

TEXAS RACING COMMISSION

Laws and Rules Governing Pari-Mutuel Racing in Texas

List of Replacement Pages Oct. 1, 2018

Important Disclaimer: The information presented here is offered as a convenience to the public and every effort has been made to ensure its accuracy. However, under state law, this does not constitute the official source for the Texas Racing Act or the Texas Racing Commission's rules. **The official source for the Commission's rules is the Texas Administrative Code, compiled and maintained by the [Texas Secretary of State's office \(www.sos.state.tx.us\)](http://www.sos.state.tx.us).**

The current rulebook of the Texas Racing Commission consists of the Rulebook dated MAY 2016 and the following:

- List of Replacement Pages dated 9/1/2016
 - List of Replacement Pages dated 11/7/2016
 - List of Replacement Pages dated 3/8/2017
 - List of Replacement Pages dated 5/3/2017
 - List of Replacement Pages dated 8/25/2017
 - List of Replacement Pages dated 10/1/2018
- Pp. 95-98 *Amendment* - Sec. 303.93. Quarter Horse Rules
- Pp. 117-118 Chapter Table of Contents update
- Pp. 127-128-B *Amendment* - Sec. 309.8. Racetrack License Fees
- Pp. 131-132-B *Amendment* - Sec. 309.13. Supplemental Fee
- Pp. 175-176 *Amendment* - Sec. 311.5 License Fees
- Pp. 179-184-B *Amendment* - Sec. 311.104 Trainers
- Pp. 211-212 *Amendment* - Sec. 313.168 Scale of Weights for Age
- Pp. 241-244 *Amendment* - Sec. 319.3. Medication Restricted
- Pp. 293-296-B *Amendment* - Sec. 321.320. Super Hi-Five

To maintain an updated rulebook, the above pages should be replaced. The Act, the Rules, and revisions are available on the agency's website at www.txrc.texas.gov or email info@txrc.texas.gov to request a copy. Notification of revisions may be received by providing an email address to info@txrc.texas.gov. Please type **Rulebook Updates** in the subject line.

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CHAPTER 303

notice of the decision and its contents. (Added eff. 3/28/89; amended eff. 12/1/96; amended eff. 2/4/97; amended eff. 1/1/99; (c) amended eff. 7/1/99; (b) amended, (d) added eff. 6/1/00; (c) amended eff. 9/1/00; (a),(c) amended eff. 7/22/02; (a),(b) amended eff. 1/1/03; (d) amended eff. 11/12/03; (c) amended eff. 1/10/08)

Sec. 303.93. Quarter Horse Rules.

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context indicates otherwise.

(1) AQHA--American Quarter Horse Association.

(2) ATB horse--a horse accredited by the TQHA as a Texas-bred quarter horse.

(3) ATB broodmare--a mare accredited by the TQHA as breeding stock for participation in the Texas Bred Incentive Program for quarter horses.

(4) ATB stallion--a stallion accredited by the TQHA as breeding stock for participation in the Texas Bred Incentive Program for quarter horses.

(5) Breeder--A person who is, at the time of conception, the owner of record of an ATB broodmare that foals an ATB horse.

(6) Owner--A person who is the owner of record of an ATB horse at the time of a race.

(7) Stallion Owner--A person who is, at the time of conception, the owner of record of an ATB stallion that sired an ATB horse.

(8) TQHA--Texas Quarter Horse Association.

(b) Eligibility for Accreditation.

(1) ATB Horses. A horse may be accredited as an ATB horse if the horse was foaled in Texas from an ATB broodmare that is permanently domiciled in Texas.

(2) ATB Broodmares.

(A) A mare may be accredited as an ATB broodmare if the mare is permanently domiciled in Texas, is registered with the AQHA or the Jockey Club, and is accredited by the TQHA as breeding stock.

(B) An application for accreditation must be on a form prescribed by TQHA and

include the applicable one-time payment as prescribed by TQHA. The deadline for filing an application for accreditation is June 30 of the year in which an ATB eligible foal is conceived. TQHA may accredit a broodmare for which the application for accreditation is filed after June 30 but no later than December 31 of the year in which an ATB eligible foal is conceived, provided the application includes payment of a late fee as established by TQHA. An application for accreditation is considered timely filed if it is placed in U.S. mail and is postmarked on or before the applicable deadline.

(C) TQHA may accredit a broodmare for which an application is filed after December 31 of the year in which an ATB eligible foal is conceived; however, the breeder of that foal is not eligible to receive breeder awards for that foal.

(D) A mare may leave Texas for racing purposes without losing its accreditation provided the mare returns to Texas each year before December 31 and remains in Texas until foaling. A mare may leave Texas for breeding or medical purposes without losing its accreditation provided the mare returns to Texas each year before August 15 and remains in Texas until foaling. All foals of an ATB broodmare are eligible to be accredited as ATB horses provided the mare is bred to an ATB stallion at least every other breeding. TQHA may require documentation regarding breeding activity to prove eligibility for accreditation.

(3) ATB Stallions.

(A) A stallion may be accredited as an ATB stallion if the stallion is permanently domiciled in Texas, is registered with the AQHA or the Jockey Club, and is accredited by the TQHA as breeding stock.

(B) An application for accreditation must be on a form prescribed by TQHA and include the applicable payment as prescribed by TQHA. The deadline for filing an application for accreditation is April 15 of the year in which an ATB eligible foal is conceived. TQHA may accredit a stallion for which the application for accreditation is filed after April 15 but no later than December 31 of the year in which

GENERAL PROVISIONS

an ATB eligible foal is conceived, provided the application includes payment of a late fee as established by TQHA. An application for accreditation is considered timely filed if it is placed in U.S. mail and is postmarked on or before the applicable deadline.

(C) A stallion may not be accredited for a particular foal unless all foals conceived in that year, other than foals conceived by a shipped semen process, were conceived in Texas. TQHA may require a report of mares bred to be submitted to verify eligibility for accreditation. A stallion may leave Texas for medical or racing purposes without losing its accreditation provided the stallion returns to Texas each year before January 1.

(c) Accreditation requirements for multiple foals.

(1) Subject to the other provisions of this subsection, multiple foals conceived in the same year by a single ATB broodmare are eligible for accreditation provided the mare was bred to an ATB stallion at least every other breeding and all other requirements for accreditation are satisfied.

(2) If the multiple foals are the result of a transferred embryo or oocyte process conceived in a single breeding, all foals sired by an ATB stallion are eligible for accreditation. If the foals were sired by a non-ATB stallion:

(A) only one of the foals sired by a non-ATB stallion may be accredited; and

(B) the owner of the ATB broodmare at the time of conception must select which foal is to be accredited, must notify the TQHA of the selection, and is considered the breeder for purposes of breeder awards.

(3) An ATB broodmare that produces multiple foals in a single year using the transferred embryo or oocyte process must submit to TQHA an Embryo/Oocyte Transfer Report. The report must be submitted on or before December 31 of the year of conception.

(d) Accreditation requirements for foals produced from frozen semen.

(1) A foal produced from frozen semen is eligible for accreditation provided all other requirements for accreditation are satisfied.

(2) A stallion for which frozen semen is to be used must have satisfied all requirements for accreditation and be permanently domiciled in Texas during the year of conception. For frozen semen to be used after a stallion's death, the stallion must, at the time of the stallion's death, have satisfied all requirements for accreditation and been permanently domiciled in Texas.

(3) In a single year, frozen semen may not be used in more than one jurisdiction.

(e) Organizational Structure.

(1) The TQHA shall maintain all ownership records for the Accredited Texas Bred Quarter Horse program. TQHA shall comply with all sections of the Act, including but not limited to the Act, §6.08 and §§9.01-9.04. TQHA shall comply with the rules promulgated by the Commission, including but not limited to §§303.81-303.85 of this title (relating to General Provisions.)

(2) The Board of Directors of TQHA shall have managerial control over the activities of the breed registry as to the operation and performance of the ATB program. The Board of Directors may delegate such authority to a committee. The Board of Directors shall establish budgeting and other procedures to ensure that the TQHA is in substantial compliance with the Act and the rules of the Commission and shall be subject to audit or inspection by the Commission. The Board of Directors shall reasonably interpret the definitions and standards of this section and decision by that body or its delegate shall be final.

(3) The TQHA shall develop a system of accounting for the ATB funds that accrue prior to payment. In no event may funds that are dedicated by law to the incentive awards program be used for any other purpose.

(4) Eligibility for ATB awards may not be conditioned upon membership in any organization.

(f) Procedure for the Payment of ATB

CHAPTER 303

Awards.

(1) The Commission shall forward monthly to the TQHA the total amount of Texas bred funds due to the TQHA pursuant to the Act and the rules of the Commission.

(2) Conditions for payment of ATB awards.

(A) Payment of ATB awards is conditional upon proper accreditation of horses and current ownership records as evidenced by TQHA and AQHA ownership records. In the event a horse owner, breeder or stallion owner is not listed on both registries, the payment of ATB awards may be withheld until such registration is completed in compliance with this section.

(B) Leased horses must have an AQHA lease form on file with the TQHA prior to receiving any ATB awards on that horse.

(C) A breeder is eligible to receive breeder awards for an ATB horse only if the ATB broodmare was accredited in accordance with (b) (2) (B) of this section. A stallion owner is eligible to receive stallion awards for an ATB horse only if the ATB stallion was accredited in accordance with (b) (3) (B) of this section and the owner paid the stallion participation fee established by TQHA for the year in which the ATB horse was conceived.

(D) Accreditation fees are refundable only in the event they were submitted on an ineligible horse or if they were duplicated.

(E) ATB horses that are registered as racing stock must be accredited also as either an ATB broodmare or ATB stallion to receive breeder or stallion awards from subsequent foals.

(3) Procedures for Payment of Awards. Any accredited Texas-bred quarter horse that finishes first, second, or third in a pari-mutuel horse race in Texas (except stakes race restricted to Texas-breds) shall be entitled to receive an incentive award, as herein set forth.

(A) Upon completion of a racing period not to exceed five racing days, all associations currently conducting quarter horse

racing shall forward to the TQHA offices via telecopy or other electronic means a copy of the official results from that period of racing. The official results shall include the date, race number, race conditions, name of each horse in the race, official order of finish, the owner of record, and purse earned from the purse account.

(B) TQHA will verify the ownership, registration, and eligibility of all horses that finish first, second, or third in a race at the association during the time period.

(C) The Act provides that the funds that are accrued to the awards fund will be paid 40% to owners, 40% to breeders, and 20% to stallion owners. Also, 1.0% of all multiple two and multiple three wagers are to be paid to the Texas-bred program and are to be paid as awards.

(D) TQHA shall maintain records of all ATB racing stock that earn awards. At the completion of a race meeting, TQHA will begin the process to generate awards checks for the owners, breeders, and stallion owners corresponding to those ATB racing stock by apportionment according to the percentages expressed in subparagraph (C) of this paragraph. The awards for each race shall be divided 50% to first place, 30% to second place, and 20% to third place. Upon receipt of the ATB funds from the commission for the race meeting, TQHA shall disburse the awards by U.S. mail. (Added eff. 3/28/89; amended eff. 12/1/96; amended eff. 6/15/97; amended eff. 1/1/99; (c) amended eff. 9/1/99; (c) amended eff. 9/7/03; amended eff. 11/12/03; (c) amended eff. 9/8/04; (b) amended eff. 8/3/06; (f) amended eff. 7/23/10; (b) amended eff. 3/7/18)

Sec. 303.94. Arabian Horse Rules.

The Commission adopts by reference the rules of the Texas Arabian Breeders Association dated March 25, 2006, regarding the administration of the Texas Bred Incentive Program for Arabian horses. Copies of these rules are available at the Texas Racing Commission, P.O. Box 12080, Austin, Texas 78711, or at the Commission office at 8505 Cross Park Dr., #110, Austin, Texas 78754-4594. (Added eff. 1/2/92; amended

GENERAL PROVISIONS

eff. 12/1/96; amended eff. 7/17/01; amended eff. 3/1/03; amended eff. 5/23/07)

Sec. 303.95. Races for Accredited Texas-Bred Horses.

The commission finds that, pursuant to the Texas Racing Act, Texas Civil Statutes, Article 179e, §9.03, on each race day, an association shall provide for the running of at least two races limited to accredited Texas-bred horses, one of which shall be restricted to maidens. An association may defer, with the approval of the executive secretary, the running of one or both of the two races required by this section for each race day, but the association must provide that the total number of accredited Texas-bred races conducted in a race meeting is equal to or greater than twice the total number of race dates in the race meeting. (Added eff. 3/7/91; (a), (b) amended eff. 1/2/92; amended eff. 2/22/96)

Sec. 303.96. Paint Horse Rules.

The commission adopts by reference the rules of the Texas Paint Horse Breeders Association dated September 17, 1996, regarding the administration of the Texas Bred Incentive Program for paint horses. Copies of these rules are available at the Texas Racing Commission, P.O. Box 12080, Austin, Texas 78711, or at the commission office at 8505 Cross Park Dr., #110, Austin, Texas 78754-4594. (Added eff. 2/4/97)

Sec. 303.97. Dually Registered Horses.

Dually registered horses that are eligible for Accredited Texas Bred Incentive program awards are not eligible for awards from more than one recognized breed registry per race. (Added eff. 7/12/12)

Sec. 303.99. Stakes and Other Prepayment Races-Breed Registries.

If an official breed registry sponsors or accepts payments for a stakes or other prepayment race, the breed registry shall follow the procedures set forth in §309.298 of this title (relating to Stakes and Other Prepayment Races.) (Added eff.

1/1/99, amended eff. 3/13/02)

Division 3. Programs for Greyhounds

Sec. 303.101. Greyhound Breed Registry.

(a) Designation. The Texas Greyhound Association is the official breed registry for greyhounds.

(b) Grant Program.

(1) Each calendar year, the Texas Greyhound Association shall use 2% of the funds it receives under the Act, §6.09(d) for a grant program.

(2) The grants must be awarded to an organization that is an exempt organization for purposes of federal income tax and that conducts programs for the rehabilitation or adoption of greyhounds who have completed their racing careers.

(3) The Texas Greyhound Association shall adopt criteria and procedures for the awarding of the grants. The criteria and procedures are subject to the approval of the executive secretary.

(4) Not later than March 1 of each year, the Texas Greyhound Association shall file with the commission a written report detailing the grants awarded under this subsection during the preceding calendar year. The Texas Greyhound Association shall appear before the commission at the request of the commission to report on its activities under this subsection. (Added eff. 3/28/89)

Sec. 303.102. Greyhound Rules.

(a) Registration as a Texas-Bred Greyhound.

(1) Eligibility Requirements for Owner/Lessee. The owner or lessee of the dam at the time of whelping must have been a resident of Texas for the three-year period preceding the date the litter was whelped. If the dam has multiple owners, each owner must meet the requirements in this subdivision.

(2) Eligibility Requirements. To be registered as a Texas-bred greyhound, a greyhound must have been whelped in Texas and remained domiciled in Texas for the first six months of life.

CHAPTER 309. RACETRACK LICENSES AND OPERATIONS

Subchapter A. Racetrack Licenses

Division 1. General Provisions

Sec. 309.1. Racetrack Licenses.....	121
Sec. 309.2. Criteria.....	121
Sec. 309.3. Racetrack License Application Procedure.....	122
Sec. 309.4. Information for Background Investigation.....	123
Sec. 309.5. Restrictions on Licensing.....	124
Sec. 309.6. Order for Security for Compliance.....	124
Sec. 309.7. Horse Racetrack Application Fees.....	126
Sec. 309.8. Racetrack License Fees.....	127
Sec. 309.9. Denial, Suspension and Revocation of Licenses.....	128
Sec. 309.10. Notice and Curative Right of Debt Holders.....	129
Sec. 309.11. Fees for Requests to Approve a Transfer of Pecuniary Interests.....	129
Sec. 309.12. Fees for Requests to Approve Change of Location.....	131
Sec. 309.13. Supplemental Fee.....	132

Division 2. Active and Inactive Racetrack Licenses

Sec. 309.51. Designation of Active and Inactive Racetrack Licenses.....	132
Sec. 309.52. Review and Renewal of Inactive Racetrack Licenses.....	133
Sec. 309.53. Ownership and Management Review of Active Racetrack Licenses.....	135

Subchapter B. Operation of Racetracks

Division 1. General Provisions

Sec. 309.101. Duty of Association.....	136
Sec. 309.102. Exemption or Deferred Compliance.....	136
Sec. 309.103. Construction and Renovation of Racetrack Facilities.....	137
Sec. 309.104. Compliance Inspections.....	138
Sec. 309.105. Reimbursement of Breeders' Cup Costs.....	138

Division 2. Facilities and Equipment

Sec. 309.111. Comfort and Safety.....	139
Sec. 309.112. Maintenance.....	139
Sec. 309.113. Accessibility by Disabled Persons.....	139
Sec. 309.114. Restrooms.....	139
Sec. 309.115. Refreshments.....	140
Sec. 309.116. Complaints.....	140
Sec. 309.117. First Aid.....	140
Sec. 309.118. Regulatory Office Space and Equipment.....	140
Sec. 309.120. Parking for Licensees.....	142
Sec. 309.122. External Communication.....	142
Sec. 309.123. Internal Communication System.....	142
Sec. 309.124. Public Address System.....	143
Sec. 309.125. Photofinish Equipment.....	143
Sec. 309.126. Video Recording Equipment.....	143
Sec. 309.127. Maintenance of Still Images and Video Recordings.....	144
Sec. 309.128. Lighting.....	144

Sec. 309.129. Automatic Banking Machines.....	144
Sec. 309.130. Attendance.....	145
Sec. 309.131. Breathalyzer Machine.	145
Sec. 309.132. Approval of Equipment.....	145

Division 3. Operations

Sec. 309.151. Change of Ownership, Board of Directors, or Management Committee... 145	145
Sec. 309.152. Records.....	147
Sec. 309.153. General Security.....	147
Sec. 309.154. Stable or Kennel Area.	147
Sec. 309.155. Stable/Kennel Area Visitors Pass.....	148
Sec. 309.156. Incident Reports and Accident Records.....	148
Sec. 309.157. Fire Prevention.	148
Sec. 309.158. Insect Control.	149
Sec. 309.159. Alcoholic Beverages.	149
Sec. 309.160. Vendors.	149
Sec. 309.162. Management, Totalisator Companies, and Concessionaires Contracts.	149
Sec. 309.163. Fingerprinting.....	150
Sec. 309.164. Accounting Practices.....	150
Sec. 309.165. Cooperation with Commission.....	150
Sec. 309.166. Race Information.....	150
Sec. 309.167. Organizational Chart.	150
Sec. 309.168. Hazardous Weather.....	150

Subchapter C. Horse Racetracks

Division 1. Racetracks

Sec. 309.201. Applicability.	151
Sec. 309.202. Track Length.....	151
Sec. 309.203. Track Width.	151
Sec. 309.204. Elevation and Surface of Track.....	151
Sec. 309.205. Drainage.	152
Sec. 309.206. Rails.....	152
Sec. 309.207. Maintenance of Track.....	152
Sec. 309.208. Gates.....	152
Sec. 309.209. Turf Access Path.....	152
Sec. 309.210. Lighting.	152
Sec. 309.211. Obstacles.	152
Sec. 309.212. Official's Stands.....	152
Sec. 309.213. Starting Gates.....	153
Sec. 309.214. Distance Markers.	153
Sec. 309.215. Survey.	153

Division 2. Facilities for Horses

Sec. 309.241. Barns.	153
Sec. 309.242. Receiving Barn.....	153
Sec. 309.243. Stalls.....	154
Sec. 309.244. Accommodations for Stakes Races.....	154
Sec. 309.245. Manure Removal.....	154

Sec. 309.246. Hay and Feed Storage.....	154
Sec. 309.247. Maintenance of Common Areas.....	154
Sec. 309.248. Pre-race Holding Area.....	154
Sec. 309.249. Paddock.....	154
Sec. 309.250. Test Barn.....	154
Sec. 309.253. Postmortem.....	155
Sec. 309.254. Equine Ambulance.....	155
Sec. 309.255. Chase Vehicle.....	156
Division 3. Facilities for Licensees	
Sec. 309.281. Jockeys.....	156
Sec. 309.282. Living Quarters for Licensees.....	156
Division 4. Operations	
Sec. 309.291. Racing Hours.....	156
Sec. 309.292. Number of Races.....	156
Sec. 309.293. Saddle Cloth.....	156
Sec. 309.294. Starting Crew.....	157
Sec. 309.295. Condition Book.....	157
Sec. 309.296. Official Program.....	157
Sec. 309.297. Purse Accounts.....	157
Sec. 309.298. Stakes and other Prepayment Races.....	158
Sec. 309.299. Horsemen's Representative.....	159
Subchapter D. Greyhound Racetracks	
Division 1. Facilities and Equipment	
Sec. 309.301. Applicability.....	160
Sec. 309.302. Track Specifications.....	160
Sec. 309.303. Track Surface.....	160
Sec. 309.304. Watering Equipment.....	161
Sec. 309.305. Starting Boxes.....	161
Sec. 309.306. Escapes.....	161
Sec. 309.307. Lures.....	161
Sec. 309.308. Video Monitoring System.....	161
Sec. 309.309. Lockout Kennel.....	161
Sec. 309.310. Walkway.....	162
Sec. 309.311. Kennel Compound.....	162
Sec. 309.312. Turnout Pens.....	162
Sec. 309.313. Kennel Buildings.....	162
Sec. 309.314. Sprint Path.....	163
Sec. 309.315. Test Area.....	163
Sec. 309.316. Emergency Care Facility.....	163
Sec. 309.317. Facilities and Equipment Maintenance Personnel.....	163
Division 2. Operations	
Sec. 309.351. Kennel Contracts.....	163
Sec. 309.352. Texas Preference.....	164
Sec. 309.353. Dismissal of Kennel.....	164

Sec. 309.354. Stakes Entry.....	164
Sec. 309.355. Grading System.....	164
Sec. 309.356. Draw and Post Position Assignment.....	166
Sec. 309.357. Schooling.....	166
Sec. 309.358. Racing Restricted.....	166
Sec. 309.359. Use of Lures in Training or Racing.....	166
Sec. 309.360. Marathons.....	166
Sec. 309.361. Greyhound Purse Account and Kennel Account.....	166
Sec. 309.362. Number of Greyhounds.....	167
Sec. 309.363. Official Program.....	167
Sec. 309.364. Identification System.....	168
Sec. 309.365. Breakage.....	168

CHAPTER 309

and unappealable.

(2) The amount to be deposited for the processing charge for a horse racetrack license application is:

- (A) for a Class 1 racetrack, \$150,000;
- (B) for a Class 2 racetrack, \$75,000;
- (C) for a Class 3 racetrack, \$25,000; and
- (D) for a Class 4 racetrack, \$10,000.

(3) The amount to be deposited for the investigation charge for a horse racetrack license application is:

- (A) for a Class 1 racetrack, \$25,000;
- (B) for a Class 2 racetrack, \$15,000;
- (C) for a Class 3 racetrack, \$1,500; and
- (D) for a Class 4 racetrack, \$1,000.

(4) The amount to be deposited for the hearing charge for a horse racetrack license application is:

- (A) for a Class 1 racetrack, \$15,000;
- (B) for a Class 2 racetrack, \$8,000;
- (C) for a Class 3 racetrack, \$1,500; and
- (D) for a Class 4 racetrack, \$1,000.

(5) The amount to be deposited for the processing charge for a greyhound racetrack license application is \$150,000.

(6) The amount to be deposited for the investigation charge for a greyhound racetrack license application is \$25,000.

(7) The amount to be deposited for the hearing charge for a greyhound racetrack license application is \$15,000. (Added eff. 10/21/99; (b) amended eff. 1/8/04; (b) amended eff. 12/7/08)

Sec. 309.8. Racetrack License Fees.

(a) Purpose of Fees. An association shall pay a license fee to the Commission to pay the Commission's costs to administer and enforce the Act, and to regulate, oversee, and license live and simulcast racing at racetracks.

(b) Fees for The Period From September 1, 2018, Through February 28, 2019.

(1) Base License Fee. A licensed racing association shall pay a license fee in the following annualized amount:

- (A) for a Class 1 racetrack, \$714,650;

- (B) for a Class 2 racetrack, \$127,600;

- (C) for a Class 3 or 4 racetrack, \$35,725; and

- (D) for a Greyhound racetrack, \$204,175.

(2) Adjustment of Fees. Annualized fees are calculated using a base of 68 days of live horse racing and 36 performances of live greyhound racing per fiscal year. To cover the additional regulatory cost in the event additional days or performances are requested by the associations the executive secretary may:

- (A) recalculate a horse racetrack's annualized fee by adding \$6,313 for each live day added beyond the base;

- (B) recalculate a greyhound racetrack's annualized fee by adding \$750 for each live performance added beyond the base; and

- (C) review the original or amended race date request submitted by each association to establish race date baselines for specific associations if needed.

(3) Payment of Fee. Each association shall pay its license fee by remitting to the Commission 1/12 of its annualized fee on the first business day of each month.

(c) Unless the Commission Amends These Provisions, Fees for The Period Beginning March 1, 2019:

(1) Base License Fee. A licensed racing association shall pay a license fee in the following annualized amount:

- (A) for a Class 1 racetrack, \$540,000;

- (B) for a Class 2 racetrack, \$230,000;

- (C) for a Class 3 or 4 racetrack, \$70,000; and

- (D) for a Greyhound racetrack, \$360,000.

(2) Adjustment of Fees. Annualized fees are calculated using a base of 83 days of live horse racing and 270 performances of live greyhound racing per fiscal year. To cover the additional regulatory cost in the event additional days or performances are requested by the associations the executive secretary may:

RACETRACK LICENSES AND OPERATIONS

(A) recalculate a horse racetrack's annualized fee by adding \$3,750 for each live day added beyond the base;

(B) recalculate a greyhound racetrack's annualized fee by adding \$750 for each live performance added beyond the base; and

(C) review the original or amended race date request submitted by each association to establish race date baselines for specific associations if needed.

(3) Payment of Fee.

(A) For the period from March 1 through August 31, 2019:

(i) On the first business day of the month, an association that is conducting live racing or simulcasting shall pay its license fee by remitting to the Commission 1/12 of the fee specified in Section 309.8(c)(1), as adjusted pursuant to Section 309.8(c)(2).

(ii) On the first business day of the fiscal quarter, an association that is not conducting live racing or simulcasting shall pay its license fee by remitting to the Commission 1/4 of the fee specified in Section 309.8(c)(1).

(B) For the period beginning September 1, 2019:

(i) An association that is conducting live racing or simulcasting shall pay its license fee by remitting to the Commission 1/12 of the total fee on the first business day of each month.

(ii) An association that is not conducting live racing or simulcasting shall pay its license fee in four equal installments on September 1, December 1, March 1, and June 1 of each fiscal year.

(d) If the executive secretary determines that the total revenue from the fees exceeds the amount needed to pay those costs, the executive secretary may order a moratorium on all or part of the license fees remitted monthly by any or all of the associations. Before entering a moratorium order, the executive secretary shall develop a formula for providing the moratorium in an equitable manner

among the associations. In developing the formula, the executive secretary shall consider the amount of excess revenue received by the Commission, the source of the revenue, the Commission's costs associated with regulating each association, the Commission's projected receipts for the next fiscal year, and the Commission's projected expenses during the next fiscal year. (Added eff. 10/21/99; (b),(d) amended eff. 2/20/00; (b) amended eff. 1/1/03; (b) amended eff. 1/1/03; (d) amended and (f) added eff. 5/10/04; (c),(d) amended eff. 9/28/05; amended eff. 3/25/07; amended eff. 7/14/09; amended eff. 1/1/12; (a), (b) amended eff. 9/28/14; (a), (b) amended eff. 3/13/16; amended eff. 3/5/18; amended eff. 9/3/18)

Sec. 309.9. Denial, Suspension and Revocation of Licenses.

(a) Applicability.

(1) After notice and hearing in accordance with Subchapter B, Chapter 307 of this title (relating to Contested Cases), the Commission may deny, suspend, or revoke a license issued by the Commission.

(2) If the licensee is not an individual, the grounds for denial, suspension, or revocation of a license apply if a director, officer, or partner of the licensee or an individual who owns an interest in the licensee of 5.0% or more engages in conduct for which a license may be denied, suspended, or revoked.

(b) Grounds for Denying, Suspending, and Revoking Licenses.

(1) Violations or Convictions. A license may be denied, suspended or revoked if it is determined that the licensee has:

(A) violated or caused to be violated the Act or a Rule;

(B) been convicted in a court of competent jurisdiction of violating the Act or a Rule;

(C) been convicted of a felony;

(D) been convicted of a crime of moral turpitude that is reasonably related to the licensee's fitness to hold a license in accordance with § 303.202 of this title (relating to Guidelines);

CHAPTER 309

(E) aided, abetted, or conspired with another person to violate the Act or a Rule; or

(F) the licensee had a license issued by another pari-mutuel racing jurisdiction denied, revoked or is currently under suspension in another pari-mutuel racing jurisdiction.

(2) Failure to Disclose. A license may be denied, suspended or revoked if it is determined that the licensee:

(A) failed to provide information required in the license application;

(B) provided false information in the license application;

(C) failed to disclose an ownership interest in a horse or greyhound as required by the Rules; or

(D) failed to fully disclose the true owners of all interests, beneficial or otherwise, in a proposed racetrack facility.

(3) Domicile. A license may be denied, suspended or revoked if it is determined that the licensee is domiciled with an individual for whom a license issued by the Commission was denied, suspended or revoked during the preceding 12-month period.

(4) Debt or Liens.

(A) A license may be denied, suspended or revoked if it is determined that the licensee owes a fee to the state or a penalty imposed under the Act or the Rules.

(B) A license may be denied, suspended or revoked if it is determined that:

(i) the licensee has failed to timely pay any tax assessment, the payment of which is secured by any lien or encumbrance against the racetrack site; or

(ii) a notice has been posted of the public sale of any portion of the racetrack site or the holder of any lien or security interest on any

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RACETRACK LICENSES AND OPERATIONS

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CHAPTER 309

license request is \$1,000.

(4) The fees for a request for Commission approval to approve a transfer of pecuniary interests of more than 1.0% and less than 5.0% in a racetrack license and that does not effect a change in the controlling interest of that license are as follows:

(A) The amount to be deposited for the processing charge for a horse racetrack request is:

- (i) for a Class 1 racetrack, \$100;
- (ii) for a Class 2 racetrack, \$100;
- (iii) for a Class 3 racetrack, \$50;

and

(iv) for a Class 4 racetrack, \$25.

(B) For each proposed transfer of pecuniary interests of more than 1.0% and less than 5.0%, the amount to be deposited for the investigation charge for a horse racetrack request is:

- (i) for a Class 1 racetrack, \$500;
- (ii) for a Class 2 racetrack, \$250;
- (iii) for a Class 3 racetrack, \$125;

and

(iv) for a Class 4 racetrack, \$50.

(C) The amount to be deposited for the processing charge for a greyhound racetrack request is \$100.

(D) The amount to be deposited for the investigation charge for a greyhound racetrack request is \$500.

(5) The fees for a request for Commission approval to approve a transfer of pecuniary interests of 1.0% or less in a racetrack license and that does not effect a change in the controlling interest of that license are as follows:

(A) The amount to be deposited for the processing charge for a horse racetrack request is \$25.

(B) For each proposed transfer of pecuniary interests of 1.0% or less, the amount to be deposited for the investigation charge for a horse racetrack request is \$50.

(C) The amount to be deposited for the processing charge for a greyhound racetrack

request is \$25.

(D) The amount to be deposited for the investigation charge for a greyhound racetrack request is \$50. (Added eff. 7/14/09)

Sec. 309.12. Fees for Requests to Approve Change of Location.

(a) General Provisions. A license holder who requests Commission approval to change the location of a racetrack license must submit with the request a fee in an amount set by the Commission.

(b) Fees.

(1) The request fee is composed of a variable processing charge. The processing charge is the amount needed by the Commission to cover the administrative costs of processing the request. A license holder must pay all charges contemporaneously with filing the request. The Commission will take no action on a request under this section unless the requestor submits the total amount of the request fee with the request. The Commission shall hold the request fee in the state treasury in a suspense account. The Commission may transfer the processing funds due to the Commission to the Texas Racing Commission Fund as costs are incurred. If the actual cost to the Commission of processing the request exceeds the amount deposited for the applicable charge, the requestor shall pay the remaining amount not later than 10 business days after receipt of a bill from the Commission. If the costs of processing the request are less than the amount of the charge, the Commission shall refund the excess not later than 10 business days after the Commission's decision on the request becomes final.

(2) The fees for a request for Commission approval to change the location of a racetrack license are as follows:

(A) The amount to be deposited for the processing charge for a horse racetrack request is:

- (i) for a Class 1 racetrack, \$100,000;
- (ii) for a Class 2 racetrack, \$50,000;

RACETRACK LICENSES AND OPERATIONS

(iii) for a Class 3 racetrack,
\$15,000; and
(iv) for a Class 4 racetrack, \$7,500.

(B) The amount to be deposited for the processing charge for a greyhound racetrack request is \$100,000. (Added eff. 7/14/09)

Sec. 309.13. Supplemental Fee.

(a) Purpose of Fee. The fee in this section is necessary to pay the Commission's costs to procure an independent audit of the economy, efficiency and effectiveness of its operations, as requested by the racing industry, and the fees collected under this section shall only be used for this purpose.

(b) Amount of Fee. In addition to the license fees prescribed by §309.8, Racetrack License Fees, a licensed racing association shall pay a supplemental license fee to the Commission in an amount that equals the total cost of the audit, not to exceed \$200,000, divided by the number of racing associations in good standing in Texas.

(c) The supplemental fee shall be due 15 days after the Commission sends an invoice to the association.

(d) Refunds. In the event that the total amount the Commission collects under this section exceeds its actual costs, any amount remaining shall be refunded to paying associations in equal shares not later than 60 days after the date the Commission's final payment for the audit is due. (Added eff. 3/6/18)

Division 2. Active and Inactive Racetrack Licenses

Sec. 309.51. Designation of Active and Inactive Racetrack Licenses.

(a) Initial Designation. The Commission shall designate a racetrack license as either active or inactive as those terms are defined in subsection (b) of this section. The Commission shall make the initial designation for each racetrack license not later than September 1, 2012.

(b) Definitions.

(1) "Active-Operating" means the license holder conducted live racing events at the racetrack during the previous State Fiscal Year and has been granted future live race dates.

(2) "Active-Other" means the license holder has applied for and received pending live race dates under §303.41 of this title (relating to Allocation of Race Dates), and taken the following actions to demonstrate good faith efforts to conduct live racing:

(A) is presently conducting pre-opening simulcasting;

(B) has demonstrated that the conduct of simulcast or live racing is imminent. Factors the Commission may consider include, but are not limited to, the license holder's:

(i) securing sufficient financial commitments to fund construction of the racetrack facility;

(ii) securing the real property of the designated racetrack location for which the racetrack license was granted, either by purchase or through a long-term lease of 20 years or more;

(iii) entering into contracts for the construction of the simulcasting and racetrack facilities;

(iv) securing Commission approval of the racing facility's construction plans;

(v) securing permits and utilities necessary for the construction of the racing facilities;

(vi) beginning and sustaining construction of the simulcasting or live racing facilities; and

(vii) providing to the Commission a construction and operations management schedule demonstrating that simulcasting is imminent and that the facilities will be ready to conduct live racing by the beginning of the approved live race dates; or

(C) voluntarily providing a bond under subsection (e) of this section to ensure that the license holder conducts pre-opening simulcasting

CHAPTER 309

and completes the pending allocated live race dates.

(3) “Inactive” means the license holder does not meet the requirements for the racetrack license to be designated as Active-Operating or Active-Other.

(c) Subsequent Designation. After the initial racetrack designation is made under subsection (a) of this section, the Commission may change the designation of the racetrack license at any time if the facts that supported the current designation change.

(d) Racetrack Reviews.

(1) Racetracks designated “Active-Operating” or “Active-Other” will undergo an ownership and management review every five years pursuant to §6.06(k) of the Act.

(2) Racetracks designated “Inactive” will undergo an annual review described by §309.52 of this chapter (relating to Review and Renewal of Inactive Racetrack Licenses).

(e) Bonds.

(1) To be designated as Active-Other under subsection (b)(2)(C) of this section, a license holder shall submit a bond by September 1 of the State Fiscal Year for which it is offered.

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RACETRACK LICENSES AND OPERATIONS

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CHAPTER 311

or Chapter 315 of this Title (relating to Officials and Rules for Greyhound Racing).

(15) Security Officer--A person employed to provide security for the racetrack grounds.

(16) Test Technician--A person employed to collect blood and urine samples and provide other services in the test barn or testing area.

(17) Test Barn Escort--A person employed to lead horses from the finish line to the test barn for post race testing.

(18) Valet--A person employed to assist jockeys with their tack and silks in the jockeys' rooms.

(d) The fee for an occupational license is as follows:

Type of License.....	1 Year Fee...	2 Year Fee...	3 Year Fee
Adoption Program Personnel	\$ 0		
Announcer	\$ 35		
Apprentice Jockey	\$ 75		
Assistant Farrier/Plater/Blacksmith	\$ 25		
Assistant Starter	\$ 25		
Assistant Trainer	\$ 100		
Assistant Trainer/Owner	\$ 100		
Association Assistant Management	\$ 50		
Association Management Personnel ...	\$ 75		
Association Officer/Director	\$ 100		
Association Other	\$ 75		
Association Staff	\$ 35		
Association Veterinarian	\$ 75		
Authorized Agent	\$ 15		
Chaplain	\$ 0		
Chaplain Assistant	\$ 0		
Equine Dental Provider	\$100		
Exercise Rider	\$ 25		
Farrier/Plater/Blacksmith	\$ 75		
Groom/Hot Walker	\$ 25		
Jockey	\$ 100	\$ 200	\$ 300
Jockey Agent	\$ 100		
Kennel	\$ 75		
Kennel Helper	\$ 25		
Kennel Owner	\$ 100	\$ 200	\$ 300
Kennel Owner/Owner	\$ 100	\$ 200	\$ 300
Kennel Owner/Owner-Trainer	\$ 100	\$ 200	\$ 300
Kennel Owner/Trainer	\$ 100	\$ 200	\$ 300
Lead-Out	\$ 25		
Maintenance	\$ 35		
Medical Staff	\$ 35		
Miscellaneous	\$ 25		
Multiple Owner	\$ 35	\$ 70	\$ 105
Mutuel Clerk	\$ 35		
Mutuel Other	\$ 35		
Owner	\$ 100	\$ 200	\$ 300
Owner-Trainer	\$ 100	\$ 200	\$ 300

Pony Person	\$ 25		
Racing Industry Representative	\$ 100		
Racing Industry Staff	\$ 30		
Racing Official	\$ 50		
Security Officer	\$ 30		
Stable Foreman	\$ 50		
Tattooer	\$ 100		
Test Technician	\$ 0		
Trainer	\$ 100	\$ 200	\$ 300
Training Facility Employee	\$ 30		
Training Facility General Manager	\$ 50		
Valet	\$ 25		
Vendor Concessionaire	\$ 100		
Vendor/Concessionaire Employee	\$ 30		
Vendor/Totalisator	\$ 500		
Vendor/Totalisator Employee	\$ 50		
Veterinarian	\$ 100	\$ 200	\$ 300
Veterinarian Assistant	\$ 30		

(Added eff. 10/21/99; (b) amended eff. 6/1/01(c) amended eff. 5/10/04; (b) amended eff. 9/8/04; amended eff. 8/1/09; (c) amended eff. 3/6/12; (d) amended eff. 1/10/13; (d) amended eff. 7/11/13; (d) amended eff. 9/4/18).

Sec. 311.6. Denial, Suspension and Revocation of Licenses.

(a) Applicability.

(1) After notice and hearing in accordance with Chapter 307 of this title (relating to Proceedings before the Commission), the Commission, stewards, or racing judges may deny, suspend, or revoke a license issued by the Commission.

(2) If the licensee is not an individual, the grounds for denial, suspension, or revocation of a license apply if a director, officer, or partner of the licensee or an individual who owns an interest in the licensee of 5.0% or more engages in the conduct for which a license may be denied, suspended, or revoked.

(3) Unless specifically ordered otherwise, if the Commission, stewards, or racing judges suspend one occupational license held by an individual, all occupational licenses held by that individual are considered suspended for the term of the suspension.

(b) Grounds for Denial, Suspension, and Revocation of Licenses.

(1) Violations or Convictions. A license may be denied, suspended or revoked if it is determined that the licensee has:

OTHER LICENSES

(A) violated or caused to be violated the Act or a Rule;

(B) been convicted in a court of competent jurisdiction of violating the Act or a Rule;

(C) been convicted of a felony;

(D) been convicted of a crime of moral turpitude that is reasonably related to the licensee's fitness to hold a license in accordance with §303.202 of this title (relating to Guidelines);

(E) aided, abetted, or conspired with another person to violate the Act or a Rule; or

(F) had a license issued by another pari-mutuel racing jurisdiction revoked or is currently under suspension in another pari-mutuel racing jurisdiction after notice and an opportunity to be heard.

(2) Failure to Disclose. A license may be denied, suspended or revoked if it is determined that the licensee:

(A) failed to provide information required in the license application;

(B) provided false information in the license application;

(C) failed to disclose an ownership interest in a horse or greyhound as required by the Rules; or

(D) failed to fully disclose the true owners of all interests, beneficial or otherwise, in a proposed racetrack facility.

(3) Domicile. A license may be denied, suspended, or revoked if it is determined that the licensee is domiciled with an individual for whom a license issued by the Commission was denied, suspended, or revoked during the preceding 12-month period.

(4) Ejection. A license may be denied, suspended, or revoked if it is determined that the licensee has engaged in conduct for which the licensee may be ejected or excluded from a racetrack under the Rules.

(5) Detrimental Practices. A license may be denied, suspended, or revoked if it is determined that the licensee is engaged in

activities or practices that are detrimental to the best interests of the public, racing animals, or to the racing industry. (Added eff. 10/21/99; (a),(b) amended eff. 1/8/04; (b) amended eff. 5/30/13)

Sec. 311.7. Renewal of Licenses.

(a) Application. To renew an occupational license issued under this chapter, a licensee must:

(1) apply to the Commission on a form prescribed by the executive secretary; and

(2) pay the appropriate license fee.

(b) Terms of License. A license renewed under this subchapter has the same terms and is subject to the same conditions as the original license. (Added eff. 10/21/99; (a) amended eff. 1/8/04)

Sec. 311.8. Correction of Incorrect Information.

(a) Pursuant to Government Code, Chapter 559, an individual about whom the Commission collects information is entitled to review that information in accordance with Government Code, Chapter 552.

(b) If after reviewing the information the individual believes the Commission has collected incorrect information, the individual may file with the executive secretary a request to correct the information. The request must:

(1) be in writing;

(2) specify the information that is incorrect; and

(3) provide reasonable proof of the corrected information.

(c) If the executive secretary determines the Commission has collected incorrect information about the individual, the executive secretary shall correct the information. (Added eff. 1/1/02)

Division 2. Other Licenses

Sec. 311.52. Spouse's License.

The spouse of a licensed owner may apply for a Spouse's License by completing the license application, a fingerprint card, and paying the license fee. The Spouse's License does not allow

CHAPTER 311

may not be licensed as an owner if the person is not the owner of record of a properly registered greyhound that the person intends to race in Texas. The owner must be licensed one hour prior to the post time of the first race of the day in which the owner intends to race the animal.

(2) If the owner is not an individual, each individual who is a director, officer, or partner of the owner or who has an ownership interest in the greyhound of 5.0% or more must be licensed by the Commission.

(3) If the owner is not an individual, the owner must provide to the Commission:

(A) a sworn statement by the chief executive officer of the owner or by one of the partners of the owner that the officer or partner represents the owner and is responsible for the greyhound;

(B) a statement that the owner is authorized by law to do business in Texas; and

(C) a list of the names and addresses of all individuals having an ownership interest in the greyhound.

(4) If the owner is not an individual, the ownership entity must:

(A) designate a representative; or

(B) file an authorized agent form with the Commission and pay the prescribed fee.

(5) If the registered owner of a greyhound is a minor, a financial responsibility form approved by the executive secretary must be signed by the parent or guardian of the owner assuming financial responsibility for the debts incurred for the training and racing of the greyhound.

(b) Change of Ownership.

(1) If the owner of an interest in a greyhound housed on an association's grounds transfers that interest to another person, both parties to the transaction shall give written notice of the transfer to the racing judges officiating for that association. Notice under this section must be submitted to the appropriate officials not later than 24 hours after the agreement to transfer the interest is made.

(2) A licensee of the Commission may not transfer an ownership interest in a greyhound to avoid disqualification of the greyhound.

(c) Emergency License.

(1) If an owner is unable to complete an application for an owner's license because of absence or illness, the licensed trainer desiring to enter a greyhound in a race may apply for an emergency owner's license on behalf of the absent owner.

(2) The trainer applying for an emergency owner's license on behalf of an absent owner must submit a written statement with the license application specifying the reasons the owner is unable to complete the application.

(3) The trainer applying for an emergency owner's license must submit at least the following information: the owner's full name, home or business address, and telephone number. At the time of application, the appropriate licensing fee must be paid to the Commission. Failure to provide all of the foregoing information is grounds for denial of an emergency owner's license.

(4) If an owner submits an incomplete application for an owner's license, the application will remain in pending status until:

(A) the owner submits any additional information required to process the application;

(B) the application expires in accordance with the term of the applied-for license; or

(C) a greyhound is entered in the owner's name or in the name of a multiple owner of which the owner is a member, in which case the pending license will be presumed to be a request for an emergency license.

(5) A license issued under this section expires on the 21st day after the date the emergency owner's license is issued. An owner may obtain only one emergency license per year. An emergency license cannot be issued if the owner failed to complete the prior licensing process.

(d) Restrictions on Racing. An owner may

OTHER LICENSES

not enter a greyhound or cause a greyhound to be entered in a race at a racetrack if:

(1) the owner knows or can reasonably be expected to know that the greyhound was trained using a live or dead animal or fowl as a lure in this state or out of this state. This paragraph does not apply to the use of a training lure that is made from cured animal hides or pelts and is commercially available to the public;

(2) the owner or trainer is employed by the racetrack association in a management or supervisory position that is capable of affecting the conduct of races or pari-mutuel wagering at the racetrack; or

(3) the owner or trainer is involved in any way with the sale or publication of tip sheets on association grounds. (Added eff. 10/21/99; (a),(c) amended eff. 1/8/04; (a),(c) amended eff. 3/20/08; (c) amended eff. 3/1/13; (d) amended eff. 5/30/13, (c) amended eff. 10/19/15)

Sec. 311.103. Kennel Owners.

(a) Designation of Representative. If a kennel owner is not the trainer of the greyhounds in the kennel, the kennel owner must:

(1) designate a trainer to be responsible for greyhounds; and

(2) shall notify the racing judges of the designation.

(b) Kennel Employees.

(1) A kennel owner shall identify to the Commission licensing office all individuals employed by the kennel to work on association grounds. No later than 24 hours after a change in personnel occurs, the kennel owner shall notify the Commission licensing office of the change.

(2) An individual who is licensed to work for a kennel owner is not permitted in the kennel area on association grounds unless the licensee is employed by and doing work for a kennel owner on the association grounds. An individual in the kennel area who is not in the employ of and doing work for a kennel owner may be ejected from the kennel area.

(c) Owner Suspended. A kennel owner may not retain a greyhound in the kennel owner's care

and custody if the Commission has suspended or revoked the license of the owner of the greyhound.

(d) Use of Texas-Bred Greyhounds.

(1) Except as otherwise provided by this section, a kennel owner shall ensure that at least 20% of the greyhounds on the active list of the kennel are accredited Texas-bred greyhounds.

(2) During the first two years in which a kennel is under contract with an association, the kennel owner shall ensure that the following percentage of the greyhounds on the active list are accredited Texas-bred greyhounds:

(A) for the first year, 5.0%; and

(B) for the second year, 10%.

(3) The racing secretary of an association shall maintain the records necessary to enforce this section. If the racing secretary determines that a kennel owner is in violation of this section, the racing secretary shall notify the racing judges. The racing judges may take disciplinary action against the kennel owner, including requiring the kennel owner to take the necessary action to achieve the appropriate percentages

(e) Restrictions on Placement in Kennels. A person who owns an interest in a kennel booked at one Texas racetrack may not:

(1) own an interest in another kennel booked at that racetrack;

(2) be residentially domiciled with a person who owns an interest in another kennel booked at that racetrack; or

(3) own an interest in a greyhound that is racing out of another kennel booked at that racetrack.

(f) Breeding farm inspection reports. Upon request of the executive secretary, a kennel owner shall provide a copy of the report of the most recent inspection conducted by the National Greyhound Association for the breeding farm from which each greyhound was whelped. (Added eff. 10/21/99; (d) amended eff. 4/1/01; (e) amended eff. 1/1/02; (f) added 3/13/02; (e) amended eff. 5/6/12)

Sec. 311.104. Trainers.

(a) Licensing.

CHAPTER 311

(1) A trainer may enter a horse or greyhound in a race without first obtaining a license, but must obtain a license one hour prior to the post time of the first race of the day in which the trainer intends to race the horse or greyhound. Except as otherwise provided by this section, to be licensed by the Commission as a trainer, a person must:

(A) be at least 18 years old;

(B) submit a minimum of two written statements from licensed trainers, veterinarians, owners, or kennel owners, attesting to the applicant's character and qualifications;

(C) interview with the board of stewards or judges;

(D) satisfactorily complete a written examination prescribed by the Commission; and

(E) satisfactorily complete a practical examination prescribed by the Commission and administered by the stewards or racing judges or designee of the stewards or racing judges.

(2) Examinations.

(A) A \$50 non-refundable testing fee is assessed for administering the written and practical examinations. The fee is due and payable at the time the written examination is scheduled. If the applicant fails the written or practical examination, the applicant will be allowed to retake it once without an additional fee. The applicant must pay a \$50.00 non-refundable testing fee to schedule an examination after each retest. A minimum of 48 hours advance notice is required to reschedule an examination appointment without loss of the testing fee. An applicant who fails to timely reschedule an examination appointment must pay a new testing fee to reschedule the appointment. A steward or judge may waive the additional fee if, in the opinion of the steward or judge, the applicant shows good cause for the failure to timely reschedule an examination appointment.

(B) The standard for passing the written examination must be printed on the examination. An applicant who fails the written examination may not take the written examination again before

the 90th day after the applicant failed the written examination. An applicant who fails the written examination for a second or any subsequent time may not reschedule the written examination for 180 calendar days after the last failure and the applicant must pay an additional \$50 non-refundable testing fee. After successful completion of the written exam an applicant has 365 calendar days to successfully complete the practical exam.

(C) An applicant who fails the practical examination may not reschedule the practical examination again before the 180th day after the applicant failed the practical examination. An applicant who fails the practical examination for a second time may not reschedule another practical examination for 365 calendar days after the day the applicant failed the second practical examination and the applicant must pay an additional \$50 non-refundable testing fee.

(D) The Commission may waive the requirement of a written and/or practical examination for a person who has a current license issued by another pari-mutuel racing jurisdiction. If a person for whom the examination requirement was waived demonstrates an inability to adequately perform the duties of a trainer, through excessive injuries, rulings, or other behavior, the stewards or racing judges may require the person to take the written and/or practical examination. If such a person fails the examination, the stewards or racing judges shall suspend the person's license for 90 days with reinstatement contingent upon passing the written and/or practical examination.

(3) A trainer must use the trainer's legal name to be licensed as a trainer. A trainer who is also an owner may use a stable name or kennel name in the capacity of owner.

(4) To be licensed as an assistant trainer, a person must qualify in all respects for a trainer's license and be in the employ of a licensed trainer. An assistant trainer's license carries all the privileges and responsibilities of a trainer's license.

(b) Absolute Insurer.

OTHER LICENSES

(1) A trainer shall ensure the health and safety of each horse or greyhound that is in the care and custody of the trainer.

(2) A trainer shall ensure that a horse or greyhound that runs a race while in the care and custody of the trainer or kennel owner is free from all prohibited drugs, chemicals, or other substances.

(3) A trainer who allows a horse or greyhound to be brought to the paddock or lockout kennel warrants that the horse or greyhound:

(A) is qualified for the race;

(B) is ready to run;

(C) is in a physical condition to exert its best efforts; and

(D) is entered with the intent to win.

(c) Health Reports.

(1) A trainer shall immediately notify the Commission veterinarian or designee of unusual symptoms in a horse or greyhound that is in the trainer's care and custody.

(2) Not later than one hour after finding a dead horse or greyhound on association grounds, a trainer shall notify the stewards or racing judges and the Commission veterinarian, or their designee, of the death. In the absence of regulatory personnel, the trainer shall notify security personnel on the association grounds.

(d) Owner Suspended. A trainer may not retain a horse or greyhound in the trainer's care and custody if the Commission has suspended or revoked the license of the owner of the horse or greyhound.

(e) An individual who is licensed to work for a trainer is not permitted in the stable or kennel area on association grounds unless the licensee is employed by and doing work for a trainer on the association grounds. An individual in the stable or kennel area on association grounds who is not in the employ of and doing work for a trainer may be ejected from the stable or kennel area on the association grounds.

(f) Restrictions on Racing. A trainer may not enter a race animal or cause a race animal to be

entered in a race at a racetrack if:

(1) the trainer knows or can reasonably be expected to know that the greyhound was trained using a live or dead animal or fowl as a lure in this state or out of this state. This paragraph does not apply to the use of a training lure that is made from cured animal hides or pelts and is commercially available to the public;

(2) the owner or trainer is employed by the racetrack association in a management or supervisory position that is capable of affecting the conduct of races or pari-mutuel wagering at the racetrack; or

(3) the owner or trainer is involved in any way with the sale or publication of tip sheets on association grounds.

Trainer Employees.

(1) A horse trainer shall provide a list to the Commission of all of the trainer's employees on association grounds during the period of continuous security service under §309.154(a) (1) (relating to Stable or Kennel Area.) The list shall include each employee's name, occupation and occupational license number. The trainer shall notify the Commission in writing within 72 hours of initiating or learning of any change.

(2) A trainer may not sign an application as the employer of a licensee that the trainer does not actually employ.

(3) A trainer may not employ an individual who is less than 16 years of age to work for the trainer on an association's grounds.

(4) A trainer may not employ a jockey to prevent the jockey from riding in a race.

(h) Trainer Absent. If a trainer must be absent because of illness or any other cause, the trainer shall appoint another licensed trainer to fulfill his or her duties, and promptly report the appointment to the stewards or racing judges for approval. The absent trainer and substitute trainer have joint responsibility for the condition of the race animals normally trained by the absent trainer.

(i) Suspended, Revoked or Ineligible Horse Trainers.

CHAPTER 311

(1) Upon the suspension, revocation or denial of a trainer's license, the trainer shall notify each owner for whom he or she trains horses of the suspension, revocation or denial.

(2) Except as specifically permitted by the executive director in writing, a person may not assume the responsibilities of a horse trainer who is ineligible to be issued a license or whose license is suspended or revoked if the person:

(A) is related to the trainer by consanguinity or affinity, as determined under Subchapter B, Chapter 573, Government Code.

(B) is related to the spouse of the trainer by blood or by marriage; or

(C) has been an employee of the trainer within the previous year.

(3) A person who assumes the care, custody, or control of the horses of a suspended, revoked or ineligible horse trainer may not:

(A) receive any compensation regarding those horses from the suspended, revoked or ineligible trainer;

(B) pay any compensation regarding those horses to the suspended, revoked or ineligible trainer;

(C) solicit or accept a loan of anything of value from the suspended, revoked or ineligible trainer; or

(D) use the farm or individual name of the suspended, revoked or ineligible trainer when billing customers.

(4) A person who assumes the care, custody, or control of the horses of a suspended, revoked or ineligible trainer is directly responsible for all financial matters relating to the care, custody, or control of the horses.

(5) On request by the Commission, a suspended, revoked or ineligible trainer or a person who assumes the care, custody, or control of the horses of a suspended, revoked or ineligible trainer shall permit the Commission to examine all financial or business records to ensure compliance with this section.

(j) Reporting to Clocker. When taking a

horse onto a racetrack to work, a horse trainer or an assistant of the trainer shall report the horse's name and the distance to be worked to the morning clocker or an assistant clocker or shall instruct the jockey or exercise rider to transmit the information to the clocker or assistant clocker.

(k) Other Responsibilities - A trainer is responsible for:

(1) the condition and contents of stalls/ kennels, tack rooms, feed rooms, and other areas which have been assigned by the association;

(2) maintaining the assigned stable/kennel area in a clean, neat and sanitary condition at all times;

(3) ensuring that fire prevention rules are strictly observed in the assigned stable/kennel area;

(4) training all animals owned wholly or in part by the trainer that are participating at the race meeting;

(5) ensuring that, at the time of arrival at a licensed racetrack, each animal in the trainer's care is accompanied by a valid health certificate/ certificate of veterinary inspection;

(6) using the services of those veterinarians licensed by the Commission to attend animals that are on association grounds;

(7) promptly notifying the official veterinarian of any reportable disease and any unusual incidence of a communicable illness in any animal in the trainer's charge;

(8) immediately reporting to the stewards/ judges and the official veterinarian if the trainer knows, or has cause to believe, that a animal in the trainer's custody, care or control has received any prohibited drugs or medication;

(9) maintaining a knowledge of the medication record and status of all animals in the trainer's care;

(10) ensuring the fitness of an animal to perform creditably at the distance entered;

(11) ensuring that the trainer's horse is properly shod, bandaged and equipped; and

(12) reporting the correct sex of the horses

OTHER LICENSES

in his/her care to the Commission veterinarian and the horse identifier.

(l) No licensee shall act as a program trainer, nor shall any owner name a program trainer on the entry form. Any licensee found to be acting as a program trainer and any owner who listed a program trainer is responsible for all violations occurring from participation of any horse or greyhound entered or raced by the licensee. Further, the Commission recognizes that identification of the correct trainer in the program is an important handicapping tool used by the wagering public. Therefore, the Commission identifies the practices of utilizing a program trainer and of acting as a program trainer as being inconsistent with maintaining the honesty and integrity of racing under §307.7 (relating to Ejection and Exclusion) and as a detrimental practice under §311.6 (relating to Denial, Suspension and Revocation of Licenses.) (Added eff. 10/21/99; (a) amended 1/1/03; (c),(f) amended eff. 1/8/04; (a) amended 3/20/08; (k) added eff. 3/20/08; amended eff. 7/14/09; (a) amended eff. 1/5/10; (k) amended eff. 3/6/12; (f) amended eff. 5/30/13; (a) amended eff. 11/2/15; (l) added eff. 3/8/17, (g), (i) amended eff. 7/17/17, (i) amended eff. 9/4/18)

Sec. 311.105. Jockeys.

(a) License

(1) To be licensed as a jockey or apprentice jockey, an individual must be at least 16 years of age and provide proof of a satisfactory physical examination as described in subsection (b) of this section.

(2) An individual licensed as a jockey or apprentice jockey may not be licensed in another capacity.

(3) To be licensed as a jockey or apprentice jockey, an individual must have a certificate of proficiency issued by a starter licensed in this state or be currently licensed in another state as a jockey or apprentice jockey.

(b) Physical Examination.

(1) To be eligible to ride in a race, a jockey or apprentice jockey must have on file with the Commission proof of a satisfactory physical examination conducted during the 12-month

period preceding the date of the race.

(2) An examination required by this section must be performed by a licensed physician and include tests for visual acuity and hearing.

(3) The Commission or the stewards may require a jockey or apprentice jockey to be reexamined at any time and may refuse to permit a jockey or apprentice jockey to ride until proof of a satisfactory examination is submitted.

(c) Apprentice Jockeys.

(1) An apprentice jockey is a rider of thoroughbreds who:

(A) is permitted to ride with the apprentice weight allowance in accordance with Chapter 313 of this title (relating to Officials and Rules of Horse Racing); and

(B) is otherwise qualified to be licensed as a jockey.

(2) The Rules relating to a jockey apply to apprentice jockeys.

(d) Jockey Conduct.

(1) A jockey may not ride under an assumed name.

(2) A jockey may not use an attendant on a race day other than one supplied by the association.

(3) A jockey may not smoke in public while wearing racing colors. (Added eff. 10/21/99)

Sec. 311.106. Veterinarians.

To be eligible to be licensed by the Commission and hold a license as a veterinarian, an individual must be currently licensed and in good standing with the Texas State Board of Veterinary Medical Examiners. (Added eff. 10/21/99; amended eff. 11/8/04; (a), (b), (c) amended eff. 3/20/08)

Sec. 311.107. Lessee/Lessor.

(a) A race animal may be raced under lease provided a completed lease form is attached to the registration certificate and is on file with the racing secretary.

(b) The lessee and lessor of a horse or greyhound for racing purposes must obtain an

CHAPTER 311

owner's license in accordance with §311.101(a) of this title (relating to Horse Owners) and §311.102(a) of this title (relating to Greyhound Owners). (Added eff. 10/21/99; (a) amended eff. 1/8/04)

Sec. 311.108. Authorized Agent.

(a) To be appointed an authorized agent, an individual must be at least 18 years old and licensed as an individual owner, stable foreman, assistant trainer, or a trainer. A written agency appointment authorizing him or her to act on behalf of a licensed owner or licensed trainer in racing matters not directly related to the care and training of horses must accompany the appointment. The authorization shall be on a form provided by the Commission and shall define the agent's powers and limits. The authorization must be signed by the principals and the agent.

(b) A separate agency appointment is required for each principal an authorized agent intends to represent.

(c) An agency appointment expires on the last day of the twelfth month after the date of appointment or when the principal submits written notice of revocation to the stewards or racing judges, whichever occurs first. (Added eff. 10/21/99; (a),(b) amended eff. 1/8/04; (a) amended eff. 3/20/08)

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Sec. 311.109. Mutuel Employees.

To be licensed as a mutuel clerk or other employee of the mutuel department of an association, an individual must be at least 16 years old. (Added eff. 10/21/99)

Sec. 311.110. Leadout.

(a) To be licensed as a leadout, an individual must demonstrate to the satisfaction of the Commission veterinarian that the individual is knowledgeable in the handling and/or care of greyhounds.

OTHER LICENSES

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CHAPTER 313

- (A) physical disability or illness;
- (B) military service;
- (C) attendance in an institution of secondary or higher education;
- (D) a restriction on racing; or
- (E) other valid reasons.

(2) An apprentice jockey requesting an extension must provide documentation to the stewards verifying the time lost. If an apprentice jockey has requested an extension from another racing commission, the Commission is bound by the decision of the other racing commission.

(Added eff. 8/30/89; (d) amended eff. 10/11/90; amended eff. 2/10/98; (b),(c) amended eff. 10/30/00; (a) amended eff. 4/4/05)

Sec. 313.167. Prohibited Allowances.

(a) Except as otherwise provided by this section, a horse may not be allowed a weight reduction solely for having been beaten in a race.

(b) The racing secretary may provide an allowance to:

- (1) a maiden in a winners' race; or
- (2) a horse that has not won a race within a specified period of time or of a specified value.

(Added eff. 8/30/89)

Sec. 313.168. Scale of Weights for Age.

(a) Except for a race in which the conditions expressly provide otherwise, the weight to be carried by a thoroughbred or Arabian horse in a race shall be determined in accordance with the following scale:

Distance	Age	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1/2 mile	2	-	-	-	116	116	116	120	120	120	122	122	122
	3	120	120	120	121	122	123	123	124	124	125	125	125
	4+	126	126	126	126	126	126	126	126	126	126	126	126
3/4 mile	2	-	-	-	-	116	116	118	118	118	120	120	120
	3	119	119	119	120	120	121	122	123	124	124	125	125
	4+	126	126	126	126	126	126	126	126	126	126	126	126
1 mile	2	-	-	-	-	-	-	-	116	116	118	118	118
	3	118	118	118	119	120	121	122	122	123	123	124	124
	4+	126	126	126	126	126	126	126	126	126	126	126	126
1 1/4 mile	2	-	-	-	-	-	-	-	116	116	116	116	116

3	117	117	117	118	119	119	120	120	121	121	122	122
4+	124	124	124	124	124	124	124	124	124	124	124	124
1 1/2 mile	2	-	-	-	-	-	-	-	116	116	116	116
3	116	116	116	117	117	117	118	118	118	119	120	121
4+	122	122	122	122	122	122	122	122	122	122	122	122

(b) Except for a race in which the conditions expressly provide otherwise, the weight to be carried by a quarter horse, paint horse, or Appaloosa horse in a race during all months and for all distances shall be as follows:

- (1) for two-year olds, 124 pounds;
- (2) for three-year olds, 125 pounds; and
- (3) for four-year olds and older, 128 pounds.

(Added eff. 8/30/89; amended eff. 10/30/00; (b) amended eff. 9/4/18)

Subchapter C. Claiming Races

Sec. 313.301. Eligibility to Claim.

(a) Except as otherwise provided by this section, in a claiming race, each horse is subject to be claimed for its entered price by:

(1) a licensed owner or lessee or an authorized agent acting on behalf of the owner or lessee; or

(2) a person who has applied for an owner's license and has been granted approval by the stewards to make a claim.

(b) A claim may not be made directly or indirectly by an owner for his or her own horse.

(c) If the person making a claim is a minor, the claim must be co-signed by a licensed adult parent or guardian of the minor. A parent or guardian who co-signs a claim is liable for the claim. A claim made by a minor that is not co-signed in accordance with this subsection is

invalid. (Added eff. 8/30/89; (a), (b) amended eff. 10/11/90;(a) amended eff. 5/1/96; (c) added eff. 1/5/10)

Sec. 313.302. Claim Procedure.

(a) A steward or a designee of the stewards shall supervise the making of claims and ensure the accuracy of all claims made in a race.

(b) A claim must be made in writing on forms and in envelopes approved by the executive secretary. The form and envelope must be filled

OFFICIALS AND RULES OF HORSE RACING

out completely and must be accurate in every detail. For purposes of this section, the name of the horse as it appears in the official program governs.

(c) The person making a claim is responsible for determining the sex of the horse.

(d) A claim must be time stamped with the official track time shown on the tote board and deposited in a locked box provided by the racing secretary not later than 15 minutes before post time of the race in which the horse being claimed is to start. A person may not place money or its equivalent in the claim box.

(e) Before the deadline for filing claims for a race, a person may not:

(1) open the box in which claims are deposited; or

(2) reveal information regarding the filing of a claim.

(f) After the deadline for filing claims for a race, a steward or a designee of the stewards shall open the box, examine the claims, and notify the stewards of all accurate claims. The steward or designee will then notify the horsemen's bookkeeper of the claims to determine whether the appropriate amount is on deposit with the bookkeeper in accordance with this subchapter and to debit the claimant's account for the amount of the claim, plus all applicable fees. If more than one person enters a claim for a horse, a steward or a designee of the stewards shall determine the disposition of the horse by lot. (Added eff. 8/30/89; (f) amended eff. 10/11/90; (d) amended eff. 1/2/92; (b),(d),(f) amended eff. 10/30/00)

Sec. 313.303. Effective Time of Claim.

(a) A person who has a valid claim to a horse becomes the owner of the horse when the horse steps on to the racetrack for the race. This subsection applies regardless of whether the horse reaches the starting gate and regardless of subsequent injury to the horse during or after the race.

(b) On the day claimed, a claimed horse runs in the interest of and for the account of the owner

from whom the horse was claimed. (Added eff. 8/30/89; (a) amended eff. 10/11/90; (b) added eff. 10/11/90; (a) amended eff. 5/1/92; (a) amended eff. 4/4/05)

Sec. 313.304. Claim Irrevocable.

(a) Except as otherwise provided by this section, a claim that is filed in accordance with this subchapter is irrevocable.

(b) If the stewards declare a claiming race a "no race", all claims for that race are invalid. (Added eff. 8/30/89; (b) amended eff. 7/1/92)

Sec. 313.305. Amounts on Deposit.

(a) To make a valid claim, a person must have on deposit with the horsemen's bookkeeper an amount equal to the amount of the claim, plus all transfer fees, in the form of cash, money order, certified check, or cashier's check.

(b) A person who files a claim may not exhaust the person's account with the horsemen's bookkeeper during the two-hour period after the claim was filed. (Added eff. 8/30/89; (a) amended eff. 10/11/90; (a),(b) amended eff. 10/30/00)

Sec. 313.306. Transfer of Claimed Horse.

(a) A horse that has been claimed in a claiming race shall be taken after the race to the area designated by the association for delivery to the claimant, unless the horse is designated for testing.

(b) A person may not refuse to deliver a claimed horse.

(c) The registration certificate of a claimed horse, and both certificates of a dually registered claimed horse, shall transfer to the successful claimant.

(d) The engagements of a claimed horse automatically transfer to the new owner. A claimed horse is ineligible for entry in a future race unless the entry is made on behalf of the new owner.

(e) A horse may not be delivered to a successful claimant without written authorization from a steward or a designee of the stewards. (Added eff. 8/30/89; (a) amended eff. 10/11/90; (c) inserted eff. 7/12/12)

CHAPTER 319. VETERINARY PRACTICES AND DRUG TESTING

Subchapter A. General Provisions

Sec. 319.1. Purpose and Definitions.

(a) The purpose of this chapter is to protect the integrity of horse and greyhound racing, to ensure the health of race animals, and to safeguard the interests of the public and the participants in racing through the prohibition and control of all prohibited drugs, chemicals, and other substances.

(b) For purposes of this chapter, “prohibited drugs, chemicals, or other substances” means:

(1) any stimulants, depressants, tranquilizers, local anesthetics, drugs, other drug metabolites which could affect the health or performance of a race animal, however minimal, except as expressly permitted by this chapter;

(2) a drug permitted by this chapter in excess of the maximum or other restrictions in this chapter;

(3) a substance present in the race animal in excess of a concentration at which such a substance could occur naturally; and

(4) drug or substance, regardless of how harmless or innocuous it might be, which interferes with the detection of stimulants, depressants, tranquilizers, local anesthetics, drugs, or drug metabolites which could affect the health or performance of a race animal, however minimal, or quantitation of drugs permitted by this chapter. (Added eff. 8/14/89; (b) added eff. 11/1/98; (b) amended eff. 10/19/15)

Sec. 319.2. Treatment Restricted.

(a) Except as otherwise provided by this section, a person other than a veterinarian licensed by the commission may not administer a medication to a race animal that is entered in a race or that is located on an association’s grounds.

(b) This section does not apply to the administration of:

(1) a recognized nutritional supplement

or other substance approved by the commission veterinarian; or

(2) a noninjectable substance on the direction or by prescription of a licensed veterinarian. (Added eff. 8/14/89; (a), (b) amended eff. 11/29/90; (a), (b) amended eff. 5/7/91; (b) amended eff. 11/1/98)

Sec. 319.3. Medication Restricted.

(a) Except as otherwise provided by this section, a horse or greyhound participating in a race may not carry in its body a prohibited drug, chemical, or other substance.

(b) Furosemide at or below the approved tolerance level in a horse that has been admitted to the furosemide program is permissible. The maximum permissible concentration shall be published on the list of therapeutic drugs posted under subsection (c) of this section.

(c) Therapeutic drugs that are necessary for treatment of illness or injury in race animals are permissible, provided that:

(1) the therapeutic drug is on a written list of permissible levels of therapeutic medications that is approved by the executive secretary, maintained by the commission veterinarian, and posted in the commission veterinarians’ office; and

(2) the concentration of the drug does not exceed the maximum permissible concentration on the written list of therapeutic drugs.

(d) Except as otherwise provided by this chapter, a person may not administer or cause to be administered to a horse or greyhound a prohibited drug, chemical, or other substance, by injection, oral or topical administration, rectal infusion or suppository, nasogastric intubation, inhalation, or any other means during the 24-hour period before the post time for the race in which the animal is entered.

(e) A positive finding by a chemist of a prohibited drug, chemical, or other substance in a test specimen of a horse or greyhound collected on the day [before or after the running] of a race, subject to the rules of the commission relating to split specimens, is prima facie evidence that the prohibited drug, chemical, or other substance was

VETERINARY PRACTICES AND DRUG TESTING

administered to the animal and was carried in the body of the animal while participating in a race.

(f) Except as provided in paragraph (2) of this subsection, clenbuterol is prohibited and shall not be administered to a horse participating in racing at any time.

(1) Any horse that is the subject of a finding by the stewards that a test specimen contains clenbuterol shall immediately be placed on the Veterinarian's List for not less than 60 days.

(A) In order to have a horse removed from the Veterinarian's List after being placed on the list under this subsection, the trainer must contact a commission veterinarian to schedule a time and test barn location where the horse must be presented after the sixtieth day in order for a commission veterinarian to obtain test specimens to be submitted to the official laboratory for testing.

(B) The cost of each test conducted under this section, including applicable shipping costs, shall be borne by the owner and must be paid in full at the time the specimens are shipped to the laboratory.

(C) The collected specimens must not have any detectable level of clenbuterol. If no detectable level of clenbuterol is present, the horse shall be removed from the Veterinarian's List. If a detectable level of clenbuterol is present, then the horse shall remain on the Veterinarian's List until such time that a test specimen reveals no detectable level of clenbuterol.

(D) A horse placed on the Veterinarian's List pursuant to this subsection may not be entered in a race until it has been removed from the list.

(2) A horse may only be administered clenbuterol if:

(A) the clenbuterol is prescribed by a licensed veterinarian;

(B) within 24 hours of initiating treatment, the trainer or owner has submitted to the Commission a form prescribed by the Commission and signed by the veterinarian,

indicating:

- (i) the name of the horse;
- (ii) the name of the trainer;
- (iii) the name of the veterinarian;
- (iv) that the veterinarian has

personally examined the horse and made an accurate clinical diagnosis justifying the clenbuterol prescription;

(v) the proper dosage and route of administration; and

(vi) the expected duration of treatment; and

(C) only FDA-approved clenbuterol that is labeled for use in the horse is prescribed and dispensed.

(3) A horse that has been administered clenbuterol under paragraph (2) of this subsection shall be placed on the Veterinarian's List for a period ending not less than 30 days after the last administration of the drug as prescribed, subject to a negative clenbuterol test before being removed from the list.

(A) In order to have a horse removed from the Veterinarian's List after being placed on the list pursuant to paragraph (2) of this subsection, the trainer must contact a commission veterinarian to schedule a time and test barn location where the horse must be presented after the thirtieth day in order for a commission veterinarian to obtain test specimens to be submitted to the official laboratory for testing.

(B) The cost of each test conducted under this section, including applicable shipping costs, shall be borne by the owner and must be paid in full at the time the specimens are shipped to the laboratory.

(C) The collected specimens must not have any detectable level of clenbuterol. If no detectable level of clenbuterol is present, the horse shall be removed from the Veterinarian's List. If a detectable level of clenbuterol is present, then the horse shall remain on the Veterinarian's List until such time that a test specimen reveals no detectable level of clenbuterol.

(D) A horse placed on the Veterinarian's

CHAPTER 319

List pursuant to paragraph (2) of this subsection may not be entered in a race until it has been removed from the list. (Added eff. 8/14/89; (a), (f), (g) amended eff. 11/29/90; (h) added eff. 11/29/90; (b) amended 4/3/91; (h) deleted eff. 11/22/91; (d), (f) amended eff. 8/3/92; amended eff. 11/1/98; (c) amended eff. 11/1/01; (b) amended eff. 12/8/11; (b) deleted, previous (c) & (d) amended and renumbered, previous (e) & (f) renumbered, eff. 1/1/14; amended eff. 9/10/18)

Sec. 319.4. Veterinarians.

(a) A greyhound racetrack shall employ at least one association veterinarian to perform the duties described by this section.

(b) The commission shall employ at least one veterinarian at each greyhound racetrack and at least two veterinarians at each horse racetrack.

(c) The commission veterinarians shall oversee the association veterinarian and all the veterinarians practicing at a racetrack and may:

(1) observe any of a veterinarian's practices at the racetrack; and

(2) require a veterinarian to report at any time regarding the veterinarian's practices at the racetrack.

(d) The commission and association veterinarians shall report to the stewards or racing judges an alleged violation of the Act or a rule of the commission by a veterinarian.

(e) The association veterinarians must be licensed by the Texas State Board of Veterinary Medical Examiners.

(f) The commission veterinarians shall advise the stewards or racing judges on all veterinary matters and shall:

(1) maintain the veterinarian's list as required by these rules;

(2) conduct pre-race examinations as required by these rules;

(3) attend to the race animals in the paddock, on the track, at the starting gate and during the running of the race at a horse racetrack;

(4) supervise the operation of the test barn or test area and the collection of specimens for testing;

(5) maintain the list of permissible trace levels of drugs which are therapeutic and

necessary for the treatment of illness or injury in race animals;

(6) conduct stable area and kennel inspections to ensure that race animals are housed in a safe, humane, and sanitary environment;

(7) maintain a database of all racing-related injuries incurred at the track; and

(8) perform any other duties imposed on the commission veterinarian by these rules, the commission, or the executive secretary.

(g) An association veterinarian shall:

(1) be present at each official schooling and each official race performance;

(2) provide emergency care to greyhounds acutely injured or stressed while at the racetrack; and

(3) perform any other duties imposed on the association veterinarian by these rules, the commission, or the executive secretary.

(h) During the term of an association veterinarian's employment, it is not a conflict of interest for the veterinarian to:

(1) dispense or administer medications or biologicals sold only by veterinary suppliers to licensed veterinarians;

(2) provide emergency medical treatment to injured greyhounds at no cost; or

(3) charge a fee for veterinary services performed, other than emergency services. (Added eff. 8/14/89; (e) added eff. 1/10/90; (c), (d), (e), (f), (h) amended eff. 10/11/90; (a), (b), (g), (i) added eff. 10/11/90; amended eff. 11/1/98)

Sec. 319.5. Report of Treatment by Veterinarians.

(a) Veterinarians who treat race animals shall maintain reports of the treatment in strict compliance with the requirements of the Texas State Board of Veterinary Medical Examiners. Veterinarians shall make the report available to a steward, judge or Commission veterinarian within 24 hours of a request.

(b) A report of treatment provided to the stewards, racing judges or a Commission veterinarian pursuant to subsection (a) of

VETERINARY PRACTICES AND DRUG TESTING

this section becomes part of the confidential investigatory files of the Commission. (Added eff. 8/14/89; (a) amended eff. 10/11/90; (a), (b), (c) amended eff. 8/3/92; (d) added eff. 8/3/92; amended eff. 11/1/98; (a), (b) amended eff. 10/31/13)

Sec. 319.6. Access to Pre-race and Test Areas Restricted.

To ensure the safety and security of the race animals, an individual or race animal may not enter the pre-race holding area, the lockout kennel, or the test area unless:

- (1) the race animal is participating in a race, being schooled, or being tested; and
- (2) the individual is required for the attendance of a race animal. (Added eff. 8/14/89; amended eff. 3/1/03)

Sec. 319.7. Labeling Requirements.

(a) A person may not possess on association grounds a drug, medication, chemical, foreign substance or other substance that is prohibited in a race animal on a race day unless the product is labeled in accordance with this section.

(b) A drug or medication which is used or kept on association grounds by a licensee other than a veterinarian and which, by federal or state law, requires a prescription must have been validly prescribed by a licensed veterinarian and in compliance with the applicable federal or state law. All such drugs or medications must have a prescription label which is securely attached and clearly ascribed to show the following:

- (1) the name of the product;
 - (2) the name, address, and telephone number of the veterinarian prescribing or dispensing the product;
 - (3) the name of each patient (race animal) for whom the product is intended/prescribed;
 - (4) the dose, dosage, duration of treatment and expiration date of the prescribed/dispensed product; and
 - (5) the name of the person (trainer) to whom the product was dispensed.
- (c) A veterinarian may not possess, dispense,

or sell on association grounds a product that is intended for compounding, dispensation, or sale unless the product is labeled in accordance with all applicable labeling requirements in federal or state law.

(d) The commission or its agents may seize a product possessed on association grounds to determine whether the product is labeled in accordance with this section. It is considered a violation of this section if subsequent analysis of or investigation regarding a product reveals that any of the information on the product's label is inaccurate or untruthful. (Added eff. 8/14/89; (c) added eff. 8/15/95; (b) amended eff. 1/3/96; amended eff. 4/1/97)

Sec. 319.8. Submission Required.

On request by the executive secretary, the owner or trainer of a race animal shall:

- (1) permit the commission veterinarian or association veterinarian to examine the animal; or
- (2) permit the commission veterinarian to conduct tests on the animal to determine the state of the animal's health. (Added eff. 8/14/89; amended eff. 11/29/90)

Sec. 319.9. Witnesses Required.

If the commission veterinarian orders an examination or test to be performed on a race animal, the owner, trainer, or a person designated by the owner or trainer and a person designated by the commission is entitled to witness the examination or test. (Added eff. 8/14/89)

Sec. 319.10. Devices and Substances Prohibited.

(a) Except as otherwise provided by this section, a person in a restricted area on association grounds during a live race meeting may not possess:

- (1) an injectable container of a prohibited drug, chemical, or other substance; or
- (2) a parenteral administration device, such as a hypodermic syringe, hypodermic needle, fluid administration set, or other device for making injections into a race animal.

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VETERINARY PRACTICES AND DRUG TESTING

(b) This section does not apply to an individual who has a valid prescription from a physician for an injectable medication for the individual's own use, provided the individual has notified the stewards or racing judges and has received their approval in writing on a form prescribed by the commission.

(c) This section does not apply to a veterinarian licensed by the commission or a veterinary technician licensed by the commission acting under the direct supervision of a veterinarian licensed by the commission.

(d) For purposes of this section, "restricted area" means:

(1) the paddock;

(2) the stable or kennel area; and

(3) any area on association grounds that may be entered only on display of a valid license badge or other pass issued by the commission or the association. (Added eff. 8/14/89; (b) amended eff. 11/29/90; (d), (e) amended eff. 4/3/91; (c) added eff. 4/3/91; (a) amended eff. 11/22/91; (a) - (d) amended eff. 1/1/98; (a), (c) amended eff. 11/1/98)

Sec. 319.11. Powers of Inspection, Examination, and Search and Seizure.

(a) A peace officer, including a peace officer commissioned by the commission, or a commissioned officer of the Department of Public Safety who is assigned to work on racing investigations may enter an office, a racetrack, any area on association grounds, or any similar area or other place of business of an association at any time to inspect, examine, or search an individual's person and possessions in that area and to seize any contraband or other item that is found, which may be evidence of a rule violation or a criminal offense. A search of dormitory rooms where participants of racing actually reside will be conducted pursuant to a validly obtained warrant to search, or without a warrant if consent is obtained or exigent circumstances exist.

(b) A person conducting a search authorized by this section may obtain the assistance of a commission employee or an employee of another

local, state, or federal governmental entity.

(c) By applying for, accepting, or holding a license under the Act, an individual licensee consents to an inspection, examination, or search conducted under this section of the licensee's person and possessions while on premises covered by this section and to the seizure of any contraband or other item that is found which may be evidence of a rule violation or a criminal offense. Consent described in this subsection:

(1) is not effective for a search outside the premises covered by this section;

(2) is not effective for a search conducted at a time when no valid license was in effect, unless at the time of the search the licensee who was searched claimed the existence of a valid license as authority to enter or remain in an area covered by this section;

(3) is not limited in effect to a prerace or postrace search or a search on a race day; and

(4) is not limited in effect to a search based on reasonable cause, reasonable suspicion, reasonable grounds, probable cause, or any similar legal standard.

(d) By applying for, accepting, or holding a temporary pass to enter or remain on any restricted area of association grounds, an individual who is not a licensee consents to a search conducted under this section of the individual's person or possessions in that area and to the seizure of any contraband or other item that is found which may be evidence of a rule violation or a criminal offense. Consent described in this subsection:

(1) is not effective for a search outside the restricted area covered by this subsection;

(2) is not effective for a search conducted at a time when no temporary pass was in effect, unless at the time of the search the individual who was searched claimed the existence of a valid pass as authority to enter or remain in the restricted area covered by this subsection;

(3) is not limited in effect to a prerace or postrace search or a search on a race day; and

CHAPTER 321

(2) A special wager must be based on the outcome of a race or races and comply with the definition of pari-mutuel wagering as defined by the Act, §1.03(18). The wager must be based on the performance of a specific race animal or animals in a race or races.

(3) All tickets on a special wager shall be calculated as a separate pool. If a special wager uses a point system to determine the winning tickets, the stewards or racing judges are responsible for certifying the accuracy of the point totals for purposes of payoff calculations and pool distribution. The use of any point system must be based on objective criteria.

(b) Approval of special wager.

(1) To offer a special wager, an association must file a written request with the executive secretary. The request must be filed no later than the 30th day before the day on which the Commission is to consider the request.

(2) The request must state:

(A) the name of the wager;

(B) the type of wagering pool to be used;

(C) the method by which winning tickets will be determined; and

(D) the method for addressing dead heats, no contest races, scratches, jockey changes, coupled entries, prevention of start, and disqualifications.

(3) After reviewing the request, the executive secretary may request additional information regarding the special wager.

(4) If the Commission determines the proposed special wager will be offered in a manner that complies with the Rules and that is consistent with maintaining the integrity of pari-mutuel wagering, the Commission may approve the request. The Commission may place reasonable conditions on the approval of the special wager. The Commission has sole discretion to approve or disapprove requests for special wagers.

(5) The executive secretary shall notify

the association of the Commission's decision regarding the request no later than the fifth day after the Commission's decision.

(6) Approval of a special wager is perpetual, unless the association proposes to change the method by which winning tickets will be determined or the method for addressing dead heats, no contest races, scratches, jockey changes, coupled entries, prevention of start, and disqualifications. In that instance, the association must obtain approval for the changes in the special wager.

(c) Notice of special wager.

(1) An association shall publish notice of a special wager that is approved in its program at least 14 days before the first day the special wager will be offered. If the wager is to be offered during the first 14 days of a live race meeting, the association shall publish notice of the special wager in the program for every race day in the race meeting before the day the special wager is to be offered.

(2) The association shall post in a prominent place in the grandstand of the racetrack a full description of the special wager, including all information described in Subsection (b)(2) of this section and any conditions imposed by the Commission. (Added eff. 4/1/01; (b) amended eff. 11/6/02)

Sec. 321.320. Super Hi-Five.

(a) The super hi-five is not a parlay and has no connection with or relation to the win, place, and show pools shown on the tote board. All tickets on the super hi-five shall be calculated as a separate pool.

(b) A person purchasing a super hi-five ticket shall select the five animals that will finish first, second, third, fourth, and fifth in one race. The pool shall be distributed only to the holders of tickets who select the same order of finish as officially posted.

(c) If no super hi-five ticket is sold for the winning combination, then the net pool shall be carried over and paid out in the following manner:

PARI-MUTUEL WAGERING

(1) The entire pool shall be carried over and made available on the next consecutive super hi-five pool, and is combined with and added to the net pool for such qualifying pool, and made available for payout, or

(2) An association can, at its option, offer a consolation pool equal to 25% of the net pool. The offering of a consolation pool shall be announced at least 72 hours in advance of the first day upon which a consolation pool will be offered, and shall be publicized. Notice of the consolation pool may be announced, by way of example, via press release, internet, simulcast signal, and on-track announcements.

(3) If there are no ticket holders who selected first-place, second-place, third-place, fourth-place, and fifth-place finishers in order and a consolation pool is offered, then a consolation pool shall be established. The consolation pool shall be distributed as a single price pool among those ticket holders and paid out as follows:

(A) To those who selected first-place, second-place, third-place, and fourth-place finishers in order. If there are no such wagers, then

(B) To those who selected first-place, second-place, and third-place finishers in order. If there are no such wagers, then

(C) To those who selected first-place and second-place finishers in order. If there are no such wagers, then

(D) To those who selected the first-place finishers.

(E) If the super hi-five pool cannot otherwise be distributed in accordance with this section, the money in the super hi-five consolation pool shall be carried forward to the next consecutive super hi-five pool.

(d) Unique winning ticket option.

(1) Unique winning ticket, as used in this subsection, shall be defined as having occurred when there is one and only one winning ticket whose combination finished in correct sequence as the first five betting interests, to be verified by the unique serial number assigned by the totalisator

company that issued the winning ticket. In the event that there is more than one winning ticket whose combination finished in correct sequence as the first five betting interests, a unique winning ticket shall be deemed to not have occurred.

(2) If an association elects to offer the unique winning ticket option, the net super hi-five pool shall be distributed to winning wagers in the following order of precedence, based on the official order of finish:

(A) as a single price pool, including any applicable carry-over, to the holder of a unique winning ticket whose combination finished in correct sequence as the first five betting interests, but if there is no such unique winning ticket, then

(B) the net pool shall be divided into two separate pools. The major pool of the net pool shall be paid as a carryover into the next regularly scheduled super hi-five pool. The remaining minor pool shall be paid as a super hi-five consolation pool, which shall be equally divided among those ticket holders who correctly select the first five interests in order, but if there are no such wagers, then

(C) the entire net pool shall be carried over into the next regularly scheduled super hi-five pool.

(3) The association shall specify the minimum monetary amount of a unique winning ticket wager with prior approval of the executive secretary.

(4) Prior to the start of the race meet, the association shall specify the percentages for a major and minor pool with prior approval of the executive secretary.

(5) A written request to distribute the super hi-five pool plus any carryover on a specific date and performance may be submitted by the association to the executive secretary for approval. The request must be for a specified date no greater than one year from the date the request is submitted and contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for

CHAPTER 321

the distribution. Should the super hi-five net pool and any applicable carryover be designated for distribution on a specified date and performance in which there is no unique winning ticket, the entire pool shall be distributed using the method described in subsection (i) of this section.

(6) Unless otherwise stated in writing by the Commission under paragraph (5) of this subsection, on the last super hi-five race on the final day of the meeting, the net pool, including any applicable carryover, shall be distributed using the method described in subsection (i) of this section.

(e) The minimum number of wagering interests required to offer super hi-five wagering in a race shall be seven actual starters. If scratches cause the number of horses in a race to fall below seven, then the super hi-five pool for that race shall be canceled.

(f) Super hi-five wagers on races in which wagering has been canceled or the race declared no contest shall be refunded. Any carryover pool added to the net pool of a super hi-five race which is canceled shall carry forward to be added to the next consecutive super hi-five wagering pool.

(g) If fewer than five animals finish and the race is declared official by the stewards or judges, payout shall be made to ticket holders selecting the finishing animals in order of finish as provided above, disregarding any selections beyond the number of betting interests.

(h) In the event of a dead heat in any finishing position, the wagers shall be paid as follows:

(1) all wagers selecting either of the dead-heat positions with the correct non-dead-heat position shall be winners and share in the pool; and

(2) payouts will be calculated by splitting the pool equally between each winning combination, then dividing split pools by the number of winning tickets. A dead heat will produce separate and distinct payouts respective to each winning combination.

(i) If on the final day of a race meeting or on a designated mandatory payout date the pool has not been distributed under subsection (b), (c), or (d) of this section, then the net pool for that performance plus any carryover from previous performances shall be paid out in the following manner:

(1) To those who selected first-place, second-place, third place, and fourth-place finishers in order. If there are no such wagers, then:

(2) To those who selected first-place, second-place, and third-place finishers in order. If there are no such wagers, then:

(3) To those who selected first-place and second-place finishers in order. If there are no such wagers, then:

(4) To those who selected the first-place finisher.

(j) If the final or designated mandatory payoff performance is canceled or the pool has not been distributed under subsection (i) of this section the pool shall be deposited in an interest-bearing account approved by the executive secretary. The pool plus all accrued interest shall then be carried over and added to the super hi-five pari-mutuel pool in the following race meeting on a date and performance designated by the executive secretary.

(k) If an animal is scratched or declared a nonstarter, no further tickets may be issued designating such animal and all super hi-five tickets previously issued designating such animal shall be refunded and the money deducted from the gross super hi-five pool.

(l) For purposes of statutory deductions and commissions, the net amount does not include any amounts carried over from any previous super hi-five pool.

(m) The association may select a distinctive name for the super hi-five, with prior approval of the executive secretary. (Added eff. 3/28/11; (h) - (l) amended eff. 1/10/13; amended eff. 3/7/18)

PARI-MUTUEL WAGERING

Sec. 321.321. Fortune Pick (n).

(a) The fortune pick (n) wager is not a parlay and has no connection with or relation to the win, place, and show pools shown on the tote board. All tickets on the fortune pick (n) shall be calculated as a separate pool.

(b) The fortune pick (n) pari-mutuel pool consists of amounts contributed for a selection to win only in each of six, seven, eight, nine, or 10 races designated by the association. After designating the number of races comprising the fortune pick (n), the association may not change the number during a race meeting without prior written approval of the executive secretary.

(c) A person purchasing a fortune pick (n) ticket shall designate the winning animal in each of the races comprising the fortune pick (n). The association shall issue to the purchaser of a fortune pick (n) ticket a ticket that reflects each of the purchaser's selections.

(d) A fortune pick (n) ticket is a contract between the holder of the ticket and the association and the ticket constitutes acceptance of this section. The association, totalisator company, and the State of Texas are not liable to a person for a fortune pick (n) ticket that is not a winning ticket under this section or for a fortune pick (n) ticket that is not delivered.

(e) A coupled entry or mutuel field in a race that is part of the fortune pick (n) races shall race as a single betting interest for the purpose of mutuel pool calculations and payoffs to the public.

(f) The fortune pick (n) pool shall be distributed as provided by this section. The net pool in the fortune pick (n) pool is divided into a major pool and a minor pool. The association may designate the major pool percentage of the net amount wagered on the fortune pick (n). The remaining percentage constitutes the minor pool. The association shall notify the executive secretary in writing before the beginning of each race meeting of its designation regarding the division between the major and minor pools. After designating the division between the major

and minor pools, an association may not change the division during a race meeting without prior written approval of the executive secretary.

(g) Fortune pick (n) with minor pool and carryover with unique wager:

(1) the entire net fortune pick (n) pool and carryover, if any, shall be distributed to the holder of a unique wager selecting the first place finisher in each of the selected fortune pick (n) contests, based upon the official order of finish. If there is no unique wager selecting the first place finisher in all fortune pick (n) contests, the minor share of the net fortune pick (n) pool shall be distributed as a single price pool to those who selected the first place finisher in the greatest number of fortune pick (n) contests; and the major share shall be added to the carryover;

(2) if the fortune pick (n) minor pool cannot be distributed in accordance with paragraph (1) of this subsection, the minor pool shall be combined with the major pool and added to the previous day's carryover. The entire pool plus carryover shall be carried forward to the next fortune pick (n) pool.

(h) Unique wager, as used in this rule, shall be defined as having occurred when the total amount wagered on a winning combination selecting the first place finisher in each of the selected fortune pick (n) contests, based upon the official order of finish, is equal to the minimum allowable wager.

(i) If there is a dead heat for first in any of the fortune pick (n) contests involving:

(1) Contestants representing the same betting interest, the fortune pick (n) pool shall be distributed as if no dead heat occurred.

(2) Contestants representing two or more betting interests, the fortune pick (n) pool shall be distributed as a single price pool with each unique winning wager receiving an equal share of the profit.

(j) Should a betting interest in any of the fortune pick (n) contests be scratched, excused, or determined to be a non-starter, the actual favorite,

CHAPTER 321

as shown by the largest amount wagered in the win pool at the time of the start of the race, will be substituted for the non-starting selection for all purposes, including pool calculations and payoffs. If there are two or more favorites in the win pool, both favorites will be substituted for the non-starting selection.

(k) Except as otherwise provided by this subsection, if one or more races in the fortune pick (n) are canceled or declared a “no race”, the amount contributed to the major pool for that performance shall be added to the minor pool for that performance and distributed as an extra amount in the minor pool to the holders of the tickets that designate the most winners in the remaining races. All contributions to the major pool from prior performances shall remain in the major pool, to be carried forward to the next performance to be paid in the major pool for that performance. If the stewards or racing judges cancel or declare a “no race” in three or more of the races comprising a fortune pick six, seven, or eight, four or more of the races comprising the fortune pick nine, or five or more of the races comprising the fortune pick 10, the fortune pick (n) is canceled and the association shall refund all fortune pick (n) tickets. A person may not win the major pool unless the person holds a fortune pick (n) ticket that correctly designates the official winners of all the scheduled races comprising the fortune pick (n) for that performance unless it is on the last performance of the race meeting or a designated mandatory payout performance. On the last performance of a race meeting or on a designated mandatory payout performance, if one or more races comprising the fortune pick (n) are canceled or declared a “no race”, the major pool and the minor pool for that performance shall be combined with the prior performance major pool and be paid to those holders of tickets who correctly designated the most winners of the remaining races of the fortune pick (n). If on the last performance of the race meeting or on a designated mandatory payout performance

the major pool and the minor pool cannot be distributed in accordance with this subsection then the major and minor pool shall be handled in accordance with subsection (n) of the section.

(l) When the condition of the turf course warrants a change of racing surface in any of the races open to fortune pick (n) wagering, and such change has not been made known to the betting public prior to the close of wagering for the first fortune pick (n) race, the Stewards shall declare the changed races a “no contest” for fortune pick (n) wagering purposes and the pool shall be distributed in accordance with subsection (k) of this section. Following the designation of a race as a “no contest”, no tickets shall be sold selecting a horse in such “no contest” race.

(m) If on the last performance of the race meeting or on a designated mandatory payout performance the major pool is not distributable under subsection (g) of this section, the major pool and all money carried forward into that pool from previous performances shall be combined with the minor pool and distributed to the holders of tickets correctly designating the most winners of the races comprising the fortune pick (n) for that performance.

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PARI-MUTUEL WAGERING

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