

# TEXAS RACING COMMISSION

## Laws and Rules Governing Pari-Mutuel Racing in Texas

### List of Replacement Pages

November 7, 2016

**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
  - Pp. 239-240 Chapter Table of Contents update
  - Pp. 247-248 *Amendment* - Sec. 319.110 Requirements to Enter Association Grounds
  - Pp. 345-346 Index update
- List of Replacement Pages dated 11/7/2016
  - Pp. 97-100-B *Amendment* - Sec. 303.102 Greyhound Rules

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](http://www.txrc.texas.gov) or email [info@txrc.texas.gov](mailto:info@txrc.texas.gov) to request a copy. Notification of revisions may be received by providing an email address to [info@txrc.texas.gov](mailto:info@txrc.texas.gov). Please type **Rulebook Updates** in the subject line.

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## CHAPTER 319

### Sec. 319.102. Veterinarian's List.

(a) The commission veterinarian shall maintain a veterinarian's list of the horses that are ineligible to start in a race due to physical distress, unsoundness, or infirmity. The test barn supervisor shall ensure that a current version of the veterinarian's list is posted daily in the racing office.

(b) On a form prescribed by the executive secretary, the commission veterinarian shall notify the racing secretary and the trainer of a horse placed on the veterinarian's list as soon as practical after placing the horse on the list.

(c) A horse that is placed on the veterinarian's list may not be removed from the list before the fourth day after the date the horse is placed on the list. A horse may be removed from the veterinarian's list only on demonstrating to the commission veterinarian that the horse is raceably sound and in fit physical condition to exert its best effort in a race.

(d) Before removing a horse from the veterinarian's list, the commission veterinarian may require the horse to perform satisfactorily in a workout or qualifying race. Performance in such a workout or qualifying race must be conducted in accordance with §319.3 of this title (relating to Medication Restricted). The commission veterinarian may require the collection of test specimens from a horse after a workout or race required under this subsection. If a specimen is collected under this subsection, the commission veterinarian may not remove the horse from the veterinarian's list until the results of the test are negative.

(e) A workout for an examination by a commission veterinarian in any pari-mutuel jurisdiction will be recognized for the purposes of removing a horse from the veterinarian's list. (Added eff. 8/14/89; (b), (d) amended eff. 10/11/90; (e) added eff. 6/1/95; (e) deleted eff. 10/1/96; (a),(b),(d) amended eff. 3/1/03; (e) added eff. 7/16/07)

### Sec. 319.104. Blocking of Legs.

(a) On a race day on which a horse is

scheduled to race, a person may not desensitize any part of the horse's leg by a means other than ice.

(b) Except as otherwise provided by this subchapter, a person may not permit a horse to run in a race if the person knows the horse is desensitized at the time the horse arrives in the pre-race holding area.

(c) For purposes of this section, "desensitize" means to create a condition in which a horse's body does not respond appropriately to tests for feeling administered by the commission veterinarian. (Added eff. 8/14/89)

### Sec. 319.105. Bandages.

On leaving the pre-race holding area to enter the paddock, a horse may not have any leg coverings other than leg coverings approved by the stewards. (Added eff. 8/14/89; amended eff. 4/2/90; amended eff. 11/1/98)

### Sec. 319.106. Nerved Horses.

(a) Except as otherwise provided by this section, a person may not allow to be entered in a race a horse that has had a nerve removed from one of its legs.

(b) This section does not apply to a horse on which a palmar digital neurectomy has been performed provided:

(1) the commission veterinarian determines that the loss of sensation caused by the palmar digital neurectomy will not endanger the safety of a horse or rider;

(2) the commission veterinarian has given prior approval before the horse is entered in the race;

(3) the racing secretary of the association is notified of the palmar digital neurectomy at the time the horse is entered in the race; and

(4) the horse's registration or eligibility certificate is marked to indicate the palmar digital neurectomy.

(c) The racing secretary shall maintain a list of nerved horses that are registered to race at that

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track and make the list available for inspection by other licensees participating in the race meeting.

(d) A veterinarian who performs a palmar digital neurectomy on a horse located on association grounds shall report that fact to the commission veterinarian and to the racing secretary. (Added eff. 8/14/89; (c) amended eff. 10/11/90; (d) amended eff. 11/1/98)

### **Sec. 319.107. Altering Sex of Horse.**

(a) A veterinarian who alters the sex of a horse as recorded on the certificate of foal registration or eligibility certificate and that is scheduled to race in an association's race meeting shall report the alteration to the horse identifier.

(b) If the sex of a horse is altered on an association's grounds, the trainer of the horse shall make the report required by this section not later than 72 hours after the alteration.

(c) The horse identifier shall record the alteration on the official registration certificate and the horse identification record of the horse. (Added eff. 8/14/89; (d) amended eff. 4/2/90; amended eff. 11/1/98)

### **Sec. 319.108. Extracorporeal Shock Wave Therapy.**

The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy shall not be permitted unless the following conditions are met:

(1) Any Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines on the association grounds must be registered with and approved by the Commission or its designee before use:

(2) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines shall be limited to veterinarians licensed to practice by the Commission;

(3) All Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy treatments must be reported to the commission veterinarian or the commission veterinarian's designee on the prescribed form within 24 hours; and

(4) Any treated horse shall be on the

veterinarian's list for 10 days following treatment. (Added eff. 7/16/07)

### **Sec. 319.109. Destruction of Horses.**

(a) If a horse becomes disabled on the racetrack, the rider shall dismount and unsaddle the horse as soon as possible.

(b) If the condition of the horse requires its destruction within the view of the patrons, the commission veterinarian shall ensure that a screen is placed in a manner that shields the horse from the view of the patrons.

(c) The commission veterinarian may order a horse to be euthanized if the veterinarian determines the horse is seriously injured to the extent that euthanasia is in the best and humane interests of the horse. By accepting a license from the commission, an owner or trainer consents to the authority of the commission veterinarian under this subsection. (Added eff. 11/3/89; (a), (c) amended eff. 11/1/98)

### **Sec. 319.110. Requirements to Enter Association Grounds.**

To be admitted on to an association's grounds, a horse must be accompanied by a current certificate of veterinary inspection and meet any other health inspection requirements established by the Texas Animal Health Commission. (Added eff. 11/3/89; amended eff. 4/2/90; amended eff. 10/11/90; amended eff. 8/3/92; (1) amended eff. 11/1/93; (1) amended eff. 11/1/98; amended eff. 9/1/16)

### **Sec. 319.111. Bleeders and Furosemide Program.**

(a) Diagnosis of EIPH.

(1) A bleeder is a horse that experiences Exercise Induced Pulmonary Hemorrhage (EIPH). Except as otherwise provided by this subsection, the medical diagnosis of EIPH may be made only by a commission veterinarian or a veterinarian currently licensed by the Commission. If the first EIPH event experienced by a horse occurs in another pari-mutuel racing jurisdiction,

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## 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)

### **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

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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.

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### (3) Registration Procedure.

(A) The owner or lessee of the dam at the time of whelping is responsible for registering a greyhound as Texas-bred.

(B) The owner or lessee must submit to the Texas Greyhound Association (“TGA”) the original “Litter Registration Acknowledgement” received from the National Greyhound Association (“NGA”), with a check or money order for the registration fee established by TGA.

(C) With the application for registration, the owner or lessee must file an affidavit with the TGA affirming that all litter applications submitted by the owner or lessee meet the registry requirements. The affidavit must include an agreement that if any of the greyhounds being registered are removed from Texas before six months of age, the owner or lessee will notify TGA no later than 10 days after the removal. On being notified that a registered greyhound has been removed from Texas before six months of age, TGA shall remove the greyhound from the registry.

(D) If the litter qualifies to be registered as Texas-bred greyhounds, the TGA will stamp the “Litter Registration Acknowledgement” as “Texas Bred” and return it to the sender. The TGA will notify the NGA of all litters registered as “Texas Bred”.

(E) On notice that a litter has been registered as “Texas Bred”, the NGA will stamp the “Certificate of Registration” of each affected greyhound as “Texas Bred”.

(F) A person who submits an application for registration knowing that the application contains false information is subject to discipline by the TGA Executive Committee, including suspension from the TGA.

#### (b) Owners’ Awards.

(1) The owner of a registered Texas-bred greyhound is eligible to receive an owner’s award if the greyhound is among the first four Texas-bred greyhounds to finish a pari-mutuel race in Texas. For purposes of this subdivision, each elimination

and final in a stakes race competition is considered a pari-mutuel race. A dead heat for any position is considered a placement in that position for each greyhound involved in the dead heat.

(2) TGA will pay owners’ awards no later than the last business day of each month for the previous month’s awards. TGA will issue the check for each award to the person in whose name the Texas-bred greyhound is registered.

(3) Determination of Available Award Funds. Available owners’ awards for each month are composed of the sum of the following two amounts:

(A) the total amount of money received from the Commission for the Texas Bred Incentive Program for the period between the dates that the last Texas greyhound meet ended and the current Texas greyhound meet began, minus the statutorily permitted amount for administrative expenses, multiplied by the ratio of the live pari-mutuel races proposed for the month to the number of live pari-mutuel races proposed in the current greyhound meet; and

(B) the total amount of money received from the Commission for the Texas Bred Incentive Program during the current greyhound meet for the month, minus the statutorily permitted amount for administrative expenses.

(4) Owners’ awards for each live race during a month shall be paid out as follows:

(A) First Texas-bred greyhound – each Texas-bred greyhound finish for first among Texas-bred greyhounds that compete in a Texas pari-mutuel race shall receive an equal share of 50% of the award funds available under paragraph (3) of this subsection.

(B) Second Texas-bred greyhound – each Texas-bred greyhound finish for second among Texas-bred greyhounds that compete in a Texas pari-mutuel race shall receive an equal share of 25% of the award funds available under paragraph (3) of this subsection.

(C) Third Texas-bred greyhound – each Texas-bred greyhound finish for third among

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Texas-bred greyhounds that compete in a Texas pari-mutuel race shall receive an equal share of 15% of the award funds available under paragraph (3) of this subsection.

(D) Fourth Texas-bred greyhound – each Texas-bred greyhound finish for fourth among Texas-bred greyhounds that compete in a Texas pari-mutuel race shall receive an equal share of 10% of the award funds available under paragraph (3) of this subsection.

(5) TGA shall make a reasonable effort to deliver all owners' awards. If after 12 months after issuing a check for an owner's award TGA is unsuccessful in delivering the check to the proper person, TGA shall void the check and add the unclaimed amount to the total amount to be distributed as owners' awards for the next greyhound meet.

(6) Each month, one owner's award share under each subparagraph listed under paragraph (4) of this subsection will be retained to cover errors that may be made by TGA. A person who believes he or she is entitled to an owner's award must file a claim with TGA no later than 90 days after the end of the month during which the race on which the claim is based was conducted. On receipt of a claim for an owner's award, TGA shall determine whether the claim is valid. If the claim is valid, TGA shall immediately pay the owner's award. After the deadline for filing a claim, TGA shall add the remaining retained owner's award shares to the total amount to be distributed in the next greyhound meet. If more than one valid claim is filed, TGA shall pay the second and subsequent claims from the owner's award shares retained from the next and subsequent months until all valid claims are paid.

(7) At the conclusion of the current greyhound meet and after the TGA has distributed all owners' awards under this subsection, the TGA shall add any remaining Accredited Texas Bred Funds to the total amount to be distributed as owners' awards at the next greyhound meet.

(8) An owner's award may not be paid for a greyhound that is disqualified from a race due to

a positive drug test. On notice to TGA that a race's results are affected by a positive drug test, TGA shall retain any owner's award due to the affected greyhound until the Commission's disciplinary proceedings regarding the positive drug test are final and unappealable. If the greyhound's disqualification is overturned, the TGA shall pay the retained owner's award within 30 days of receiving notice of the final disposition of the proceeding. If the greyhound's disqualification is upheld, the amount of the retained owner's award shall be added to the total amount to be distributed as owners' awards for the next greyhound meet after the month in which TGA is notified of the final disposition of the proceeding.

(c) Stakes Races.

(1) Pursuant to the Act, §6.09(d) and Tex. AG. Op. No. DM-211, TGA shall pay one-half of the breakage it receives as additional purse money for stakes races restricted to Texas-bred greyhounds. All registered Texas-bred greyhounds are eligible to participate in a Texas-bred restricted stakes race, subject to the conditions of the race.

(2) TGA shall develop the conditions of each Texas-bred restricted stakes race in cooperation with the racetrack at which the race will be conducted. The conditions of the race are subject to the approval of the executive secretary.

(3) TGA shall pay the allotted additional purse money for the race to the racetrack at which the race will be conducted. The racetrack shall hold the additional purse money received from TGA until the executive secretary advises the association that the race has been cleared for payment.

(d) Distribution of purse money from cross-species simulcasting.

(1) To enhance live racing opportunities at Texas greyhound racetracks, TGA shall pay to each greyhound racetrack the purse money it collects pursuant to the Act, §6.091(d)(2) from interstate cross-species simulcasting at Texas horse racetracks in accordance with an allocation approved by the Commission. TGA shall prepare

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a proposed allocation for consideration by the Commission. In preparing a proposed allocation, TGA shall consider:

(A) the average price-per-point paid for purses at each greyhound racetrack during the preceding year;

(B) the purse payout at each greyhound racetrack during the preceding year; and

(C) the impact cross-species simulcasting has made on greyhound purse revenues at each greyhound racetrack during the preceding year.

(2) Annually, the executive secretary shall establish a deadline by which the proposed allocation must be submitted. The executive secretary shall ensure each of the greyhound racetracks has notice of the proposed allocation and the date, time, and location of the Commission meeting at which the proposed allocation will be considered for approval. (Added eff. 7/18/89; amended eff. 12/1/96; amended eff. 1/1/02; (b) amended eff. 11/7/16)

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### **Subchapter F. Licensing Persons with Criminal Backgrounds**

#### **Sec. 303.201. General Authority.**

(a) In accordance with state law, the commission may revoke, suspend, or deny a license or the stewards or racing judges may suspend or deny a license to a person because of the person's conviction of a felony or misdemeanor if the offense directly relates to the person's present fitness to perform the duties and responsibilities associated with the license.

(b) In determining whether or not an offense directly relates to a person's present fitness to perform the duties and responsibilities associated with the license, the commission or stewards or racing judges shall consider the relationship between the offense and the particular license applied for and the following factors:

(1) the extent and nature of the person's

## GENERAL PROVISIONS

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