

CHAPTER 7869
MINNESOTA RACING COMMISSION
HORSE RACING; DEFINITIONS

7869.0100 DEFINITIONS.

7869.0200 INCORPORATION BY REFERENCE.

7869.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of chapters 7869 to 7899, the following terms have the meanings given them unless another intention clearly appears.

Subp. 2. **Actual favorite.** "Actual favorite" means a horse that has the lowest win odds as determined by the most amount of money wagered on that horse to win.

Subp. 2a. **ADA.** "ADA" means the Americans with Disabilities Act, United States Code, title 42, section 12101, et seq., as amended.

Subp. 3. **Added money.** "Added money" means the amount an association adds to the nominating and starting fees in a race.

Subp. 3a. **Administer or administration.** "Administer" or "administration" means the introduction of any substance or medication into the body of a horse by any means.

Subp. 4. **Age.** "Age" means the age of a horse as computed from the first day of January in the year in which the horse is foaled.

Subp. 5. **Allowance.** "Allowance" means a specified amount of weight that may be subtracted from a horse's starting weight based upon that horse's past performance, money won, sex, or apprentice jockey as they relate to the conditions of a race.

Subp. 6. **Also-eligible.** "Also-eligible" means a horse officially entered and appearing on the overnight sheet, but not permitted to start unless the field is reduced by scratches at scratch time below a specified number.

Subp. 6a. **Alternative facility.** "Alternative facility" means a facility licensed by a state or provincial racing regulatory agency that utilizes a pari-mutuel central processing unit that is electronically linked to a Minnesota class A facility for the purposes of facilitating pari-mutuel wagering.

Subp. 6b. **Amounts wagered by Minnesota residents.** "Amounts wagered by Minnesota residents," for purposes of determining source market fees required by Minnesota Statutes, section 240.131, subdivisions 3 and 6, and payments to the state required by Minnesota Statutes, section 240.131, subdivision 7, means all pari-mutuel wagers, pooled or community wagers, and contest entry fees.

Subp. 7. **Association.** "Association" means the holder of a Class B or D license.

Subp. 8. **Authorized agent.** "Authorized agent" means a person duly appointed by an owner or trainer to act on their behalf in racing matters.

Subp. 8a. **Beneficial owner.** "Beneficial owner" means persons or entities holding at least five percent ownership or voting interest in a vendor, racing or gaming-related vendor, applicant, or license holder.

Subp. 9. **Break.** "Break" means the act of a harness horse altering either its pacing or trotting gait.

Subp. 9a. **Break off a qualifier.** "Break off a qualifier" means a break that is made in the first start after qualifying.

Subp. 9b. **Breath analyzer.** "Breath analyzer" is an instrument used to measure a person's blood alcohol level.

Subp. 10. **Breeder.** "Breeder" of a Thoroughbred horse means the owner of the dam at the time of foaling.

Subp. 11. **Breeding place.** "Breeding place" means the place of birth of a horse.

Subp. 12. **Claim.** "Claim" means the act of attempting to purchase a horse from a claiming race.

Subp. 12a. **Claimant.** "Claimant" means a licensed person or entity purchasing a horse from a designated race for a predetermined price.

Subp. 13. **Claiming authorization.** "Claiming authorization" means approval granted by the commission to a person that is not licensed as an owner to claim a horse from a claiming race.

Subp. 14. **Commission.** "Commission" means the Minnesota Racing Commission.

Subp. 15. **Commission veterinarian.** "Commission veterinarian" means a licensed veterinarian appointed by the commission pursuant to Minnesota Statutes, section 240.04, subdivision 4.

Subp. 16. **Condition book.** "Condition book" means the publication issued by the association advertising races for upcoming racing days.

Subp. 17. **Coupled.** "Coupled" means two or more horses grouped together for wagering purposes.

Subp. 18. **Course.** "Course" means the track over which horses race.

Subp. 19. **Day.** "Day" means 24 hours ending at midnight.

Subp. 20. **Dead heat.** "Dead heat" means two or more horses crossing the finish line at exactly the same time.

Subp. 20a. **Digital tattoo.** "Digital tattoo" or "tattooed digitally" means authentication of horse identity by a Thoroughbred Racing Protective Bureau (TRPB) technician through an in-person

inspection that includes scanning the Thoroughbred's microchip, comparing markings and photos from The Jockey Club database, and uploading updated digital photographs to the breed registry.

Subp. 21. [Repealed, 42 SR 1258]

Subp. 22. **Disqualification.** "Disqualification" means an order of the stewards or commission which revises the order of finish in a race.

Subp. 23. **Entrance fee.** "Entrance fee" means a fee set by the association which must be paid in order to make a horse eligible for a stakes race.

Subp. 24. **Entry.** "Entry" means, according to its context, either:

- A. the act of entering a horse to race;
- B. a horse eligible and entered in a race; or
- C. two or more horses that are entered in a race and which are coupled for wagering purposes.

Subp. 25. **Equipment.** "Equipment," as applied to a horse, means whips, riding crops, blinkers, tongue straps, muzzles, hoods, nasal strips, nose bands, shadow rolls, martingales, breast plates, bandages, boots, plates or toe grabs (shoes), sulkies, head poles, safety reins, cornell collars, and all other paraphernalia that is or might be used on or attached to a horse while racing.

Subp. 26. **Field.** "Field" means the entire group of horses in a race.

Subp. 27. **Fine.** "Fine" means the imposition of a monetary penalty upon a license holder by the stewards or commission.

Subp. 28. **Foul.** "Foul" means any action by a horse, jockey, or driver which interferes with another horse, jockey, or driver in the running of a race.

Subp. 29. **Gait.** "Gait" means any of the ways a horse may move by lifting the feet in different order or rhythm, and specifically in harness racing, trotting or pacing.

Subp. 30. **Grounds.** "Grounds" means the entire area licensed by the commission and used by the association to conduct a race meeting, including the track, grandstand, stables, concession areas, and parking facilities.

Subp. 30a. **Guest racetrack.** "Guest racetrack" means a licensed racetrack which receives broadcasts of races by television from another licensed racetrack.

Subp. 31. **Heat.** "Heat" means one of a number of events to determine the ultimate winner of a race.

Subp. 31a. **Horse.** "Horse" includes filly, mare, colt, horse, gelding, and ridgling. Horse does not mean a cloned horse or offspring of a cloned horse regardless of whether any breed association or registry has registered the horse. A cloned horse is one born as a result of the genetic material of an unfertilized egg or embryo being modified by any means.

Subp. 31b. **Horseracing Integrity and Safety Act.** "Horseracing Integrity and Safety Act" or "act" means Public Law 116-260, title XII, which created the Horseracing Integrity and Safety Authority.

Subp. 31c. **Horseracing Integrity and Safety Authority or HISA.** "Horseracing Integrity and Safety Authority" or "HISA" is an organization authorized by the Horseracing Integrity and Safety Act that is responsible for drafting and enforcing uniform safety and integrity rules in Thoroughbred racing in the United States.

Subp. 31d. **HISA-covered horse.** "HISA-covered horse" means any Thoroughbred horse or any other horse made subject to the act by election of the applicable state racing commission or the breed-governing organization for a horse under section 3054(l) of the act during the period:

A. beginning on the date of the horse's first timed and reported workout at a racetrack that participates in HISA-covered horse races or at a licensed training facility; and

B. ending on the date on which the horse is deemed retired pursuant to section 3050(b) of the act.

Subp. 31e. **HISA-covered horse race.** "HISA-covered horse race" means any horse race involving HISA-covered horses that has a substantial relation to interstate commerce, including any Thoroughbred horse race that is the subject of interstate off-track or advance deposit wagers.

Subp. 31f. **Horseracing Integrity and Welfare Unit.** "Horseracing Integrity and Welfare Unit" is a division of HISA established to provide independent antidoping and medication control.

Subp. 32. [Renumbered subp 31a]

Subp. 32a. **Host racetrack.** "Host racetrack" means a licensed racetrack which broadcasts its races by television to another licensed racetrack.

Subp. 32b. **Key employee.** "Key employee" means an officer, director, partner, sales representative, sole proprietor, or signatory on an agreement with a licensed racetrack.

Subp. 32c. [Renumbered subp 32e]

Subp. 32d. **Laid off the gate.** "Laid off the gate" means a failure to come up into position at the start of a harness race.

Subp. 32e. **Lapped on.** "Lapped on" means any part of a trailing horse is at least even with the offending horse's hindquarters at the finish.

Subp. 33. **Lapped on break.** "Lapped on break" means a harness horse that is breaking stride at the finish line and is even with an opponent, or the breaking horse's nose is at least opposite its opponent's hind quarters.

Subp. 33a. [Repealed, 42 SR 1258]

Subp. 33b. **Live racing day.** "Live racing day" means a racing day assigned by the commission on which pari-mutuel betting is conducted on horse races run at a licensed racetrack.

Subp. 34. **Maiden.** "Maiden" means a horse which at the time of starting has never won a race on the flat in any country on a recognized racetrack, or that has been disqualified after finishing first.

Subp. 35. **Meeting.** "Meeting" means the entire period for which a license to conduct racing has been granted to any association by the commission.

Subp. 35a. **Mixed meet.** "Mixed meet" means a racing day or series of racing days on which the racing of more than one breed of horse occurs.

Subp. 36. **Morning line.** "Morning line" means the projected approximate win odds of each horse printed in the official program prior to wagering.

Subp. 37. **Nerved.** "Nerved" means any procedure whereby any nerve or nerves of a horse have been removed or desensitized.

Subp. 38. **Nominating fee.** "Nominating fee" means an amount set by the association which must be paid in order to make a horse eligible for a stakes race.

Subp. 39. **Nomination.** "Nomination" means the naming of a horse or its foal in utero to compete in a specific race or series of races, eligibility for which may be conditional upon the payment of a fee at the time of naming.

Subp. 40. **Nominator.** "Nominator" means the person in whose name a horse is nominated for a stakes race or handicap race.

Subp. 40a. **Nonrecognized racing equipment.** "Nonrecognized racing equipment" means any article, appliance, or device that the commission veterinarian determines may cause or mask pain in a horse including but not limited to kinesiology tape, rubber bands, nose rings, iron halters, and copper tail or ankle wires.

Subp. 41. **Official.** "Official" means the act of the stewards declaring the results of the race final and authorizing pari-mutuel winnings to be paid out.

Subp. 41a. **Official timed workout.** "Official timed workout" means a timed workout required and supervised by a commission veterinarian.

Subp. 42. **Owner.** "Owner" means any person or entity possessing all or part of the legal title to a horse.

Subp. 42a. **Pari-mutuel central processing unit.** "Pari-mutuel central processing unit" means the computer system by which all pari-mutuel wagers are recorded and the calculation of odds and payoffs is accomplished. The pari-mutuel central processing unit must be located at a licensed racetrack or alternative facility.

Subp. 43. **Photo finish.** "Photo finish" means the equipment and cameras used to aid the placing judges in determining the exact order of finish in a race.

Subp. 44. **Place.** "Place" means either the position in which a horse finishes a race or more specifically, finishing second in a race.

Subp. 45. **Pool.** "Pool" means the total amount of money bet in each form of pari-mutuel wagering.

Subp. 46. **Post position.** "Post position" means the starting position assigned to a horse for a race.

Subp. 47. **Post time.** "Post time" means the time set for the arrival of horses at the starting point in a race.

Subp. 47a. **Presiding official.** "Presiding official" means an official of the commission appointed by the director of pari-mutuel racing, presiding over races conducted on approved televised racing days.

Subp. 48. **Program.** "Program" means, according to its context, either:

- A. an entire day's racing schedule; or
- B. the official publication of a day's races.

Subp. 49. **Purse.** "Purse" means the amount of money to be paid the participants of a race.

Subp. 50. **Qualifying list.** "Qualifying list" means the tabulation compiled by the stewards of horses that must perform in qualifying races before being eligible to be entered.

Subp. 51. **Race.** "Race" means a contest among horses for purse, stakes, premium, or wager for money, run in the presence of racing officials of the association and the commission. The following are categories of races:

A. "Allowance race" means a race, other than claiming, in which certain conditions are drafted.

B. "Claiming race" means a race in which any horse entered may be purchased in conformity with the rules of the commission.

C. "Conditioned race" means an overnight event to which eligibility is determined according to specified qualifications.

D. "Handicap race" means:

(1) in Thoroughbred or Quarter Horse racing a race in which weights to be carried by the entered horses are adjusted by a handicapper for the purpose of equalizing their respective chances of winning; or

(2) in harness racing the assignment of post positions of entered horses for the purpose of equalizing their respective chances of winning.

E. "Invitational race" means a race restricted to horses asked to race by the association.

F. "Matinee race" means a race where an entrance fee may be charged and where the premiums, if any, are other than money.

G. "Match race" means a race between two or more horses, each the property of different owners, on terms agreed upon by the owners, and approved by the commission.

H. "Overnight race" means a race for which entries close 96 hours or less before the time set for the first race of the day on which the races are to be run.

I. "Purse race" means a race for money or other prize to which the owners of the horses engaged in the race do not contribute an entry fee.

J. "Qualifying race" means a non-pari-mutuel wagering race in which a standardbred horse must compete to establish or reestablish its eligibility to enter a race on which pari-mutuel wagering will be conducted, or a race for the purpose of qualifying drivers and/or to improve a driver's eligibility to move up in class.

K. "Race on the flat" means a race over a course in which no jumps or other obstacles are placed.

L. "Restricted race" means a race required pursuant to Minnesota Statutes, section 240.29.

M. "Stakes race" or "sweepstakes race" means a race to which nominators of the engaged entries contribute to a purse, and to which money or any other award may be added.

N. "Time trial" means a race against time for the purpose of establishing a performance record.

O. "Mixed race" means a race conducted between two or more different breeds of horses. In the case of harness races, mixed race means a race conducted between trotters and pacers.

P. "Early-closing race" means a harness race for a definite purse to which entries close at least six weeks preceding the race.

Subp. 51a. **Racing day.** "Racing day" means a day assigned by the commission on which racing is conducted and shall include no fewer than eight live races. If environmental conditions, a power or technology failure, or a shortage of horses forces the cancellation of races to the extent that fewer than eight races can be held in a single day, the day is still considered a racing day as long as the canceled races are added to one or more subsequent racing cards held within 30 days of the cancellation. For purposes of this subpart, "shortage of horses" means that one or more proposed races for the day were unable to generate at least a five-horse field and therefore could not be carded. No more than 14 live races shall be conducted in a single day unless approved by the stewards and the executive director.

Subp. 52. **Recall.** "Recall" means the starter declaring that the field be assembled for a restart prior to the word "go" being given.

Subp. 53. **Recognized racetrack.** "Recognized racetrack" means a racetrack where pari-mutuel wagering is authorized by law, or which is recognized by the American Quarter Horse Association, the United States Trotting Association, or the Thoroughbred Racing Association.

Subp. 54. **Ruled off.** "Ruled off" means the act of barring a licensee from the grounds of an association and denying the licensee all racing privileges.

Subp. 55. **Scratch.** "Scratch" means the act of withdrawing an entered horse from a race.

Subp. 56. **Scratch time.** "Scratch time" means the time set by the association for the closing of applications requesting permission of the stewards to withdraw from a race.

Subp. 56a. **Ship in.** "Ship in" means a horse that is not stabled on the grounds of the racetrack at which it is entered to race.

Subp. 57. [Repealed, 41 SR 1322]

Subp. 57a. **Single-breed meet.** "Single-breed meet" means a racing day or series of racing days on which the racing of one breed of horse occurs.

Subp. 57b. **Stable area.** "Stable area" means that part of the grounds that contains the barn area, tracks, and paddock.

Subp. 58. **Start.** "Start" means the beginning of an officially recognized race.

Subp. 59. **Starter.** "Starter" means, according to its context, either:

A. a horse whose stall door of the starting gate opens in front of it at the time all of the horses are dispatched in a race; or

B. the official whose duty it is to give the starting signal at the beginning of a race.

Subp. 60. **Starter's schooling list.** "Starter's schooling list" means a tabulation of horses compiled by the starter that are ineligible to be entered until they have demonstrated their ability to the starter that they are capable of performing in a satisfactory manner at the starting gate.

Subp. 61. **Starting fee.** "Starting fee" means an amount, specified by the conditions of the race and set by the association, that must be paid in order to start in a race.

Subp. 62. **Stewards' list.** "Stewards' list" means a tabulation compiled by the stewards of horses that are ineligible to race due to poor performance, ownership by a suspended or nonlicensed person, or for other reasons that might affect the integrity or welfare of racing.

Subp. 62a. **Sulky.** "Sulky" means a two-wheeled cart with a single seat pulled by a horse during a harness race.

Subp. 63. **Supplemental fee.** "Supplemental fee" means a fee set by the association that may be required to be paid at a prescribed time to make a horse eligible for a stakes race.

Subp. 64. **Suspended.** "Suspended" means that all privileges granted by the commission are temporarily withdrawn.

Subp. 65. **Sustaining fees.** "Sustaining fees" mean fees which must be paid periodically, as prescribed by the conditions of the race, in order to keep a horse eligible for that race.

Subp. 65a. **Televised racing day.** "Televised racing day" means a racing day assigned by the commission on which pari-mutuel betting is conducted on separate pool and/or commingled pool wagering and only on horse races run at racetracks outside of the state which are broadcast by television to a licensed racetrack.

Subp. 66. **Totalizator.** "Totalizator" means the system by which pari-mutuel activity including selling and cashing of tickets, compiling of wagers, and displaying of pari-mutuel information is accomplished. The totalizator must be electronically linked with a pari-mutuel central processing unit.

Subp. 67. **Track.** "Track" means the course over which races take place.

Subp. 68. **USTA.** "USTA" means the United States Trotting Association.

Subp. 69. **Walkover.** "Walkover" means a race in which there are not two or more horses of separate interest sent postward.

Statutory Authority: *MS s 14.389; 240.03; 240.08; 240.13; 240.131; 240.15; 240.16; 240.19; 240.23; 240.24*

History: *9 SR 2527; 10 SR 2161; 11 SR 2201; 13 SR 38; 14 SR 332; 14 SR 1419; 14 SR 2008; 19 SR 2307; 22 SR 1785; 23 SR 1540; 24 SR 1568; 31 SR 1277; 33 SR 8; 34 SR 1135; 34 SR 1759; 40 SR 29; 41 SR 809; 41 SR 1322; 42 SR 1258; 44 SR 1047; 46 SR 6; 46 SR 1210; 47 SR 990*

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7869.0200 INCORPORATION BY REFERENCE.

Subpart 1. **United States Trotting Association.** For the purposes of chapters 7869 to 7899, Rules 11, 17, and 18.25 of the Charter, Bylaws, Rules and Regulations of the United States Trotting Association (USTA) are incorporated by reference. The USTA Charter, Bylaws, Rules and Regulations are subject to frequent change and are available to the public free of charge at the State Law Library, on the Minnesota Racing Commission website, and on the United States Trotting Association website.

Subp. 2. Association of Racing Commissioners International.

A. For the purposes of chapters 7869 to 7899, the Association of Racing Commissioners International (ARCI) Endogenous, Dietary, or Environmental Substances Schedule is incorporated by reference. The ARCI Endogenous, Dietary, or Environmental Substances Schedule is subject to change and is available to the public free of charge at the State Law Library and on the Minnesota Racing Commission website.

B. For the purposes of chapters 7869 to 7899, and except as otherwise specifically provided therein, the Association of Racing Commissioners International (ARCI) Controlled Therapeutic Medication Schedule for Horses is incorporated by reference. The ARCI Controlled Therapeutic Medication Schedule for Horses is subject to change and is available to the public free of charge at the State Law Library and on the Minnesota Racing Commission website.

C. For the purposes of chapters 7869 to 7899, and except as otherwise specifically provided therein, the Association of Racing Commissioners International (ARCI) Uniform Classification Guidelines for Foreign Substances and Recommended Penalties Model Rule is incorporated by reference. This model rule is subject to change and is available to the public free of charge at the State Law Library and on the Minnesota Racing Commission website.

D. For the purposes of chapters 7869 to 7899, and except as otherwise specifically provided therein, the Association of Racing Commissioners International (ARCI) Multiple Medication Violation Model Rule is incorporated by reference. This model rule is subject to change and is available to the public free of charge at the State Law Library and on the Minnesota Racing Commission website.

Subp. 3. **Alteration or amendment.** Any alteration or amendment to rules incorporated by reference becomes effective in Minnesota 30 days after adoption and approval by the Minnesota Racing Commission unless the Minnesota Racing Commission opts out of implementing the change.

Statutory Authority: *MS s 240.03; 240.23; 240.24*

History: *31 SR 1277; 41 SR 1322; 44 SR 1047*

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