quarter Horses must be tattooed physically or be microchipped and tattooed digitally to be eligible to start.

7883.0170 A3. **Equipment.**

This rule is being split up into separate requirements for horseshoes for Thoroughbreds and Quarter Horses.

7883.0170 A3. a. **Equipment.**

This rule change provides regulations on toe grabs for Thoroughbred horses. Toe grabs, other than wear plates with a height no greater than two millimeters (0.07874 inches), bends, jar caulks, stickers and any other traction device worn on the front shoes of Thoroughbred horses while racing or training on all racing surfaces are prohibited.

7883.0170 A3. b. **Equipment.**

This proposed rule provides regulations for toe grabs for Quarter Horses. Toe grabs, other than wear plates with a height no greater than four millimeters (0.15748 inches), bends, jars, caulks, stickers, or any other traction device worn on the front shoes are prohibited. Toe grabs greater than 6.35 millimeters (0.25 inches) from the ground surface side of the hind shoes are prohibited.

7884.0120 Subp. 16. **Entered horse to be on grounds.**

This rule is being amended to allow Standardbred horses participating in non-purse races to be present two hours prior to post time for the first non-purse race. This is a change from five hours prior to post time for the first scheduled race, which will still be the requirement for Standardbred horses scheduled in purse races.

7884.0130 Subpart 1. **Association to establish preference system.**

This rule is being removed so it can be replaced with more current language from the USTA rulebook.

7884.0130 Subp. 1a. **Preference date.**

This subpart will replace the needed rule for preference dates. It is from the USTA rulebook and is more current.

7884.0180 **TIME TRIALS.**

This rule is being removed as it is no longer common practice to use time trials at a harness racetrack.

7884.0190 Subp. 2C. **Horses required to compete in qualifying races for race meets longer than two weeks.**

This rule is being updated to require a Standardbred horse that does not show a clean charted qualifying line or race line within 44 days to compete in a qualifying race. On day 45, the horse is not eligible to enter in a race.

7884.0190 Subp. 2a. B. **Horses required to compete in qualifying races regardless of duration of meet.**

This proposed rule change requires a Standardbred horse that chokes, bleeds, or falls in the paddock, or while going to the track, exiting the track, warming up or racing to compete in a qualifying race before being eligible to enter any race. This is more specific than the current language.

7884.0190 Subp. 2a. D. **Horses required to compete in qualifying races regardless of duration of meet.**

This rule is being removed to allow the stewards discretion in deciding whether a distanced horse needs to qualify.

7884.0250 Subp. 4A. **Inquiry into failure to sound recall.**

This rule is being split into parts "A" and "B".

7884.0250 Subp. 4B. **Inquiry into failure to sound recall.**

This proposed language clarifies that the stewards must make placings in the same manner used for interference during any part of the race when interference occurs before the start of a race, but no recall is sounded by the starter.

7884.0260 Subp. 2T. **Conduct after word “go” is given.**

The language “The driver is permitted to encourage the horse with the whip only one time from the start to the $\frac{3}{4}$ mile marker, and no more than four times, if the horse is advancing, from the $\frac{3}{4}$ mile marker to the finish line,” is being removed from this rule. The word “judges” is also being replaced with “stewards” as it allows for consistency throughout the rulebook.

7884.0260 Subp. 2T. 5. **Conduct after word “go” is given.**

This rule is being updated to declare a driver’s whipping arm must not be raised above the driver’s shoulder height.

7890.0100 Subp. 13a. C. **Definitions.**

This definition is being updated to prevent the use of antibiotics in topical antiseptics, ointments, salves, leg rubs, and leg paints.

7890.0100 Subp. 14d. **Definitions.**

This definition is being updated to include hair sampling as a method of out-of-competition testing.

7890.0110 Subpart 1. **Administration.**

This rule is being updated to align with MRC rule 7890.0100, subpart 13a, A2.

7890.0110 Subp. 8a. B. **Intra-articular injections.**

This rule is being added to follow HISA rules where a Thoroughbred horse is prohibited from receiving a corticosteroid injection in the fetlock jock within 30 days of the race in which it is entered.

7890.0110 Subp. 8a. C. **Intra-articular injections.**

This subpart is being renamed from part “B” to part “C”.

7890.0120 Subpart 1A. **Veterinarians must keep records.**

This proposed rule follows HISA rules for Thoroughbreds. Veterinarians must report all treatments and diagnostic procedures electronically to a specified HISA site within 24 hours of treatment.

7890.0120 Subpart 1B. **Veterinarians must keep records.**

This is the original language of the rule, but it is being labeled for Quarter Horses and Standardbreds as Thoroughbreds have different regulations on veterinarian record keeping through HISA.

7890.0160 A. **RESPONSIBILITY OF VETERINARIAN.**

Specification of items “B, C, and D” is being added to this rule for clarity.

7891.0100 Subpart 1A. 7. **Horses subject to examination.**

The language “Track Manager” is being added as the full name of the electronic module for prerace examinations is “InCompass Solutions Track Manager”.

7891.0110 Subp. 2A. 1. **Test samples to be taken for analysis.**

This rule is being added to comply with HISA regulations for samples collected from Thoroughbred horses that die or are euthanized from a training or race-related injury.

7891.0110 Subp. 2A. 2. **Test samples to be taken for analysis.**

This is the original language for this rule, but it is being labeled for Quarter Horses and Standardbreds as Thoroughbreds have different regulations through HISA.

7891.0110 Subp. 2B. **Test samples to be taken for analysis.**

This rule is being updated as hair samples must be obtained prior to or after euthanasia of a horse due to a training or race-related injury.

7891.0110 Subp. 4. **Report of injury or death.**

This subpart is being renamed for clarity.

7891.0110 Subp. 4. A. **Report of injury or death.**

This is the original language from this rule. It is being renumbered to subpart 4, item A.

7891.0110 Subp. 4. B. **Report of injury or death.**

This rule is being added to comply with HISA regulations for Thoroughbreds. Notification of death of a Thoroughbred horse must be submitted to HISA through their online portal within 24 hours.

7891.0110 Subp. 4. C. **Report of injury or death.**

This rule is being added in part to comply with HISA regulations for Thoroughbreds. Any Thoroughbred horse that sustains an injury requiring transportation by an ambulance must be reported to HISA within 24 hours. Other injuries not requiring transportation by an ambulance may be batched and submitted to HISA within one week.

7891.0110 Subp. 5. **Postmortem reports.**

This subpart is being renamed for clarity.

7891.0110 Subp. 5. A. **Postmortem reports.**

This rule is being added to comply with HISA regulations for Thoroughbreds. Initial and updated postmortem reports must be submitted to HISA within 72 hours of receipt.

7891.0110 Subp. 5. B. **Postmortem reports.**

This rule is being updated to correctly identify where postmortem reports for Thoroughbred horses and Quarter Horses will be documented. The correct location is The Jockey Club’s equine injury database.

7891.0110 Subp. 5. C. **Postmortem reports.**

This rule is being added as postmortem reports are provided to the trainer and trainer’s

veterinarian and reviewed by the Mortality Review committee.

7892.0105 MEDICAL TESTING FOR THOROUGHbred RACEHORSES.

This proposed rule clarifies that all medical testing for Thoroughbred racehorses is performed under HISA regulations and these rule series are incorporated by reference. It also includes the website where these rule series can be found.

7892.0110 OUT-OF-COMPETITION TESTING FOR QUARTER HORSE AND STANDARDbred RACEHORSES.

This rule is being renamed as it will only apply to Quarter Horse and Standardbred racehorses. Thoroughbreds will follow HISA regulations for out-of-competition testing.

7892.0120 TAKING OF SAMPLES FOR QUARTER HORSE AND STANDARDbred RACEHORSES.

This rule is being renamed as it will only apply to Quarter Horse and Standardbred racehorses. Thoroughbreds will follow HISA regulations for taking of samples.

7892.0130 TESTING FOR QUARTER HORSE AND STANDARDbred RACEHORSES.

This rule is being renamed as it will only apply to Quarter Horse and Standardbred racehorses. Thoroughbreds will follow HISA regulations for testing.

7892.0140 RECORDS FOR QUARTER HORSE AND STANDARDbred RACEHORSES.

This rule is being renamed as it will only apply to Quarter Horse and Standardbred racehorses. Thoroughbreds will follow HISA regulations for record keeping.

7892.0150 PURSES FOR QUARTER HORSE AND STANDARDbred RACEHORSES.

This rule is being renamed as it will only apply to Quarter Horse and Standardbred racehorses. Thoroughbreds will follow HISA regulations for purses.

7895.0300 Subp. 3A. Distribution of money.

This rule is being updated to clarify that purse earnings in any North American Quarter Horse race that is conducted outside of Minnesota on or after the first scheduled Minnesota Quarter Horse live race and on or before the last scheduled Minnesota Quarter Horse live race shall not count toward qualified earnings.

7897.0100 Subp. 15A. Removing a horse without permission.

This subpart is being split into breeds as Thoroughbreds and Quarter Horses have different requirements than Standardbreds regarding being removed from the grounds of the racetrack. Thoroughbred and Quarter Horse racehorses are not to be removed from the stable area of a licensed racetrack without written permission of the racing secretary or stewards.

7897.0100 Subp. 15B. Removing a horse without permission.

This subpart is being split into breeds as Standardbreds have different requirements than Thoroughbreds and Quarter Horses regarding being removed from the grounds of the racetrack. A Standardbred racehorse that is required to be on association grounds by 9:00am the day before they race must not be removed from the stable area of a licensed racetrack without written permission of the stewards.

7897.0100 Subp. 17B. 1. **Hypodermic equipment and injectable substances prohibited.**
The words “and/or” at the end of this item are being removed.

7897.0100 Subp. 17B. 2. **Hypodermic equipment and injectable substances prohibited.**
A “;” is being added to the end of this item to allow for another item to follow.

7897.0100 Subp. 17B. 3. **Hypodermic equipment and injectable substances prohibited.**
This proposed rule allows any person to have within a restricted area of a licensed racetrack, a disposable syringe intended for oral use where the tip of the syringe makes it incapable of attaching a needle.

7897.0100 Subp. 17B. 4. **Hypodermic equipment and injectable substances prohibited.**
This proposed rule allows any person to have within a restricted area of a licensed racetrack, a disposable syringe 60cc or greater designed and intended for topical use where the tip of the syringe makes it incapable of attaching a needle.

7897.0110 Subpart 1. **Drugs.**

This rule is being updated to allow the commission’s investigative staff, along with the stewards, to require any licensee who exhibits suspected impaired behavior to provide a blood, breath, saliva, or urine sample for analysis. A second specimen may also be required for confirmation or quantification to be analyzed at an independent laboratory selected by the commission. This is in addition to being subject to disciplinary action by the stewards and the commission.

The Racing Commission's statutory authority to adopt the rules is set forth in Minnesota Statutes section 240.03, 240.23 and 240.24.

Minnesota Statutes section 240.03 specifies Racing Commission power and duties which include regulating horse racing in Minnesota to ensure that it is conducted in the public interest and to take all necessary steps to ensure the integrity of racing in Minnesota.

Minnesota Statutes section 240.23 provides the racing commission statutory authority to adopt the rules, as follows:

The Commission has the authority, in addition to all other rulemaking authority granted elsewhere in this chapter to promulgate and adopt rules governing: a) the conduct of horse races held at licensed racetracks in Minnesota, including but not limited to the rules of racing, standards of entry, operation of claiming races, filing and handling of objections, carrying of weights, and declaration of official results, b) wire and wireless communications between the premises of a licensed racetrack and any place outside the premises, c) information on horse races which is sold on the premises of a licensed racetrack, d) liability insurance which it may require of all racetrack licensees, e) the auditing of the books and records of a licensee by an auditor employed or appointed by the Commission, f) emergency action plans maintained by licensed racetracks and their periodic review, g) safety, security, and sanitation of stabling facilities at licensed racetracks, h) entry fees and other funds received by a licensee in the course of conducting racing which the Commission determines must be placed in an escrow account, i) affirmative action in employment

and contracting by licensed racetracks, and j) procedures for the sampling and testing of any horse that is eligible to race in Minnesota for substances or practices that are prohibited by law or rule; and k) any other aspect of horse racing or pari-mutuel betting which in its opinion affects the integrity of racing or the public health, welfare, or safety.

Minnesota Statutes section 240.24 authorizes the Racing Commission to “make and enforce rules governing medication and medical testing for horses running at licensed racetracks.”

A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Thursday, January 30, 2025, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Minnesota Racing Commission hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Thursday, January 30, 2025. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, the Minnesota Racing Commission will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to affect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The Minnesota Racing Commission might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Minnesota Racing Commission follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules

affect you in any way, the Minnesota Racing Commission encourages you to participate in the rulemaking process.

Statement of Need and Reasonableness. The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rules after the end of the comment period. The Minnesota Racing Commission will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Adoption Procedure after a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules, and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

Order. I order that the rules be adopted without a hearing.



Date: 12/23/2024

Kyle Gustafson
Executive Director