

**DEPARTMENT OF AGRICULTURE  
THOROUGHBRED RACING COMMISSION**

Statutory Authority: 3 Delaware Code, Section 10103(c) (3 **Del.C.** §10103(c))  
3 **DE Admin. Code** 1001

**EMERGENCY**

**In Re: EMERGENCY RULE FOR THOROUGHBRED RACING COMMISSION - Final Order**

**1001 Thoroughbred Racing Rules and Regulations**

**WHEREAS**, the Thoroughbred Racing Commission (the "Commission") has been charged by the Delaware legislature pursuant to 3 Del. C. § 10103(c) with the powers and duties to regulate the conduct of all participants in any thoroughbred and/or Arabian racing meet authorized by the Commission within this State and to promulgate and prescribe such rules and regulations as it may deem proper and necessary; and

**WHEREAS**, the Commission is developing proposed regulations (the "Proposed Regulations") for publication in the Register of Regulations to amend Rules 15.2, 15.3, 2.6.2.5, and 1.0 ("Definitions") to clarify veterinary staff who can administer Bleeder medication (Furosemide/Salix) in light of an ongoing and nationwide shortage of veterinarians; and

**WHEREAS**, the Commission finds that adoption of an emergency regulation to clarify veterinary staff who can administer Furosemide/Salix Bleeder must occur on an emergency basis in order to be in effect before the next meet on May 24, 2022 and allow that meet to go forward; and

**WHEREAS**, the Commission will accept, consider and respond to petitions by any interested person for the reconsideration or revision of this regulation by addressing the same to the attention of Thoroughbred Racing Commission, 777 Delaware Park Boulevard, Wilmington, Delaware 19804; and

**WHEREAS**, in accordance with the provisions of 29 Del. C. § 10119(3), this Order shall be effective for 120 days from the date of execution and may be renewed once for a period not exceeding 60 days; and

**WHEREAS**, a copy of this Order will be submitted to the Registrar for publication in the next issue of the Delaware Register of Regulations.

**NOW, THEREFORE, IT IS ORDERED** this 6th day of May, 2022 that the following "Amendment to Thoroughbred Racing Commission Rules" shall take effect immediately.

Delaware Thoroughbred Racing Commission

Sarah A. Crane, Executive Director

**1001 Thoroughbred Racing Rules and Regulations**

**1.0 Definitions and Interpretations**

In the context of these Rules of Racing, the following words and phrases shall be construed as having the following special meanings:

**"Added money"**: Cash, exclusive of trophy or other award, added by the Licensee to stakes fee paid by subscribers to form the total purse for a stakes race.

**"Age"**: The number of years since a horse was foaled, reckoned as if such horse were foaled on January 1 of the year in which such horse was foaled.

**"Arrears"**: All sums due by any permittee or registrant as reflected by his account with the Licensee or the Horsemen's Bookkeeper, including subscriptions, jockey fees, forfeitures, and any default incident to these rules.

**"Authorized Agent"**: Any person currently registered as an agent for a registered-owner principal by virtue of a notarized appointment of agency properly and fully lodged with the Licensee.

**"Betting Interest"**: A single horse, or more than one horse joined as a "mutuel entry" or joined in the "mutuel field", on which a single pari-mutuel wager may be placed.

**“Bleeder”**: Any horse known to have bled from its nostrils during a workout or race or is found to have bled internally by endoscopic examination. See Rule 15.2.1.1.

**“Breeder”**: Owner of the dam of a horse at the time such horse was foaled. A horse is "bred" at the place of its foaling.

**“Claiming Race”**: Any race in which the ownership of every horse running therein may be transferred in conformity with these Rules.

**“Closing”**: Time published by the Licensee after which entries for a race will not be accepted.

**“Commission”**: The Delaware Thoroughbred Racing Commission.

**“Commissioner”** is a member of the Commission.

**“Day”**: Any 24-hour period beginning at 12:01 a.m. and ending at midnight. "Racing Day" is a day on which races are conducted. "Calendar Days" are those consecutive days counted irrespective of number of "Racing Days."

**“Declaration”**: Withdrawal of a horse entered in a race prior to time of closing of entries therefore in conformance with these Rules.

**“Disciplinary Action”**: That action taken by the Stewards, by the Licensee, or by the Commission, for a Rule violation; it can include suspension, revocation, voidance of a permit, authorization or registration, ejection or exclusion from the Licensee's grounds, or assessment of a forfeiture, or reprimand, or any combination thereof.

**“Disqualification”**: An order of the Stewards revising the order of finish of a race.

**“Entry”**: The act of nominating a horse for a race in conformance with these Rules. See "Mutuel Entry".

**“Equipment”**: Accouterments, other than ordinary saddle, girth, pad, saddle cloth, and bridle carried by a horse, including riding crop, blinkers, tongue strap, muzzle, hood, noseband, bit, shadow roll, martingale, breast plate, bandages, boots, and racing plates or shoes.

**“Exhibition Race”**: A race between horses of diverse ownership for which a purse is offered by the Licensee, but on which no pari-mutuel wagering is permitted.

**“Field or Mutuel Field”**: A single betting interest involving more than one horse which is formed when the number of horses starting a race exceeds the numbering capacity of the totalizator and where all horses of a higher number are grouped in the "mutuel field".

**“Forfeit”**: Money due by a permittee, registrant or other person to whom these Rules apply because of an error, fault, neglect of duty, breach of contract, or alternative order of the Stewards.

**“Handicap Race”**: A race in which the weights to be carried by the horses therein are assigned by the Licensee's Handicapper with the intent of equalizing the chances of winning for all horses entered. A "free handicap" is a handicap for which no nominating fee is required to be weighted, but an entrance and/or starting fee may be required for starting therein.

**“Horse”**: Any Thoroughbred, whether mare, gelding, colt or filly, which is registered as such with the Jockey Club in Lexington, Kentucky, or, for Steeplechase racing purposes, by the National Steeplechase Association in Fair Hill, Maryland and any Arabian whether mare, gelding, colt or filly which is registered as such with the Arabian Horse Registry of America, Inc. in Westminster, Colorado and for which an Identification Supplement has been issued.

- In these rules of racing, unless otherwise noted, the use of the word "Thoroughbred" shall likewise apply to Arabian horses.

**“Ineligible”**: A horse or person not qualified, not permitted, or not authorized under these Rules or conditions of a race to participate in a specified racing activity.

**“Jockey”**: A rider currently authorized to ride in races as a Jockey, or Apprentice Jockey, or Amateur Jockey, or a provisional Jockey permitted by the Stewards to ride in two races prior to applying for a permit.

**“Lessee”**: A registered Owner whose interest in a horse is a leasehold.

**“Licensee”**: Any person, or persons, or corporation, licensed by the Commission to conduct a recognized race meeting at a particular racetrack within this State. When used herein, the word refers to that Licensee of the racetrack at which any matter or thing calling for the application of these Rules arises or occurs.

**“Maiden”**: With respect to flat races, a horse which has never won a flat race at a recognized meeting in any country; a "maiden" which was disqualified after finishing first remains a "maiden"; race conditions referring to "maidens" shall be interpreted as meaning "maidens" at the time of starting.

- In flat races a horse is still a maiden though a winner of a steeplechase or hurdle race, and in steeplechase and hurdle races a horse is still a maiden though a winner on the flat.

**“Mandatory Safety Equipment”**: Helmets and Vests. The helmets and vests that are to be worn while riding astride a horse or pony at any time, for any reason, while on the grounds of a racetrack that comes under the jurisdiction of the Commission. Rule 1.1.65 adopted 11/30/94.

**“Match Race”**: A race between two horses for which no other horses are eligible.

**“Meeting”**: The entire period of consecutive days, exclusive of dark days, granted by the Commission to a Licensee for the conduct of racing, beginning at 12:01 a.m. of the first racing day and extending through a period ending at 11:59 p.m. after the last scheduled race on the last day, which includes all race dates approved by the Commission under 3 Del.C. §10122(c) including racing dates limited exclusively to the receiving and accepting of wagers or bets on electronically televised simulcasts. See "Recognized Meeting". Rule 1.28 Rev. March 1976.

**“Month”**: A calendar month.

**“Mutuel Entry”**: A single betting interest involving two or more horses entered in the same race and joined for pari-mutuel purposes because of common ties as to ownership so that a wager on one horse joined in a "mutuel entry" is a wager on all horses joined in the same "mutuel entry".

**“Mutuel Field”**: See "Field".

**“Nominator”**: The person in whose name a horse is entered for a race.

**“Owner”**: Any person who holds, in whole or in part, any right, title, or interest in a horse, or any lessee of a horse, who has been duly registered and approved by Licensee as a person responsible for such horse.

**“Permittee”**: Any person authorized by or registered with and approved by the Commission to participate in any designated way in racing at the location where Licensee is authorized to conduct a racing meet. See "Registrant".

**“Place”**: When used in the context of a single position in the order of finish in a race, "Place" means second; when used in the context of a pari-mutuel wagering, a "Place" wager is one involving a payoff on a betting interest which finished first or second in a race; when used in the context of multiple positions in the order of finish in a race, "Place or Placing" means finishing first, or second, or third. See "Unplaced".

**“Post”**: The starting point of a race.

**“Post Position”**: The relative place assigned to each horse, numbered from the inner rail across the track at the starting line, from which each horse is to start a race.

**“Post Time”**: The advertised moment scheduled for the arrival of all horses at the starting point for a race.

**“Prize”**: The combined total of any cash, plate, purse, premium, stake, trophy, reward or object of value awarded to the Owners of horses according to order of finish in a race. No race shall be authorized or permitted for a purse, stake or reward of less than \$700.00, except in the event of a split race, in which case the purse, stake or reward shall be equally divided. Rule 1.30 Rev. July 1977.

**“Purse”**: The gross cash portion of the prize for which a race is run.

**“Purse Race”**: Any race for which entries close less than 72 hours prior to its running, and for which Owners of horses entered are not required by its conditions to contribute money toward its purse.

**“Race”**: A running contest between horses, ridden by Jockeys, over a prescribed course, at a recognized meeting, during regular racing hours, for a prize.

**“Racing Official”**: Any person appointed and designated as such, and authorized to perform the duties prescribed at any race meeting authorized by the Commission.

**“Recognized Meeting”**: Any meeting with regularly scheduled races for horses on the flat or over jumps, licensed by and conducted under rules promulgated by a governmental body, including any such authority which has reciprocal relations with the Jockey Club of Lexington, Kentucky, whose race records can be provided to a Licensee by the Jockey Club and any such authority which has reciprocal relations with the American Horse Registry of America, Inc. in Westminster, Colorado.

**“Registrant”**: Synonymous with "Permittee".

**“Registration Certificate”**: A document issued by the Jockey Club of Kentucky certifying as to the name, age, color, sex, pedigree and breeder of a horse as registered by number with the Jockey Club, shall be deemed to refer also to the document known as a "racing permit" issued by the Jockey Club in lieu of a "registration certificate" when a horse is recognized as a Thoroughbred for racing purposes in the United States, but is not recognized as a Thoroughbred for breeding purposes insofar as registering its progeny with the Jockey Club.

**“Reward”**: Any non-monetary prize, as defined in Rule 1.1.3.9, with a monetary value in excess of \$2,500.00, as determined by the fair market value of the prize, given to competitors in a race as an incentive to win, place or show.

- The fair market value of any prize shall be determined by the commission. Evidence of fair market value shall include purchase price and resale value.

**“Rules”**: When used in the plural, shall be deemed to mean all current "Rules" promulgated by the Commission; when used in the singular, shall be deemed to be confined to the numbered "Rule", and subparagraphs thereof, wherein such mention is made.

**“Rulings”**: All determinations, decisions, or orders of the Stewards duly issued in writing and posted. Rule 1.48 Rev. March 1976.

**“Scratch”**: Withdrawal of a horse entered for a race after time of closing of entries therefore in conformance with these Rules.

**“Scratch Time”**: Time set by Licensee's Racing Secretary as a deadline for horsemen to indicate their desire to scratch out of a race.

**“Specimen”**: Sample of blood, urine or saliva taken or drawn from a horse for chemical testing.

**“Stakes”**: All fees paid by subscribers to an added-money or stakes race for nominating, eligibility, entrance, or starting, as may be required by the conditions of such race, such fees to be included in the purse.

**“Stakes Race”**: A race which closes more than 72 hours in advance of its running and for which subscribers contribute money towards its purse.

**“Starters”**: When referring to a horse -- a horse in a race when the starting-gate doors open in front of it at the moment the Starter (a Racing Official) dispatches the horses for a race.

**“Stewards”**: Duly appointed Racing Officials with powers and duties as provided by statute and these Rules.

**“Subscription”**: Nomination or entry of a horse in a stakes race.

**“Thoroughbred Racing”**: The conduct of running contests between horses, each of which is registered with the Jockey Club in Lexington, Kentucky and certified as having a Thoroughbred pedigree, or which is registered and certified by any other authority recognized by the commission, and each of which is ridden by a Jockey, under the auspices of an appropriate governmental regulatory body which has jurisdiction over such.

**“Trophy or Plate”**: For the purpose of calculating a prize or reward, a perpetual trophy or plate shall have no monetary value.

- No trophy or plate shall be considered a reward, as defined by these rules and 3 Del.C. §10121 and §10141(c), unless the trophy or plate has a monetary value exceeding \$2500.00.
- The fair value market of any trophy or plate shall be determined by the commission. Evidence of fair market value shall include purchase price and resale value. Rule 1.1.57 adopted 11/30/94. Rule 1.1.57 Rev. March 1974.

**“Unplaced”**: Not among the first three horses finishing a race.

**“Veterinarian”**: A veterinary practitioner licensed by the State of Delaware under Title 24, Chapter 33 of the Delaware Code and authorized to practice at the race track.

**“Veterinary Technician”**: A technician licensed by the State of Delaware under Title 24, Chapter 33 of the Delaware Code and authorized to practice at the race track. Veterinary Technicians are authorized by the Commission to administer Furosemide (Salix) and take samples of blood and urine, both under the supervision of a veterinarian.

**“Walkover”**: A race in which the only starter or all starters represent a single ownership.

**“Weigh In”**: Presentation of a Jockey to the Clerk of Scales for weighing after a race.

**“Weigh Out”**: Presentation of a Jockey to the Clerk of Scales for weighing prior to a race.

**“Weight for Age”**: A standard assignment of pounds to be carried by horses in races at specified distances during specified months of the year, scaled according to the age of the horse, as set out hereinafter in these Rules.

**“Workout”**: A training exercise of a horse on the training or main track of a Licensee during which such horse is timed for speed over a specified distance.

**“Year”**: Twelve consecutive months beginning with January and ending with December.

**7 DE Reg. 316 (09/01/03)**

**19 DE Reg. 1010 (05/01/16)**

**22 DE Reg. 1000 (06/01/19)**

## **2.0 Permits, Registrations and Authorizations**

2.1 Conditions precedent to registration or issuance of authorization or permit.

2.1.1 Thoroughbred racing and participation therein within Delaware are privileges, not rights, which are subject to the conditions and requirements imposed by these Rules. Acceptance of an authorization, registration or permit as provided for by these Rules shall constitute the recipient's consent and agreement to the requirements of these Rules, and failure to comply therewith shall be grounds for immediate voidance or

revocation of such authorization, registration or permit. Registrants and Permittees shall abide by all rulings and decisions of the Commission, the Licensee and/or of the Stewards, and all such rulings and decisions shall remain in force unless and until reversed or modified by the Commission upon proper appeal thereto, or a court of competent jurisdiction.

2.1.2 All rulings and decisions of the Stewards may be appealed to the Commission upon deposit of an appropriate sum to defray all costs attendant.

2.1.3 By applying for, and/or accepting, any authorization, registration or permit provided for by these Rules, the Permittee or Registrant consents: (1) to a search by the Licensee and/or by the Commission, or their respective representatives, of his person and any property in his possession, such property being restricted to that on Licensee's grounds and including, without limiting thereby, tack rooms, living or sleeping quarters, motor vehicles, trunks, boxes and containers of any sort; and (2) to seizure of any object which may be evidence indicating a violation of these Rules; and (3) to having his photograph and fingerprints taken and retained on file by the Commission and/or any other security or investigative agency or entity it may select. During the conduct of an investigation, every Permittee or Registrant shall respond correctly under oath to the best of his knowledge to all questions asked by the Commission, the Licensee, the Stewards or their respective representatives, pertaining to racing matters.

2.2 By Whom Required. No person shall participate in Thoroughbred Racing in Delaware at any Licensee's racetrack as a horse Owner, Trainer, Assistant Trainer, Authorized Agent, Jockey, Apprentice Jockey, Jockey's Agent, Stable Agent, Stable Employee, Racing Official, Licensee's employee, or employee of a person or concern contracting with the Licensee to provide a service or commodity and which employment requires his presence on Licensee's grounds during a race meeting, or Veterinarian, Farrier, Dental Technician or supplier of food, tack, medication or horse feed, without first securing such authorization or permit therefore from the Commission in such form, upon such conditions, and for such fees or charges, as it from time to time, with the Commission's approval, may require.

2.3 Registrar:

2.3.1 The Administrator of Racing is authorized, with the approval of the Commission, to employ a Registrar who shall be responsible for processing applications for authorizations, permits, and registrations of all persons for whom such is required by the preceding section.

2.3.2 The Registrar and his assistants shall:

2.3.2.1 Be present on Licensee's grounds prior to the opening of a race meeting, and during the meeting, to accept such applications and registrations, and shall maintain an office on Licensee's grounds for such purpose.

2.3.2.2 File reports to the Commission respecting such applications with accountings of fees received therefore, as and when required by the Commission.

2.3.2.3 Be responsible for arranging the photographing and fingerprinting of all such applicants for whom Licensee requires such.

2.4 Standards for Granting Permits, etc., to Participants in Racing. The Commission, may allow registration or issue an authorization or permit to any person who applies for same to participate in Thoroughbred Racing at Licensee's racetrack in Delaware as a horse Owner, Trainer, Assistant Trainer, Authorized Agent, Jockey, Apprentice Jockey, Jockey's Agent, Stable Agent, Stable Employee, Racing Official, Licensee's employee, employee of a person or concern contracting with the Licensee to provide a service or commodity and which requires his presence on Licensee's grounds during a race meeting, or Veterinarian, Farrier, Dental Technician, or supplier of food, tack, medication, or horse feed, if the Commission, finds that the financial responsibility, age, experience, reputation, competence, and/or fitness of the applicant to perform the activity so registered or permitted by an authorization or permit, are consistent with the best interests of racing and maintenance of the honesty, integrity, and high quality it heretofore has enjoyed in Delaware.

2.5 Grounds for Refusal, Suspension, or Revocation of a Permit, etc.:

2.5.1 The Commission in its discretion, may refuse to register or to issue an authorization or permit to an applicant, or may suspend or revoke a registration, permit, or authorization previously issued, or order disciplinary measures, on the following grounds:

2.5.1.1 Denial of a license, permit, authorization or registration to an applicant, or suspension or revocation of such, in another racing jurisdiction at any previous time;

2.5.1.2 Conviction of a crime or violation of any narcotic regulation, or association with any person who has been so convicted;

2.5.1.3 Falsification, misrepresentation, or omission of required information in the application submitted to the Commission; failure to disclose the complete ownership or beneficial interest in a horse

- entered to be raced; misrepresentation or attempted misrepresentation in connection with the sale of a horse or other matter pertaining to racing or registration of Thoroughbreds or Arabians;
- 2.5.1.4 Failure to comply with any order or ruling of the Commission, Stewards, or Racing Official pertaining to a racing matter;
- 2.5.1.5 Ownership of any interest in, or participating by any manner in, any bookmaking, pool-selling, touting, bet solicitation, or illegal enterprise, or association with any person ever so engaged in such activity;
- 2.5.1.6 Person less than 16 years of age;
- 2.5.1.7 Person unqualified by experience or competence to perform the activity or hold the status for which registration, permit, or authorization is sought;
- 2.5.1.8 Intoxication, use of profanity, fighting, or any conduct of a disorderly nature, on Licensee's grounds;
- 2.5.1.9 Employment or harboring of unauthorized persons required by these Rules to register or have a permit or authorization;
- 2.5.1.10 Discontinuance of or ineligibility for activity for which registration, permit, or authorization was issued;
- 2.5.1.11 Possession on Licensee's grounds, without written permission therefore from the Commission, the Licensee, or the Stewards, of:
  - 2.5.1.11.1 Firearms;
  - 2.5.1.11.2 Battery, or buzzer, or electrical device, or other appliance other than an ordinary riding crop which could be used to alter the speed of a horse in a race or workout;
- 2.5.1.12 Possession on Licensee's grounds by a person other than a licensed Veterinarian of:
  - 2.5.1.12.1 Hypodermic needle, or hypodermic syringe, or other device which could be used to administer any substance to a horse;
  - 2.5.1.12.2 Narcotics, or medication, or drug, or substance which could be used to alter the speed of a horse in a race.
- 2.5.1.13 Use of profane, abusive or insulting language to or interference with a Commissioner, member of the Commission staff, or Racing Official, while such persons are in the discharge of their duties;
- 2.5.1.14 Cruelty to a horse or neglect of a horse entrusted to a permittee's care;
- 2.5.1.15 Offering, promising, giving, accepting or soliciting a bribe in any form, directly or indirectly, to or by a person having any connection with the outcome of a race, or failure to report knowledge of same immediately to the Stewards;
- 2.5.1.16 Causing, or attempting to cause, or participation in any way in any attempt to cause the pre-arrangement of a race result, or failure to report knowledge of same immediately to the Stewards;
- 2.5.1.17 Entering, or aiding or abetting the entering of, a horse ineligible or unqualified for the race entered;
- 2.5.1.18 Violation of any rule of the Commission, or aiding or abetting any person in the violation of any such rule;
- 2.5.1.19 Unfavorable report, on any of the grounds hereinbefore stated, by recognized law enforcement authorities, the Licensee's security director or his designee, inspection bureaus, credit reporting companies, courts or like organizations upon whom the Commission is authorized to rely if it chooses in any given cause to do so;
- 2.5.1.20 Past or contemplated conduct or utterance which, does or may adversely affect, whether intentionally or unintentionally, and whether in fact or only seemingly, the public's confidence in the reputation Thoroughbred racing heretofore has enjoyed in Delaware for stringent adherence to uncompromising standards of honesty, integrity and propriety;
- 2.5.1.21 Failure to submit to having his photograph and fingerprints taken and maintained by the Commission;
- 2.5.1.22 Drug addiction, public drunkenness, financial irresponsibility or failure to pay debts when due, bad moral character, intemperate habits, bad reputation for honesty, truth and veracity, past instance of lying, cheating, or stealing, or involvement in a subject of public notice as involved in any activity which, would be inconsistent with the best interests of racing by reflection on the honesty and integrity of the sport of racing, or association with persons so characterized.

## 2.6 Permit Application for Participants in Racing:

- 2.6.1 Any person required to register or have an authorization or permit by Rule 2.2 who desires to participate in Thoroughbred Racing and/or Arabian Racing in Delaware may apply to the Commission for registration, authorization or permit to participate in racing at Licensee's racetrack. Such application shall be made in

writing on application forms prescribed by the Commission and filed at the Commission's general office or with the Licensee's Registrar on or after January 2 of the calendar year in which the registration, permit, or authorization is to be in force, but not later than 24 hours after applicant has arrived on Licensee's grounds.

2.6.2 All owners and trainers shall carry workmen's compensation insurance covering all their employees. This paragraph is intended to include all individuals employed by Owners and Trainers in the training and racing of horses. All concessionaires shall carry workmen's compensation covering all their employees.

2.6.2.1 Applications from persons not previously registered or granted an authorization or permit at Licensee's racetrack shall include the names of two reputable persons who will attest to the good reputation of the applicant and to the capability and general fitness of the applicant to perform the activity permitted by the permit.

2.6.2.2 Applications from persons whose age is not readily ascertainable by the Commission or its Registrar shall be accompanied by an attested copy of birth certificate or work permit showing applicant is 16 years of age or older.

2.6.2.3 Fingerprint identification, as well as a photograph, will be required of all registrants and permittees unless waived (e.g., absentee owners and casual delivery personnel who do not enter the stable area).

2.6.2.4 Applications from persons, corporations, partnerships, lessees, or other legal entities involving more than one individual person desiring to race horses at Licensee's racetrack in Delaware shall, in addition to designating the person or persons to represent the entire ownership of such horses, be accompanied by documents which fully disclose the identity and degree and type of ownership held by all individual persons who own or control, directly or indirectly, as a stockholder, syndicate participant, partner, or otherwise, a present or reversionary interest in such horses. No application shall be acted upon until it is satisfied a full disclosure has been made.

2.6.2.5 Applications from persons desiring to treat, or prescribe for, or attend any horse on Licensee's grounds as a practicing Veterinarian or Veterinary Technician, shall be accompanied by evidence that such person is currently licensed as a Veterinarian or Veterinary Technician by the State of Delaware. An accredited practicing Veterinarian not holding a permit or authorization from the Licensee or a license from the State of Delaware, however, may with permission of the Stewards in an emergency be called in as a consultant, or to serve as a Veterinarian for one horse on a temporary basis, and shall not thereby be considered as participating in racing in this State.

2.6.2.6 Applications from persons desiring to treat, or prescribe for, or attend any horse on Licensee's grounds as a Dental Technician shall be accompanied by the name of a licensed Veterinarian who will attest to the technical competence of such applicant and under whose sponsorship and direction such applicant will work on Licensee's grounds.

2.6.2.7 As a condition precedent to the registration or issuance of any permit or authorization required of participants in racing by these Rules, the Commission shall be entitled to charge and collect, and each applicant shall be required to pay, an annual fee in such amount as permitted by 3 **Del.C.** Chapter 101 for each activity or status for which applicant seeks registration or the issuance of a permit or authorization.

2.6.2.8 The Commission, pursuant to 3 **Del.C.** §10131, shall have the power to impose license fees for those participating in a racing meet. The license fees for participants in a racing meet, if imposed by the Commission, shall be payable to the Commission as follows:

2.6.2.8.1 \$50 for all owners and all trainers.

2.6.2.8.2 \$30 for all veterinarians, farriers, jockeys, apprentice jockeys, jockey agents, and assistant trainers.

2.6.2.8.3 \$15 for all licensee vendor and vendor employees.

2.6.2.8.4 \$5 for all stable employees and association employees. Rule 2.7 revised 7/2/96.

2.7 Registration: The Commission shall review all registrations, authorizations and permits subject to such security check and other investigation in appropriate instances as it may deem necessary or desirable, and may issue to a permit applicant a temporary authorization or permit to participate in the activity for which application is made pending further processing, investigation, and final action on such application subsequently.

2.8 Term of Authorization:

2.8.1 Registrations, authorizations and permits issued by the Commission hereunder for participants in Thoroughbred Racing shall be valid from the date of issuance through the calendar year shown on such license at all race meetings conducted by a Licensee during such calendar year, unless sooner suspended, revoked or voided, or otherwise permitted by 3 **Del.C.** Ch. 101. The Commission may renew

any authorization or permit and any such renewal shall not be construed to be a waiver or condonement of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the holder thereof.

2.8.2 The validity of a registration, permit or authorization does not preclude or infringe upon the common law and absolute right of any Licensee in Delaware, without necessity for giving reason or excuse, to eject or exclude any person from its premises at any time.

2.9 Possession of identification card required:

2.9.1 No person required by these Rules to be registered by, or to have an authorization or permit from the Commission, may participate in any activity for which such is required on Licensee's grounds during a race meeting without having been issued an identification card containing his or her photograph which shall evidence such authorization and having the same in his or her possession.

2.9.1.1 With respect to Owners, or in special cases with respect to others, the Commission may waive this requirement. Also, see Rule 6.1.

This regulation was adopted pursuant to the emergency regulation authority granted by 29 **Del.C.** §10119 and the regulatory authority granted by former 28 **Del.C.** §328(m).

**4 DE Reg. 174 (07/01/00)**

**22 DE Reg. 1000 (06/01/19)**

**24 DE Reg. 47 (07/01/20)**

**24 DE Reg. 997 (05/01/21)**

### **3.0 Stewards**

3.1 Qualifications for Stewards:

3.1.1 No person shall qualify for appointment or approval as a Steward unless:

3.1.1.1 In addition to any minimum qualifications promulgated by the Commission, all applicants for the position of Steward must be certified by a national organization approved by the Commission. An applicant for the position of steward must also have been previously employed as a steward, patrol judge, clerk of scales or other racing official at a thoroughbred racing meeting for a period of not less than forty-five days during three of the last five years, or have at least five years of experience as a licensed jockey who has not less than one year as a licensed racing official at a thoroughbred racing meeting or have ten years of experience as a licensed thoroughbred trainer who has served not less than one year as a licensed racing official at a thoroughbred racing meeting.

3.1.1.2 He is a person of good moral character and unblemished reputation.

3.2 Appointment of Stewards:

3.2.1 There shall be three Stewards at each race meeting, each of whom shall be appointed by the Commission. If required by the Commission, biographical data setting out the experience and qualifications of the nominees shall be provided to the Commission by the Licensee. No Steward shall serve until approved by the Commission.

3.2.2 Stewards shall serve during the period of the Meeting as required by the Commission.

3.2.3 Stewards may be replaced by the Commission at any time for failure to perform their duties properly and diligently;

3.2.4 In the event that during a racing meet a Steward becomes ill, resigns, or is unable to serve for any reason, then the remaining Stewards, after obtaining approval of the Commission, shall nominate a successor or temporary Steward to the Commission for approval. In emergencies, a single Commissioner by telephone may approve appointment of a successor Steward.

3.3 General Powers of the Stewards

3.3.1 The Stewards shall exercise immediate supervision, control and regulation of racing at the race meeting for which they are appointed. By way of illustration and without in any way limiting them, the powers of the Stewards shall include:

3.3.2 Authority over all horses and all persons (except members of the Commission and its representatives, and except Licensee's management personnel and staff) on Licensee's grounds during a race meeting as to all matters relating to racing;

3.3.3 To determine all questions, disputes, protests, complaints, or objections concerning racing (as distinguished from Licensee's business operations and affairs) which arise during a race meeting, and to enforce such determinations. All three Stewards shall be on Licensee's grounds before post time for the first race until conclusion of the last race. Except for good cause, all three Stewards shall be present in the Stewards' stand during the running of each race;



- 3.3.4 It is preferred but not required that at least one Steward, or a designated representative of the Stewards, be present in the paddock at least 20 minutes before each race and remain there until the horses leave for the starting gate, to observe the conduct of all persons in and around the paddock and to inspect, with the Paddock Judge and Commission's Veterinarian, all horses for fitness;
  - 3.3.5 When requested by the Commission, to review all applications for registrations or permits to participate in racing, and, if requested by the Commission, to administer, or cause to be administered by technically qualified persons, standard examinations to all first-time applicants to be registered as or receive a permit to be a Trainer, Jockey, Apprentice Jockey, Veterinarian, Dental Technician, or Farrier, and, when requested, make recommendations as to the qualifications of all applicants for registrations or permits to participate in racing;
  - 3.3.6 When requested by the Commission, to review all licenses, registration certificates, and all contracts, papers, and other documents pertaining to the sale or ownership of a horse, payment of purse money, Jockey and Apprentice Jockey contracts, appointments of agents, adoptions of racing colors or stable name, and advise upon the eligibility and appropriateness thereof for participation in racing in Delaware;
  - 3.3.7 To call for proof of eligibility of a horse or person to participate in a race if such is in question, and in the absence of sufficient proof to establish eligibility, the Stewards may rule such horse or person ineligible;
  - 3.3.8 To review stall applications and advise Licensee of undesirable persons, if any, among Owners and Trainers applying for stalls, and provide the Licensee with information pertaining to such undesirable persons;
  - 3.3.9 To supervise the taking of entries and receive all declarations and scratches, and determine all questions arising and pertaining to same. The Stewards may in their discretion refuse the entry of any horse by any person or refuse to permit a declaration or scratch, or may limit entries in any way. Upon suspicion of fraud or misconduct, the Stewards may excuse a horse or replace any Jockey or Trainer, or Racing Official other than a Steward;
  - 3.3.10 All other powers enumerated in these Rules, together with such other powers as are necessary to promote and maintain stringent standards for honesty, integrity, and propriety for Thoroughbred Racing in Delaware.
- 3.4 Duties and Responsibilities of Stewards:
- 3.4.1 In addition to the duties and responsibilities necessary and pertinent to the general supervision, control and regulation of race meetings, and without limiting the authority of the Stewards to perform the same and other duties enumerated in these Rules, the Stewards shall have the following specific duties and responsibilities:
    - 3.4.1.1 To take cognizance of all misconduct or Rule infractions irrespective of whether complained of; to cause investigations to be made of all instances of possible Rule infractions; and to take such action as the Stewards may deem necessary to prevent a Rule infraction;
    - 3.4.1.2 At least one Steward, or his designated representative, shall be on Licensee's grounds from scratch time (or if not a racing day, when entries are first taken) until entries are closed. At least one Steward shall be present for the regular showing of racing films or video tapes.
    - 3.4.1.3 To suspend or revoke the registration or permit of a participant in racing, or eject or exclude from Licensee's grounds or any part thereof any person, whether a registrant or permittee or not, upon reasonable belief that a violation of these Rules has or is about to occur;
    - 3.4.1.4 To interpret and enforce these Rules, and to determine all questions pertaining to a racing matter not specifically covered by these Rules in conformity with justice and the customs of the turf;
    - 3.4.1.5 To issue decisions or rulings pertaining to racing which shall, if the Stewards deem proper, vary any arrangement for the conduct of a race meeting, to include without limiting thereby, postponing a race, or canceling a race, ruling a race run as "no contest", or the like;
    - 3.4.1.6 To request and receive assistance from the Commission, Racing Officials, members of the Thoroughbred Racing Protective Bureau, track security police, state or local police, in the investigation of possible Rule infractions;
    - 3.4.1.7 To conduct hearings on all questions concerning racing matters;
    - 3.4.1.8 In the event a regularly named Jockey or Trainer or Racing Official other than a Steward is unable for any reason to perform, the Stewards may select a substitute therefore.
    - 3.4.1.9 To see that all pari-mutuel betting machines are locked not later than the commencement of the race; to cause the "Inquiry" sign to be posted on the infield odds board as promptly as possible after the horses have crossed the finish line in a race if any doubt is held by a Steward or Patrol Judge as to the fairness of the running of such race; to cause the "Objection" sign to be posted on

- the infield odds board upon the lodging of same; to cause the "Official" sign to be posted on the infield odds board after determining the official order of finish for purposes of pari-mutuel payoff;
- 3.4.1.10 To review the patrol films or video tapes of each day's races before commencement of the successive day's races, and to draw up a list of riders (including all Apprentice Jockeys) whom the Stewards feel should review such films for instructional purposes and cause same to be posted in the Jockey's Room; the Patrol Judges shall assist in making up the film list and attend all film showings whenever their other duties permit;
- 3.4.1.11 To maintain a daily log, reporting all actions taken by the Stewards on all controversies which arise during the day, such report to show name of track, date, weather, track conditions, claims, results of blood, saliva or urine tests to the extent available, rulings issued, and any other circumstances or condition regarded as unusual, such reports to be signed by all Stewards participating in such action and filed within 24 hours at such place as the Commission may designate;
- 3.4.1.12 To make periodic inspections of the barn area and check track security; to make occasional, informal visits to the Jockeys' Room and observe weighing out and check security; such inspections and observations so made shall be noted in the Stewards' Report;
- 3.4.1.13 To maintain a Minute Book which shall contain a detailed written record of all questions, disputes, protests, complaints or objections brought to the attention of the Stewards, summary of interviews taken thereon, reports of investigations thereon, together with rulings issued thereon; if a ruling is not unanimous, the dissenting Steward shall record his or her reasons for such dissent; such Stewards' Minute Book shall be available to the Commission for inspection at all times, but shall not be open to public inspection;
- 3.4.1.14 When requested to do so, the Stewards shall submit to the Commission a written report setting out the condition of the meeting and Licensee's grounds, together with any recommendation for the improvement thereof which they may deem appropriate.
- 3.4.1.15 To impose fines upon any corporation, association or person participating in any Thoroughbred horse race meet at which pari-mutuel wagering is conducted, other than as a patron, and whether licensed or not by the Commission, for a violation of any provision of 3 Del.C. Ch. 101 or these Rules and Regulations. Assessed fines that have not been paid within 48 hours or within the parameters of an official ruling may result in a suspension of license and are subject to penalty and interest charges.
- 3.4.1.16 The Stewards may not impose a fine in excess of \$2500.00. If it is at any time deemed appropriate that a larger fine should be imposed, the Stewards shall so recommend to the Commission and shall refer the matter at hand forthwith to the Commission. The Stewards shall have the power to refer any matter before them to the Commission at any time if it appears proper because of the complexity, severity, uniqueness or extent of the activities involved or likely to be involved. Included within these powers is the authority to impose partial sanctions, such as a conditional limitation on any person's use of facilities or of the enclosure.
- 3.4.1.17 In suspensions of jockeys for any offense other than an offense involving fraud, the:
- 3.4.1.17.1 Effective date of the suspension is determined at the discretion of the stewards; and
- 3.4.1.17.2 Jockeys serving a suspension of ten days or less are permitted to ride in a designated race during the period of a suspension if the:
- 3.4.1.17.2.1 Race is a stakes race with a purse of \$25,000 or more;
- 3.4.1.17.2.2 Jockey is named not later than at the time set for the close of entries for the race; and
- 3.4.1.17.2.3 Jockey agrees to serve an additional day of suspension in place of the day in which the jockey rides in a designated race.

**Revised 10/20/93**

**Revised 05/26/93**

**2 DE Reg. 2042 (05/01/99)**

**4 DE Reg. 174 (07/01/00)**

**7 DE Reg. 316 (09/01/03)**

**19 DE Reg. 1010 (05/01/16)**

**24 DE Reg. 997 (05/01/21)**

## **4.0 Racing Officials**

### **4.1 Racing Officials**

- 4.1.1 The Commission may appoint such officers, clerks, stenographers, inspectors, racing officials, veterinarians, and such other employees as it deems necessary, consistent with the purposes of this chapter. The Commission, for the purpose of maintaining the integrity and honesty in racing, shall prescribe by administrative regulation the powers and duties of the persons employed under this section and qualifications necessary to perform those duties.
  - 4.1.2 Persons appointed by the Licensee to serve as Racing Officials during a race meeting must first be approved by the Commission, shall serve only so long as approved by the Commission, and shall be under the supervision of the Stewards. For purposes of these Rules, Racing Officials shall include those persons serving as Steward, Racing Secretary, Assistant Racing Secretary, Clerk of the Scales, Paddock Judge, Starter, Patrol Judge, Placing Judge, Timer, and Identifier.
    - 4.1.2.1 No person while serving as a Racing Official shall, directly or indirectly, own a beneficial interest in a Thoroughbred, or Jockey contract, or Licensee under his supervision; nor shall he cause to be sold, for himself or another, any Thoroughbred under his supervision; nor shall he wager on any race under his supervision; nor shall he write or solicit horse insurance or have any monetary interest in any business which seeks the patronage of horsemen or racing associates as such. For the purposes of the above, the following employees shall also be deemed Racing Officials: Assistant Starter, Jockey Room Custodian, Jockey Room Employees, Valets, Outriders.
    - 4.1.2.2 No person shall be appointed to or hold any such office or position who holds any official relation to any person, association, or corporation engaged in or conducting thoroughbred racing within this state. No Commissioner, racing official, steward, or judge whose duty it is to insure that the rules and regulations of the Commission are complied with shall bet on the outcome of any race regulated by the Commission. All persons appointed under 3 Del.C. §10107(a-c) shall serve at the pleasure of the Commission and are to be paid a reasonable compensation.
  - 4.1.3 Racing Officials serving in the capacity of Stewards, Placing and/or Patrol Judges, Clerk of Scales, Starter and Horse Identifier shall have good vision and an ability to distinguish colors correctly.
  - 4.1.4 Any Racing Official who desires to leave his employment during the race meeting must first obtain permission from the Commission; in the event a vacancy occurs among Racing Officials other than Stewards, the Licensee shall promptly appoint a successor, subject to approval of the Commission; in the event the Licensee does not appoint a successor in time to permit the orderly conduct of racing, then the Stewards shall immediately appoint a temporary successor.
- 4.2 Racing Secretary
- 4.2.1 The Racing Secretary shall be responsible for the programming of races during the race meeting, compiling and publishing condition books, assigning weights for handicap races, and shall receive all entries, subscriptions, declarations, and scratches. Among the duties for which the Racing Secretary and his staff are responsible are:
    - 4.2.1.1 Safekeeping of registration certificates and racing permits for horses, recording information required thereon, and returning the same to Owners at the conclusion of the race meeting;
    - 4.2.1.2 Maintaining a record of all stakes fees received, and all arrears, Jockeys' fees, purchase money in claiming races, and all other monies received incident to the race meeting and pay over same to the persons entitled thereto within 14 days after the race meeting is concluded;
    - 4.2.1.3 Daily posting of entries for the benefit of the public as soon as possible after the entries have been closed and declarations have been made;
    - 4.2.1.4 To assign stall applicants such stabling as he may deem proper and to maintain a record of the arrival and departure of all horses stabled on Licensee's grounds;
    - 4.2.1.5 To publish the official daily program, insuring the accuracy therein of the following information:
      - 4.2.1.5.1 Sequence of races to be run and post time for the first race;
      - 4.2.1.5.2 Purse conditions, and distance for each race, and current track record for such distances;
      - 4.2.1.5.3 The name of registered Owners or Lessees of each horse and description of racing colors to be carried;
      - 4.2.1.5.4 The name of the Trainer and the name of the Jockey named for each horse, together with the weight to be carried;
      - 4.2.1.5.5 The saddle cloth number or designation for each horse and the post position for each horse if there is a variance with the saddle cloth designation;
      - 4.2.1.5.6 Identification of each horse by name, color, sex, age, sire and dam; and
      - 4.2.1.5.7 Such other information as may be requested from time to time by the Licensee or the Commission.

#### 4.3 Clerk of the Scales:

4.3.1 One Racing Official shall serve as Clerk of the Scales who shall be responsible for the security, regulation and control of the Jockeys' Room, the equipment therein, and personnel permitted access thereto. Among the duties for which the Clerk of the Scales is responsible are:

- 4.3.1.1 Weighing out every Jockey no later than 15 minutes prior to the race the Jockey is scheduled to ride and recording all overweights which shall immediately be posted and announced to the public before each race;
- 4.3.1.2 Weighing in every Jockey immediately after the finish of each race and promptly notifying the Stewards whether any Jockey weighed in more than two pounds underweight;
- 4.3.1.3 Safekeeping of all racing colors;
- 4.3.1.4 Reporting all color changes or Jockey changes from those listed in the official daily program, and causing such to be posted and announced to the public before each race;
- 4.3.1.5 Supervision of all valets and the issuance of numbered saddle cloths and equipment for each horse;
- 4.3.1.6 Accuracy of the scales and periodic tests thereof;
- 4.3.1.7 Submitting to the Racing Secretary at the close of each racing day a statement of weight carried in each race by each Jockey, noting overweight, if any;
- 4.3.1.8 All complaints, protests, objections, or disputes submitted to the Clerk of the Scales will be transmitted immediately to the Stewards.

#### 4.4 Paddock Judge:

4.4.1 One Racing Official shall serve as Paddock Judge who shall have general supervision of the paddock and be responsible for:

- 4.4.1.1 Assembling the horses and jockeys in the paddock no later than 15 minutes before the scheduled post time for each race;
- 4.4.1.2 Proper identification of all horses entered in each race. The track horse identifier shall be under the supervision of the Paddock Judge;
- 4.4.1.3 Maintaining a written record of all equipment and inspecting all equipment of each horse saddled and reporting any change thereof to the Stewards;
- 4.4.1.4 Inspection of bandages of a horse; the Paddock Judge may order such bandages removed or replaced;
- 4.4.1.5 Paddock schooling of all horses approved for such by the Stewards;
- 4.4.1.6 Taking such measures as to insure that the saddling of all horses is orderly, open to public view, free from interference, and that horses are mounted at the same time, and leave the paddock for the post in proper sequence.

#### 4.5 Starters

4.5.1 The Starter shall be responsible for the fair and equal start of all horses in a race at the scheduled starting time by means of a starting gate and bell or other device activated by his signal. So far as practical, the Starter shall cause all horses to be loaded in order of post position, but the Starter may in his discretion load an unruly or fractious horse out of order or may start such unruly or fractious horse on the outside of the starting gate and one length behind the starting line. By permission of the Stewards, a race may be started without a starting gate. The Starter may employ such Assistant Starters as he may deem necessary.

- 4.5.1.1 No horse shall be permitted to start in a race unless approval is given by the Starter. The Starter may maintain a Schooling List which shall be posted in the Racing Secretary's office listing the names of all horses ineligible to start for want of adequate training leaving the gate. Horses shall be schooled under the supervision of the Starter or his assistants.
- 4.5.1.2 The Starter shall report to the Stewards any disobedience of his orders or attempts to take unfair advantage at the starting gate and, in addition to imposing a fine not to exceed \$50.00, may also recommend additional penalties for offenders.
- 4.5.1.3 No Assistant Starter shall handle a horse until instructed to do so by the Starter. No Assistant Starter shall strike or use abusive language to a Jockey.
- 4.5.1.4 No Starter or Assistant Starter shall accept any gratuity or payment other than his regular salary, directly or indirectly, for services in starting a race, nor shall he wager on a race.
- 4.5.1.5 The Starter shall be able to have constant radio or telephone communication with the Stewards from the time the horses leave the paddock until the field is sent away.

- 4.6 Patrol Judges: The Patrol Judges, for each race, shall take their stations at a place designated by the Stewards. They are subject to the orders of the Stewards and they shall duly report to them all of the pertinent observations in each and every race and shall file reports on same in writing, if so requested by the Stewards.
- 4.7 Placing Judges: Placing Judges shall occupy a stand directly above the finish line during the running of each race. The Placing Judges shall take special note of racing colors and distinguishing equipment carried by each horse. The Placing Judges shall determine the order of the horses as they cross the finish line by consideration of the respective noses of such horses. The Placing Judges shall cause the numbers of the first four horses to be flashed on the Result Board. Except for a good cause, a photo-finish camera shall be used as an aid by the Placing Judges in determining the order of the horses as they cross the finish line. Placing Judges may request a photo to assist in determining margins of less than a half-length.
- 4.8 Timer: A Racing Official shall serve as Timer who shall occupy a stand directly above the finish line during the running of each race and record the official time thereof. The Timer shall record the fractional time of leading horses during each race and the final time of the first horse to cross the finish line. An electrical or mechanical timing device may be used as an aid by the Timer in determining the official time of each race. The Timer shall maintain a written record of fractional and finish times of each race and file such with the Racing Secretary at the close of each racing day.
- 4.9 Investigator: The Commission may appoint a racing inspector or investigator for each thoroughbred racing meet. Such racing inspector shall perform all duties prescribed by the Commission consistent with the purposes of Title 3, Chapter 101. Such racing inspector shall have full and free access to the books, records, and papers pertaining to the pari-mutuel system of wagering and to the enclosure or space where the pari-mutuel system is conducted at any thoroughbred racing meeting to which he shall be assigned for the purposes of ascertaining whether the holder of such permit is operating in compliance with the Commission's rules and regulations. The racing inspector shall investigate whether such rules and regulations promulgated by the Commission are being violated at such Thoroughbred racetrack or enclosure by any licensee, patron, or other person. Upon discovering any such violations, the racing inspector shall immediately report his or her findings in writing and under oath to the Commission or its designee as it may deem fitting and proper. The racing inspector shall devote his full time to the duties of his office and shall not hold any other position or employment except for performance of similar duties for the Harness Racing Commission.
- 4.10 Administrator of Racing: The Commission may employ an Administrator of Racing who shall perform all duties prescribed by the Commission consistent with the purposes of this chapter. The Administrator of Racing shall devote his full time to the duties of the office and shall not hold any other office or employment, except that he can perform the same duties as Administrator of Racing for the Harness Racing Commission. The Administrator of Racing shall be the representative for the Commission at all meetings of the Commission and shall keep a complete record of its proceedings and preserve, at its general office, all books, maps, documents, and papers entrusted to its care. He shall be the executive officer of the Commission and shall be responsible for keeping all Commission records and carrying out the rules and orders of the Commission. The Commission may appoint the Administrator of Racing to act as a hearing officer to hear appeals from administrative decisions of the stewards.

**2 DE Reg. 2041 (05/01/99)**

**4 DE Reg. 174 (07/01/00)**

## **5.0 Licensees**

- 5.1 License to Conduct Racing for Stake, Purse or Reward: No person shall hold or conduct any meeting within Delaware at which horse racing is permitted for any stake, purse or reward, unless such person is licensed by the Commission.
- 5.2 Application; Rejection; Award of Dates and Maximum Racing Days:
- 5.2.1 Any person desiring to conduct a racing meet within Delaware during any calendar year shall apply to the Commission for a license to do so. The application shall be filed with the Secretary of the Commission on or before a day to be fixed by the Commission. The application shall specify the days on which racing is desired to be conducted or held and shall be in such form and supply such data and information, including a blueprint of the track and specifications of its surface and blueprints and specifications of buildings and grandstand on the land of the applicant where the meeting is to be conducted, as the Commission prescribes. The blueprints and specifications shall be subject to the approval of the Commission, which, at the expense of the applicant, may order such engineering examination thereof as the Commission deems necessary. The erection and construction of the track, grandstand and buildings of any applicant for a license to conduct racing in Delaware shall be subject to the inspection of the Commission which, at the expense of the applicant, may employ such inspectors as it considers necessary for that purpose.

- 5.2.2 No license shall be issued by the Commission for flat racing in New Castle or Sussex Counties on a track less than one mile in circumference or in Kent County on a track less than five-eighths of a mile or for steeplechase racing in the infield of a track less than one mile in circumference. The Commission may reject any application for a license for any cause which it deems sufficient and the action of the Commission shall be final.
- 5.2.3 With respect to horse racing in New Castle and Sussex Counties, the Commission shall, upon application to it, and on or before the first Tuesday in February of each year, award dates for racing within those respective counties for the current year. The dates so awarded for racing to be conducted in any one county shall not exceed 340 days in the aggregate in which racing will be conducted in either such counties, and the decision of the Commission on the award of dates shall be final provided, however, that the Commission may award additional dates, beyond any limits prescribed elsewhere, for racing days limited exclusively to the receiving and accepting of wagers or bets on electronically televised simulcasts of horse races. Dates awarded in any one county shall be used by the licensee in that county for racing in that county only.
- 5.2.4 No more than two racing meets shall be held in any one county in any one year.
- 5.2.5 The Commission may meet subsequent to the first Tuesday of February of each year and award dates for racing within the limits provided in Rules 5.2.3 and 5.2.4 on an application submitted to it, provided the days so awarded in no way conflict with any provision of Chapter 101 of Title 3 of the Delaware Code.
- 5.2.6 With respect to horse racing in Kent County, the Commission shall, on or before the 15th day of January of each year, award all dates for horse racing in Kent County within the current year, but the dates so awarded shall not exceed 55 days in the aggregate. The decision of the Commission on the award of all dates shall be final.
- 5.2.7 No more than two horse racing meetings shall be held in Kent County in any one year.
- 5.2.8 The Commission may meet subsequent to the 15th day of January of each year and award dates for horse racing within the limits provided in Rules 5.2.6 and 5.2.7 on an application submitted to it, provided that the days so awarded in no way conflict with any provision of Chapter 101 of Title 3 of the Delaware Code.
- 5.2.9 No license to conduct horse racing in Kent County shall be granted except to a Delaware private stock corporation managed by not less than five directors and having an office in Delaware only, as required by statute.
- 5.3 Application Fee and License Fee:
  - 5.3.1 Any person, upon applying to the Commission for a license to conduct a racing meet within New Castle or Sussex Counties during any calendar year shall, at the time of making the application, pay to the Secretary of Finance of Delaware a fee of \$3,000.00 or \$500.00 if to conduct a racing meet in Kent County.
  - 5.3.2 Any person who is granted a license by the Commission to conduct a racing meet within New Castle and Sussex Counties during any calendar year, shall, at the time the license is granted, pay to the Secretary of Finance of Delaware an additional fee of \$2,000.00 or \$250.00 if to conduct a racing meet in Kent County.
- 5.4 Issuance:
  - 5.4.1 Upon the award of days to any applicant, the Commission shall issue a license for the holding of the meet or meets during the days awarded to the applicant.
  - 5.4.2 The license shall be subject to all rights, regulations and conditions from time to time prescribed by the Commission.
- 5.5 Suspension or Revocation Appeal:
  - 5.5.1 Any license issued by the Commission shall be subject to suspension or revocation by the Commission for any cause whatsoever which the Commission may deem sufficient.
  - 5.5.2 If any license is suspended or revoked, the Commission shall state publicly its reasons for so doing and cause an entry of the reasons to be made on the minute book of the Commission, and its action shall be final.
  - 5.5.3 The propriety of the action taken by the Commission shall be subject to review, upon questions of law only, by the Superior Court of the county within which the license was granted. The action of the Commission shall stand unless and until reversed by the Court.
- 5.6 Inspection of Racing Premises Prior to Use: No less than five days prior to the opening of any meet authorized by the Commission, the Commission, at the expense of the Licensee for the meet, shall cause to be made an inspection of the track, grandstand and buildings where the meet is to be held and, unless the track, grandstand and buildings are found to be safe for animals and persons or are rendered safe therefore prior to the opening of the meet, the license for the meet shall be withdrawn.
- 5.7 Rules, Regulations and Special Powers of Commission:

- 5.7.1 The Commission may make rules governing, restricting or regulating the rate or charge of a Licensee for admission, or for the performance of any service, or the sale of any article on the premises of a Licensee.
- 5.7.2 All proposed extensions, additions or improvements to the buildings, stables or improvements on tracks or property owned or leased by a Licensee under these Rules, shall be subject to the approval of the Commission.
- 5.7.3 The Commission may compel the production of any and all books, memoranda or documents showing the receipts and disbursements of any person licensed under the provisions of these Rules to conduct racing meets.
- 5.7.4 The Commission may at any time require the removal of any employee or official employed by any Licensee hereunder.
- 5.7.5 The Commission may require that the books, records, and financial or other statements of any Licensee shall be kept in such form or in such manner as the Commission prescribes. The Commission may visit, investigate and place expert accountants and such other persons as it deems necessary in the offices, tracks or places of business of any such Licensee, for the purpose of satisfying itself that the Commission's rules and regulations are strictly complied with. The salaries and expenses of such expert accountants or other persons shall be paid by the Licensee to whom they are assigned.
- 5.7.6 The Commission may issue, under the hand of its Chairman and the seal of the Commission, subpoenas for the attendance of witnesses and the production of books, papers and documents, before the Commission, and may administer oaths or affirmations to the witnesses whenever in the judgment of the Commission it may be necessary for the effectual discharge of its duties.
- 5.7.7 If any person refuses to obey any subpoena, or to testify, or to produce any books, papers and documents, then any Commissioner may apply to the Superior Court of the county in which he or the Commission may be sitting and, thereupon, the Court shall issue its subpoena requiring the person to appear and to testify, or to produce any books, papers or documents.
- 5.7.8 Whoever fails to obey or refuses to obey a subpoena of the Superior Court shall be guilty of contempt of court and shall be punished accordingly.
- 5.7.9 False swearing on the part of any witness shall be deemed perjury and shall be punished as such.
- 5.8 Licensee's Annual Financial Statement: Every Licensee shall file with the Commission not later than four months after the close of its fiscal year a statement, duly certified by an independent public accountant, of its receipts from all sources whatsoever during such fiscal year and all expenses and disbursements, itemized in the manner and form directed by the Commission, showing the net revenue from all sources derived by the Licensee during the fiscal year covered by such statement.
- 5.9 Corporate Licensee-Identity of Individual Owners: Every Licensee other than an individual shall keep the Commission informed at all times of the identity, address, and occupation of every individual who has any ownership interest or other financial interest whatever in Licensee and its subsidiaries, parent corporations, affiliates, or any other related entity of any sort.
- 5.10 Individual Licensee-Identity of Associates: Every individual Licensee shall keep the Commission informed at all times of the identity, address and occupation of every other individual: (1) with whom he is associated in any business; or (2) with whom he has any understanding or arrangement by which such other individual has any interest in the license he holds from the Commission to conduct racing in Delaware.
- 5.11 Maintenance of grounds, facilities and uniform track: Each Licensee shall at all times maintain its grounds and facilities so as to be neat and clean, painted and in good repair. Licensee also shall have adequate and proper implements to maintain a uniform track, weather conditions permitting.
- 5.12 Result Boards, Totalizators Required: Except for good cause, each Licensee shall provide and maintain mechanically operated totalizators and electronic boards showing odds, results and other race information located in plain view of patrons.
- 5.13 Starting Gate: Each Licensee shall provide and maintain a working starting gate on every day horses are permitted by it to use said gate for schooling. Each Licensee shall have in attendance one or more men qualified to keep said starting gates in good working order whenever said gates are in use and each Licensee shall provide for periodic inspections of said gates.
- 5.14 Stabling:
  - 5.14.1 Each Licensee shall be responsible for providing and maintaining its barns and stalls in good repair. Each barn and each stall shall be numbered in such fashion as will permit ready ascertainment of location and identification, and adequate drainage therefore shall be maintained.
  - 5.14.2 Upon removing his horses from Licensee's barns and stalls, each Trainer shall be responsible for leaving the stalls used by him and his employees for horses under his care in a state of proper repair and in a

clean and sanitary condition, subject to reasonable wear and tear. To the extent he neglects or fails to do so, he may be charged by Licensee for any expenses occasioned thereby.

- 5.15 Stands for Officials: Each Licensee shall provide and maintain stands commanding an uninterrupted view of appropriate sectors of the racing strip for Racing Officials, such stands and location thereof to be approved by the Commission.
- 5.16 Distance Pole Markings: Each Licensee shall cause quarter, eighth and sixteenth poles to be painted in appropriate distinguishing colors.
- 5.17 Facilities for Stable Employees: Each Licensee shall provide and maintain in good repair adequate living quarters and conveniently located sanitary facilities such as showers, toilets and wash basins for stable employees. No person is authorized to sleep in any stall.
- 5.18 Facilities for Jockeys: Each Licensee shall provide and maintain adequate facilities for Jockeys scheduled to ride each day, such facilities to include accommodations for the repose of Jockeys on racing days, showers, toilets, wash basins, mirrors and other accommodations as reasonably requested by the Clerk of Scales.
- 5.19 Sanitary Facilities for Patrons: Each Licensee shall, on every racing day, provide adequate and sanitary toilets and wash rooms, and furnish free drinking water for patrons and persons having business at Licensee's premises.
- 5.20 Photo-finish Cameras: Each Licensee shall provide and maintain at the finish line two photo-finish cameras for photographing the finish of races. The photo-finish photographer shall promptly furnish to the Stewards and Placing Judges prints of all finishes as may be requested by them. He also shall promptly furnish to the Licensee such number of prints as it may request for public display or otherwise.
- 5.21 Patrol Films or Video Tapes:
  - 5.21.1 Each Licensee shall at all times during a race meeting provide and maintain personnel and equipment necessary to produce adequate motion pictures or video tapes, and record with same each race from start to finish.
    - 5.21.1.1 Projection or viewing equipment shall be adequate to permit simultaneous showing of head-on and side-angle views of the running of each race.
    - 5.21.1.2 Such films or video tapes shall be available to the Commission and Stewards for a reasonable time. Upon order of the Stewards, any such visual record of a race involving any question, dispute or controversy shall be filed with the Commission.
- 5.22 Ambulance. Each Licensee shall provide and maintain at least one ambulance for humans and at least one ambulance for horses during times horses are permitted to exercise or race.
- 5.23 First Aid Room. Each Licensee shall equip and maintain adequate first-aid facilities with not less than two beds.
- 5.24 Track Kitchen: During a race meeting, each Licensee shall provide eating facilities within the stable area, maintained in a clean and sanitary manner.
- 5.25 Communication System: Each Licensee shall install and maintain, in good working service, communication systems between the Stewards' stand and Patrol Judge, Placing Judges, pari-mutuel department, starting gate, public address announcer and Clerk of the Scales.
- 5.26 Fire Prevention:
  - 5.26.1 Each Licensee shall maintain a program for fire prevention and fire suppression and a fire-fighting unit of trained personnel equipped with high-expansion foam fire extinguishers and other equipment as may be recommended by the local fire inspection authority. Each Licensee shall prohibit:
    - 5.26.1.1 Smoking in stalls, under shed rows and in feed rooms;
    - 5.26.1.2 Open fires, oil or gas lamps in stable areas; and
    - 5.26.1.3 Locking of stalls occupied by horses.
- 5.27 Communications from Licensee's Premises: No person shall transmit or disseminate wagering information in violation of 18 U.S.C.A. §1084 or 11 **Del.C.** §1411, as now constituted or as hereafter amended.

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- 5.28 Licensee's Police: During a racing meet each Licensee shall provide and maintain, or arrange for, competent police and watchman services, night and day, in and about its grounds.
- 5.29 Security: Each Licensee shall cause to be excluded from its grounds all persons designated by order of the Commission or Stewards to be excluded. This Rule shall not derogate from Licensee's absolute right on its own volition to exclude persons as provided in the next Rule.
- 5.30 Ejection or Exclusion from Licensee's Grounds; Fingerprints:



- 5.30.1 Licensee may eject or exclude any person from its grounds, or any part thereof, solely of its own volition and without any reason or excuse given therefore, provided that such ejection or exclusion is not based upon sex, race, creed, color, or national origin.
- 5.30.2 Any person who enters Licensee's grounds must, if Licensee requests, submit to having his or her fingerprints and photograph taken, for which Licensee may charge a reasonable fee to defray its costs therefore.
- 5.31 Outriders: Each Licensee shall employ at least two Outriders to escort starters to the post and to assist in returning all horses to the unsaddling area. Each Licensee shall insure that Outriders are neat and clean in appearance and shall wear traditional apparel. Outriders shall be required to be present on the racing strip, mounted, and ready to assist in the control of any unruly horse or to recapture any loose horse at all times that horses are on the racing strip for racing.
- 5.32 Commission's Veterinarian:
  - 5.32.1 The Commission will employ a graduate Veterinarian, licensed in Delaware, experienced in equine medicine and practice who, aided by such Assistant Veterinarians possessing like qualifications, shall be responsible for inspecting all horses entered and advising upon their racing soundness. Such Veterinarian also shall maintain and post in the Racing Secretary's office a Veterinarian's list of horses ineligible to race because of sickness or unsoundness. Additionally, he shall supervise the following: control of communicable equine diseases; insect control; sanitary conditions in the stable area; and cruel and inhumane treatment of horses, etc.
  - 5.32.2 The Commission's Veterinarian shall be attendant on the Stewards and the Racing Secretary at scratch time each day, shall examine such horses as such Racing Officials may request, and shall make reports to such Racing Officials as promptly as possible;
  - 5.32.3 The Commission's Veterinarian also shall be responsible for inspecting every horse entered on the day of the race for which such horse is entered. Such inspection shall be for physical fitness, general condition and for any noticeable unsoundness or peculiarities that may affect the racing condition of the horse, or be considered for the scratch of a horse on a muddy or sloppy track. Such pre-race examinations shall be recorded on a Health Record for every starter at the race meeting.
  - 5.32.4 The Commission's Veterinarian shall be present in the paddock for saddling, shall accompany each field to the starting post, and shall observe all horses after the finish of each race. If, in his opinion, a horse suffers an injury while in the paddock, during the post parade, or at the starting gate, which shall render such horse unfit to race, he shall recommend to the Stewards that the horse be excused and placed on the Veterinarian's List. All horses requested to be scratched for physical reasons after scratch time shall be inspected by the Commission's Veterinarian who shall report the condition of such horses to the Stewards.
  - 5.32.5 No Commission's Veterinarian during his employment shall be permitted to engage in private veterinary practice involving Thoroughbreds, nor be employed by or receive any compensation directly or indirectly from any licensed Owner or Trainer, nor sell or buy, for himself or another, any Thoroughbred, nor place any wager in any manner on any race run at Licensee's premises, nor sell any drug supplies, nor sell horse insurance, nor be licensed to participate in racing in any other capacity.
- 5.33 Horse Identifier: Each Licensee shall employ one or more persons to be charged with the responsibility of proper identification of all horses entered to be raced. A Horse Identifier may accompany the Commission's Veterinarian on the pre-race examination of all starters. Every starter shall be examined in the paddock by a Horse Identifier for sex, age, color, markings and lip tattoo, for comparison with its registration certificate. Photographs may be used as an aid in identification. If a Horse Identifier has any doubt as to the identity of a horse entered to be raced, the Horse Identifier shall so notify the Paddock Judge and the Stewards.
- 5.34 Valets: Each Licensee shall employ a sufficient number of persons as Valets to attend each individual rider on a day's racing program. Such Valets shall be under the immediate supervision and control of the Clerk of Scales. No rider shall employ a Valet or be attended by any person other than the Valet assigned to him by the Clerk of Scales. Valets shall be responsible for the care and cleaning of his assigned rider's apparel and equipment, shall insure his rider has the proper equipment and colors for each race, shall present the proper equipment and attend the saddling of his rider's mount, and shall attend the weighing out of his rider. No Valet or other Jockey room attendant may place a wager for himself or another, directly or indirectly, on races run while he is serving as a Valet. Each Licensee shall provide uniform attire for Valets who shall wear same at all times while performing their duties within public view.
- 5.35 Horsemen's Bookkeeper:
  - 5.35.1 Each Licensee shall maintain a separate bank account from which payments of all money owing to horsemen in regard to purses, stakes, rewards, claims and deposits shall be made. Withdrawals from this account shall at all times be subject to audit by the Commission.

- 5.35.2 All portions of purse money shall be made available to earners thereof forty-eight (48) hours after the result of the race in which such money was earned has been declared official, contingent upon receipt from the Official Chemists of the results of their testing of samples taken, except, however, when the Stewards shall order money withheld until final adjudication of a dispute determining which persons are entitled to such money in dispute.
- 5.36 Thoroughbred Racing Protective Bureau: The Commission approves and commends the work of the Thoroughbred Racing Protective Bureau to safeguard Thoroughbred racing in the United States from illegal and improper influences and authorizes any Licensee under these Rules to utilize its services and facilities and to rely upon its investigations, reports and advice respecting security matters without incurring any liability to any person or entity for doing so.

#### **4 DE Reg. 179 (07/01/00)**

### **6.0 Owners**

#### **6.1 Licensing Requirements for Owners:**

- 6.1.1 Each person who has a five percent or more ownership or beneficial interest in a horse is required to be licensed.
- 6.1.2 An applicant for an owner's license shall own or lease a horse which is eligible to race, registered with the racing secretary and under the care of a trainer licensed by the Commission. An owner shall notify the stewards of a change in trainer of his/her horse. A horse shall not be transferred to a new trainer after entry.
- 6.1.3 A horse owner of any age may apply for an owner's license. If younger than 18 years of age, an applicant for an owner's license shall submit a notarized affidavit from his/her parent or legal guardian stating that the parent or legal guardian assumes responsibility for the applicant's financial, contractual and other obligations relating to the applicant's participation in racing.
- 6.1.4 If the Commission or its designee has reason to doubt the financial responsibility of an applicant for an owner's license, the applicant may be required to complete a verified financial statement.
- 6.1.5 Each licensed owner is responsible for disclosure to the Commission or its designee of the true and entire ownership of each of his/her horses registered with the racing secretary. Any change in ownership or trainer of a horse registered with the racing secretary shall be approved by the stewards. Each owner shall comply with all licensing requirements.
- 6.1.6 The Commission or its designee may refuse, deny, suspend or revoke an owner's license for the spouse or member of the immediate family or household of a person ineligible to be licensed as an owner, unless there is a showing on the part of the applicant or licensed owner, and the Commission determines that participation in racing will not permit a person to serve as a substitute for an ineligible person. The transfer of a horse to circumvent the intent of a Commission rule or ruling is prohibited.
- 6.1.7 Affidavit to Secure License for Unlicensed Owner: The Commission may allow a Trainer, or representative of, to sign an affidavit to secure a license for an unlicensed owner that has never been previously licensed whose application has been received but not processed by the License Office or for an unlicensed owner previously licensed that allows the owner to race one-time unlicensed, provided a license is obtained within seven (7) days. No race earnings shall be distributed until an owner has obtained a license. An unlicensed owner not obtaining an owner license within seven days of the date the affidavit was signed shall be indefinitely suspended until a license is obtained.

#### **6.2 Licensing Requirements for Multiple Owners:**

- 6.2.1 If the legal owner of any horse is a partnership, corporation, limited liability company, syndicate or other association or entity, each shareholder, member or partner shall be licensed as required in of this rule.
- 6.2.2 Each partnership, corporation, limited liability company, syndicate or other association or entity shall disclose to the Commission all owners holding a five percent or greater beneficial interest, unless otherwise required by the Commission.
- 6.2.3 Each partnership, corporation, limited liability company, syndicate or other association or entity which includes an owner with less than a five percent ownership or beneficial interest shall file with the Commission an affidavit which attests that, to the best of their knowledge, every owner, regardless of their ownership or beneficial interest, is not presently ineligible for licensing or suspended in any racing jurisdiction.
- 6.2.4 To obtain an owner's license, an owner with less than a five percent ownership or beneficial interest in a horse shall establish a bona fide need for the license and the issuance of such license shall be approved by the stewards.

6.2.5 Application for joint ownership shall include a designation of a managing owner and a business address. Receipt of any correspondence, notice or order at such address shall constitute official notice to all persons involved in the ownership of such horse.

6.2.6 The written appointment of a managing owner or authorized agent shall be filed with the Commission.

### 6.3 Leases:

6.3.1 Horses may be raced under lease provided the lease agreement is annexed to the horse's registration certificate and is approved by the Stewards. The validity of a lease for the purposes of racing a horse in Delaware may be suspended temporarily or voided by the Stewards at any time. No lease may be approved by the Stewards for racing purposes unless:

6.3.1.1 Lessee is registered as an Owner;

6.3.1.2 Each of the signatures of the lessors and lessees on the lease agreement is subscribed and sworn to before a notary public;

6.3.1.3 Term of the lease is for no less than one year, unless sooner terminated by claim or retirement of the subject horse;

6.3.1.4 Conditions of the lease specify, as to parties to the lease, whether the subject horse can be entered in a race to be claimed. If agreeable to lessor that the subject horse may be entered to be claimed, conditions of the lease must specify the minimum price for which the subject horse can be entered and identify the name of the recipient of the claiming price;

6.3.1.5 Conditions of the lease specify that, upon a claim of the subject horse, the lease shall terminate and all rights in and to such horse shall pass to claimant as a bona fide purchaser;

6.3.1.6 After reviewing the full ownership of such leased horses, the interests of all persons involved in such lease, and the terms and conditions of such lease, the Stewards in their discretion find that such lease:

6.3.1.6.1 Completely divests lessors or sublessors of further control or direction of the racing performance of such horse while under lease; and

6.3.1.6.2 The resultant program listing of lessee would not mislead the betting public by reason of the absence in the program listing of the name of a person or persons possessing a beneficial interest in such leased horse.

### 6.4 Racing Colors:

6.4.1 Owners shall be responsible for designing and providing individual racing colors, consisting of jackets and caps of distinctive color and pattern to be worn by Jockeys during a race, such racing colors to be registered with the Licensee or its Registrar.

6.4.2 Racing colors must be registered annually, the application therefore to accompany application for an Owner's registration.

6.4.3 Registration of racing colors shall be at the discretion of Licensee. Disputes as to rights to particular racing colors shall be determined by the Commission. Licensee or its Registrar may refuse to accept for registration racing colors which:

6.4.3.1 Are not readily distinguishable by color and pattern from racing colors currently registered with Licensee or with the Jockey Club; and

6.4.3.2 Include advertising, promotional, or cartoon symbols or words or which, in the opinion of the Commission, are not in keeping with the traditions of the Turf.

6.4.3.3 No horse may be raced in racing colors other than those registered in the name of the horse's Owner without special permission of the Stewards. If an Owner races two or more horses in the same race, jackets shall be identical while caps shall be varied in color or design. Any deviation from registered colors granted by the Stewards shall be immediately announced.

6.4.3.4 Owners and Trainers shall be jointly responsible for the condition of racing colors, insuring that they are neat, clean and in good repair and that an adequate number of sets of racing colors are placed in the care of the Clerk of Scales.

6.4.3.5 The Clerk of Scales and the Valet serving a Jockey shall be jointly responsible for having the correct jacket and cap on each rider when leaving the Jockey room for the paddock.

6.4.3.6 Racing colors are not assignable and registration thereof may be cancelled upon the death of an Owner or upon the revocation or suspension of his Owner's registration.

### 6.5 Unauthorized Employees:

6.5.1 No Owner or Trainer may employ or contract with a person who holds no permit or authorization to perform an activity on Licensee's grounds for which a permit or authorization is required. An Owner shall immediately notify the Racing Secretary upon change of Trainer during a race meeting.

6.6 Authorized Agent:

6.6.1 A registered Owner may, as a principal, authorize any person, as an agent, to act in such Owner's behalf in all matters pertaining to racing in this State and ownership of horses on Licensee's grounds, as provided by these Rules, infra. A registered Owner, as a principal, shall be jointly liable and responsible with his Authorized Agent for all acts and omissions of such Authorized Agent, serving in such Owner's behalf in a racing matter, until written notification from such Owner revoking such agency is received by Licensee or its Registrar.

6.7 Suspension:

6.7.1 In the event the registration of an Owner is suspended or revoked, all horses owned wholly or in part by such Owner shall not be permitted to race during such suspension unless such horses are irrevocably transferred to a registered Owner and such transfer is approved by the Stewards as completely and permanently divesting such suspended former Owner of control of or benefit from the subsequent racing of such horses.

6.8 Partnerships:

6.8.1 Partnerships must be registered with Licensee or its Registrar. Partnership papers shall set forth the following:

6.8.1.1 The name and address of every person having an interest in the horse or horses involved;

6.8.1.2 The relative proportion of such interests;

6.8.1.3 To whom the winnings are payable;

6.8.1.4 In whose name the horse or horses shall run;

6.8.1.5 With whom the power of entry and declaration rests;

6.8.1.6 The terms of any contingency, lease or any other arrangement; and

6.8.1.7 The names of the horse or horses involved. Any partner transacting business on behalf of a partnership must own an interest therein at least equal to that owned by any other partner. All partnership registrations must be signed by all of the partners or by their authorized agent.

6.8.1.8 Any alteration in a recorded partnership must be reported in writing to Licensee or its Registrar and signed by all the partners or their authorized agent. All the parties in a partnership and each of them shall be jointly and severally liable for all stakes, fees and other obligations.

6.9 Duty to Pay Accounts: Owners having unpaid jockey or other fees at the close of a race meeting shall be billed by Licensee within twenty (20) days of the close of the race meet with a duplicate copy of the bill to the Trainer. Such accounts shall be paid within thirty (30) days from billing date. At the expiration of the thirty (30) day period, it shall be the duty of Licensee to notify the Racing Commission or the Stewards, in writing, of all delinquent accounts, at which time all Owners with outstanding accounts will be suspended until such fees are paid. (Also, see Rule 11.12).

**4 DE Reg. 174 (07/01/00)**

**5 DE Reg. 1694 (03/01/02)**

**7 DE Reg. 766 (12/01/03)**

**10 DE Reg. 1581 (04/01/07)**

**24 DE Reg. 997 (05/01/21)**

**7.0 Trainers**

7.1 Registration Required: No horse may be raced in this State unless the Trainer thereof has been granted a current Trainer's registration by the Commission.

7.2 Requirements for Trainer's Registration:

7.2.1 In addition to satisfying the requirements applicable to Permittees, et al., imposed by Rule 2.0, in order to be eligible for registration as a Trainer, a person:

7.2.1.1 Must be an individual 18 years or older; no Trainer may be licensed to train under an assumed or stable name;

7.2.1.2 Must be qualified by experience or competence to care for and train race horses;

7.2.1.3 Must have in his charge a horse eligible to race;

7.2.1.4 Must not engage in any activity directly or indirectly involving the racing performance of horses on Licensee's grounds other than those registered as being in his charge.

7.2.1.4.1 A registered Trainer may not concurrently participate in racing in this State as a Jockey, Apprentice Jockey, Jockey's Agent, Veterinarian, Assistant Veterinarian, Dental Technician,

Farrier, Apprentice Farrier, or as an employee in Licensee's racing department, except as provided by Rule 8.3.

- 7.2.1.4.2 The Commission may deny, suspend or revoke a Trainer's registration for the spouse or any member of the immediate family or household of a person ineligible to hold a Trainer's license under these Rules, unless there is a showing by the applicant or registered Trainer, and the Commission so finds, that his participation in racing as a Trainer will in no way circumvent the intent of these Rules by permitting a person, under the control or direction of a person ineligible to hold a Trainer's license, to serve in effect as the alter ego of such ineligible person.

### 7.3 Duties and Responsibilities:

- 7.3.1 A registered Trainer shall bear primary responsibility for the proper care, health, training, condition, safety and protection against administration of prohibited drugs or medication of horses in his charge. A registered trainer:
- 7.3.2 Shall register with the Racing Secretary all persons in his employ and insure that they duly apply for permits within 24 hours after they arrive on Licensee's grounds or are employed. Upon discharge of an employee, a Trainer must promptly notify the Racing Secretary and the Licensee or its Registrar.
- 7.3.3 All Owners and Trainers shall carry workmen's compensation insurance covering all their employees. This paragraph is intended to include all individuals employed by Owners and Trainers in the training and racing of horses.
- 7.3.4 Shall register with the Racing Secretary all horses in his charge. No Trainer may take or keep in his charge a horse owned wholly or in part, or controlled by, a person who is not licensed as an Owner. No Trainer shall assume responsibility for horses not under his active care and supervision, except as provided by Rule 7.3.7.
- 7.3.5 Shall bear the absolute responsibility to report bleeders from other jurisdictions to the Commission's Veterinarian or Stewards, on official forms from that state, prior to entry.
- 7.3.6 Shall bear primary responsibility for horses he enters as to eligibility, weight allowances claimed, physical fitness to perform creditably at the distance entered, absence of prohibited drugs or medications, proper shoes, bandages and equipment, and timely arrival in the saddling paddock. A registered Trainer shall be jointly responsible with the registered Owner for horses he enters as to stakes payments and jockey fees due.
- 7.3.7 When entering horses, Trainers shall furnish, as first call, the name of the Jockey engaged to ride each horse entered and, as second call, the name of an alternate Jockey to ride each horse entered, if possible at the time of entry, but in no event later than scratch time unless part of an entry. If no first or second call Jockey has been named to ride a horse entered to race by scratch time, then the Stewards shall select a rider to ride such horse.
- 7.3.8 Shall personally attend his horses in the paddock and supervise the saddling thereof, unless excused by the Stewards. If a registered Trainer is to be absent from Licensee's grounds where his horses are stabled, he must provide a substitute -- his registered Assistant Trainer or another registered Trainer -- to attend the saddling of horses already entered and to assume complete responsibility for horses to be entered. Such substitute must be approved by the Stewards and shall sign in the presence of the Stewards a form furnished by Licensee accepting complete responsibility for horses he so enters.
- 7.3.9 May attend the taking and testing of a saliva, urine or blood sample from a horse in his charge by Commission's Veterinarian and/or Chemist, or may delegate one of his employees holding an authorization or permit to do so.
- 7.3.10 Shall maintain the stable area assigned to him in a clean, neat and sanitary condition at all times and insure that fire prevention rules are strictly observed in his stable area.
- 7.3.11 Shall promptly report to the Commission's Veterinarian any sickness or death of any horse in his charge.

### 7.4 Restrictions on Ownership:

- 7.4.1 No registered Trainer shall have any interest, by ownership or lease, in the racing or breeding qualities of a horse for which he is not the Trainer at any race meeting at which such Trainer is in charge of a racing stable.

7.5 Horses Suspended: All horses in the charge of a Trainer whose registration has been revoked or suspended shall not be permitted to race during the period of such Trainer's suspension. Upon application by the Owners of such suspended horses, the Stewards may approve the bona fide transfer of such horses to the care of another registered Trainer and, upon such approved transfer, such horses may be entered to race.

7.6 Assistant Trainer: A registered Owner or registered Trainer may employ an Assistant Trainer. Such Assistant Trainer must obtain an authorization from the Commission before acting in such capacity on behalf of his employer. Qualifications for obtaining an Assistant Trainer's authorization shall be prescribed by the Stewards.

An authorized Assistant Trainer shall assume the same duties and responsibilities as imposed on a registered Trainer. The registered Trainer shall be jointly responsible with his Assistant Trainer for all acts and omissions of such Assistant Trainer involving a racing matter.

**4 DE Reg. 179 (07/01/00)**

**24 DE Reg. 997 (05/01/21)**

## **8.0 Jockeys and Apprentice Jockeys**

### **8.1 Probationary Mounts:**

- 8.1.1 Any person desiring to participate at Licensee's premises as a rider and who never previously has ridden in a race may be permitted to ride in two races before applying for a permit as a Jockey or Apprentice Jockey, provided, however:
- 8.1.2 Such person has had at least one year of service with a racing stable and currently holds a permit issued by the Commission for a recognized activity in racing;
- 8.1.3 A registered Trainer certifies in writing to the Stewards that such person has demonstrated sufficient horsemanship to be permitted such probationary mounts;
- 8.1.4 The Starter has schooled such person in breaking from the starting gate with other horses and approves such person as being capable of starting a horse properly from the starting gate in a race;
- 8.1.5 The Stewards, in their sole discretion, are satisfied that such person intends to become a licensed Jockey, possesses the physical ability and has demonstrated sufficient horsemanship to ride in a race without jeopardizing the safety of horses or other riders in such race. No such person shall be permitted to ride in any such probationary race without the prior approval of the Stewards.

### **8.2 Qualification for Permit:**

- 8.2.1 In addition to satisfying the requirements applicable to Permittees, et al., imposed by Part 2 of these Rules, in order to be eligible to have an authorization or permit issued to him as a Jockey or Apprentice Jockey, a person also:
- 8.2.2 Must be an individual 16 years of age or older;
- 8.2.3 Must utilize in his or her application his or her legal name only so that such may be listed in the daily race program;
- 8.2.4 Must have served at least one year with a racing stable;
- 8.2.5 Must have ridden in at least two races;
- 8.2.6 Must, when required by the Stewards, provide a medical affidavit certifying he or she is physically and mentally capable of performing the activities and duties of a Jockey; and
- 8.2.7 Must provide a signed Consent to Treatment form as required by the athletic training contractor providing training services to jockeys at the track.

- 8.3 **Amateur or Provisional Jockey:** An amateur wishing to ride in races on even terms with professional riders, but without accepting fees or gratuities therefore, must be approved by the Stewards as to competency of horsemanship, may be granted a Jockey's authorization or permit, and such amateur status must be duly noted on the daily race program. A registered Owner or registered Trainer, upon approval by the Stewards, may be issued a provisional Jockey's authorization or permit to ride his or her own horse or horse registered in his or her care as Trainer.

### **8.4 Apprentice Allowance:**

- 8.4.1 An apprentice jockey may claim the following weight allowances in all overnight races except stakes and handicaps:
  - 8.4.1.1 A ten pound allowance beginning with the first mount and continuing until the apprentice has ridden five winners.
  - 8.4.1.2 A seven pound allowance until the apprentice has ridden an additional 35 winners.
  - 8.4.1.3 If an apprentice has ridden a total of 40 winners prior to the end of a period of one year from the date of riding his or her fifth winner, he or she shall have an allowance of five pounds until the end of that year.
  - 8.4.1.4 If after one year from the date of the fifth winning mount, the apprentice jockey has not ridden 40 winners, the applicable weight allowance shall continue for more than one year or until the 40th winner, whichever comes first. An apprentice may in no event claim a weight allowance for more than two years from the date of the fifth winning mount, unless an extension has been granted pursuant to this Rule.

- 8.4.1.5 After the completion of the weight allowances as defined in this Rule, a contracted apprentice may for one year claim three pounds when riding horses owned or trained by his or her original contract employer, provided his or her contract has not been transferred or sold since his or her first winner. Such original contract employer shall be deemed the party to the contract who was the employer at the time of the apprentice jockey's first winner.
- 8.4.1.6 An apprentice jockey may enter into a contract with a registered owner or registered trainer qualified under Rule 8.5 for a period not to exceed five years. Such contracts must be approved by the stewards and filed with the licensee or its registrar. Such contracts shall be binding in all respects on the signers thereof. An apprentice who is not contracted may be given an apprentice jockey certificate on a form furnished by the licensee or its registrar.
- 8.4.1.7 After the completion of the weight allowances defined in this Rule, such rider must obtain a jockey license before accepting subsequent mounts.
- 8.4.1.8 The Commission may extend the weight allowance of an apprentice jockey when, in the discretion of the Commission, an apprentice jockey is unable to continue riding due to:
  - 8.4.1.8.1 Physical disablement or illness;
  - 8.4.1.8.2 Attendance in an institution of secondary or higher education;
  - 8.4.1.8.3 Restriction on racing;
  - 8.4.1.8.4 Other valid reasons.
- 8.4.1.9 To qualify for an extension, an apprentice jockey shall have been rendered unable to ride for a period of not less than seven (7) consecutive days during the period in which the apprentice was entitled to an apprentice weight allowance. Under exceptional circumstances, total days lost collectively will be given consideration.
- 8.4.1.10 The Commission currently licensing apprentice jockeys shall have the authority to grant an extension to an eligible applicant, but only after the apprentice has produced documentation verifying time lost as defined by this Rule.
- 8.4.1.11 An apprentice may petition one of the jurisdictions in which he or she is licensed and riding for an extension of the time for claiming apprentice weight allowances, and the apprentice shall be bound by the decision of the jurisdiction so petitioned.

Revised 10/31/96.

## 8.5 Rider Contracts:

- 8.5.1 All contracts between an employer or Trainer and employee rider are subject to the rules of racing. All riding contracts for terms longer than 30 days, as well as any amendments thereto, or cancellations or transfer thereof, must be in writing with the signatures of the parties thereto notarized, be approved by the Stewards and filed with Licensee or his Registrar. The Stewards may approve a riding contract and permit parties thereto to participate in racing at Licensee's premises if they find that:
- 8.5.2 The contract employer is a registered Owner or registered Trainer who owns or trains at least three horses eligible to race at the time of execution of such contract;
- 8.5.3 The contract employer possesses such character, ability, facilities and financial responsibility as may be conducive to the development of a competent race rider;
- 8.5.4 Such contracts for Apprentice Jockeys provide for fair remuneration, adequate medical care and an option equally available to both employer and Apprentice Jockey to cancel such contract after two years from the date of execution.

## 8.6 Restrictions as to Contract Riders:

- 8.6.1 No rider may:
  - 8.6.1.1 Ride any horse not owned or trained by his or her contract employer in a race against a horse owned or trained by his or her contract employer;
  - 8.6.1.2 Ride or agree to ride any horse in a race without the consent of his or her contract employer;
  - 8.6.1.3 Share any money earned from riding with his or her contract employer;
  - 8.6.1.4 Repealed: 10/31/96.

## 8.7 Calls and Engagements: Any rider not so prohibited by prior contract may agree to give first or second call on his or her race-riding services to any registered Owner or Trainer. Such agreements, if for terms of more than 30 days, must be in writing, approved by the Stewards and filed with the Licensee or its Registrar. Any rider employed by a racing stable on a regular salaried basis may not ride against the stable which so employs him or her. No Owner or Trainer shall employ or engage a rider to prevent him or her from riding another horse.

## 8.8 Jockey Fee:

8.8.1 The fee to a Jockey in all races shall be, in the absence of special agreement, as follows:

<b>Purse Level</b>	<b>Winning Mount Fee</b>	<b>2<sup>nd</sup> Place Mount Fee</b>	<b>3<sup>rd</sup> Place Mount Fee</b>	<b>Other Mounts</b>
Up to \$10,000	10%	\$100	\$85	\$75
\$10,001 - \$14,999	10%	5%	\$85	\$75
\$15,000 - \$19,999	10%	5%	\$90	\$75
\$20,000 - \$49,999	10%	5%	5%	\$75
\$50,000 - \$99,999	10%	5%	5%	\$85
\$100,000 and up	10%	5%	5%	\$105

8.8.2 A jockey fee shall be considered earned by a rider when he or she is weighed out by the Clerk of Scales, except when:

8.8.2.1 A rider does not weigh out and ride in a race for which he or she has been engaged because an Owner or Trainer engaged more than one rider for the same race; in such case, the Owner or Trainer shall pay an appropriate fee to each rider engaged for such race.

8.8.2.2 Such rider capable of riding elects to take himself or herself off the mount without, in the opinion of the Stewards, proper cause therefore.

8.8.2.3 Such rider is replaced by the Stewards with a substitute rider for a reason other than a physical injury suffered by such rider during the time between weighing out and start of the race.

8.8.3 Individual Excess On-Track Accident Insurance. Each jockey shall pay a fee of \$4 per mount or such amount per mount as is specified by the Delaware Jockeys' Health & Welfare Benefits Board for coverage under the Individual Excess On-Track Accident Insurance policy provided through the Delaware Jockeys' Health & Welfare Benefits Fund.

8.9 Duty to Fulfill Engagements: Every rider shall fulfill his or her duly scheduled riding engagements unless excused by the Stewards. No rider shall be forced to ride a horse he or she believes to be unsound nor over a racing strip he or she believes to be unsafe, but if the Stewards find a rider's refusal to fulfill a riding engagement is based on a personal belief unwarranted by the facts and circumstances, such rider may be subject to disciplinary action.

8.10 Presence in Jockey Room:

8.10.1 Each rider who has been engaged to ride in a race shall be physically present in the Jockey room no later than one hour prior to post time for the first race on the day he or she is scheduled to ride, unless excused by the Stewards or the Clerk of Scales and, upon arrival, shall report to the Clerk of Scales his or her engagements. In the event a rider fails for any reason to arrive in the Jockey room prior to one hour before post time of a race in which he or she is scheduled to ride, the Clerk of Scales shall so advise the Stewards who thereupon may name a substitute rider, in which case they shall cause an announcement to be made of any such rider substitution prior to the opening of wagering on such race.

8.10.2 Each rider reporting to the Jockey room shall remain in the Jockey room until he or she has fulfilled all his riding engagements for the day, except to ride in a race or to view the running of a race from a location approved by the Stewards. Such rider shall have no contact or communication with any person outside the Jockey room other than an Owner or Trainer for whom he or she is riding, or a racing official, or a representative of Licensee, until such rider has fulfilled all his or her riding engagements for the day, except as provided in subsection 8.10.2.1.

8.10.2.1 Each rider in the Jockey room may use a mobile electronic device in the confines of the Jockey room, provided that (i) for purposes of this subsection 8.10.2.1, the Jockey room does not include the balcony or any other area that might be in the view of the public; (ii) a Jockey's use of a mobile electronic device in the Jockey room signifies the Jockey's consent to a search of the mobile electronic device by or on behalf of the Commission; and (iii) a Jockey may not wear headphones while listening to a mobile electronic device if this does not allow the Jockey to hear when others are calling the Jockey to race.

8.10.3 Licensee shall take measures designed to exclude from the Jockey room all persons, except riders scheduled to ride on the day's program, Valets, authorized attendants, Racing Officials, representatives of Licensee and persons having special permission from the Stewards to enter the Jockey room.

8.10.4 Any rider intending to discontinue riding at a race meeting prior to its conclusion shall so notify the stewards not later than after fulfilling his or her final riding engagement of the day he or she intends to depart.



## 8.11 Weighing Out:

- 8.11.1 Each rider engaged to ride in a race shall report to the Clerk of Scales for weighing out not more than one hour and not less than 15 minutes before post time for each race in which he or she is engaged to ride and to report their weight and overweight, if any, at a time designated by the Stewards.
- 8.11.2 No rider shall pass the scale with more than one pound overweight, without the consent of the Owner or Trainer of the horse he or she is engaged to ride. In no event shall a rider pass the scale with more than five pounds overweight.
- 8.11.3 No horse shall be disqualified because of overweight carried.
- 8.11.4 Riding crop, blinkers, number cloth, bridle and rider's safety helmet and rider's safety vest shall not be included in a rider's weight.

Revised: 10/20/93

- 8.12 Wagering: No rider shall place a wager, or cause a wager to be placed on his behalf, or accept any ticket or winnings from a wager on any race, except on his or her own mount to win, or a combination wager on his or her own mount to win, place and show, and except through the Owner or Trainer of the horse he or she is riding. Such Owner or Trainer placing wagers for his rider shall maintain a precise and complete record of all such wagers and such record shall be available for examination by the Stewards at all times.
- 8.13 Attire: Upon leaving the Jockey room to ride in any race, each rider shall be neat and clean in appearance and wear the traditional Jockey costume with all jacket buttons and catches fastened. Except with the approval of the Stewards, each Jockey shall wear the cap and jacket racing colors registered in the name of the Owner of the horse he or she is to ride, white or light breeches, top boots, safety helmet, safety vest and a number on his or her right shoulder corresponding to his or her mount's number as shown on the saddle cloth and daily race program. The Clerk of Scales and attending Valet shall be held jointly responsible with a rider for his or her neat and clean appearance and proper attire.

Revised: 10/20/93

- 8.14 Viewing Films or Tapes of Race: Every rider shall be responsible for checking the film list posted by the Stewards in the Jockey room the day after riding in a race, the posting of same to be considered as notice to all riders whose names are listed thereon to present themselves at the time designated by the Stewards to view the patrol films or video tape of races. Any rider may be accompanied by a representative of the Jockey organization of which he or she is a member in viewing such films or, with the Stewards' permission, be represented at such viewing by his or her designated representatives.
- 8.15 Safety Helmets and Safety Vests. Every individual shall, when mounted on a horse while on the premise of a racetrack or handling a horse at the starting gate, wear a properly secured safety helmet and safety vest. The helmet and vest shall meet or exceed with one or more Commission approved safety standards or later revisions. All safety helmets and safety vests shall be permanently labeled with the identification of the manufacturer, including name and address of the manufacturer, or if a private labeler is on the label, the name and address of the private labeler (an Internet or website address shall not be considered an acceptable address), month and year of manufacture, model designation, and safety standard(s) meeting or exceeding. A safety helmet or a safety vest shall not be altered in any manner nor shall the Product Marking be removed or defaced. A safety vest shall not be attached to the horse or to any equipment carried by the horse. A safety helmet or safety vest shall not have any camera or other device affixed to the safety equipment unless the device is designed for the helmet and vest, and meets or exceeds a safety standard. The Stewards may at any time take possession of a safety helmet or safety vest for inspection and may at their discretion confiscate any safety helmet or safety vest that does not comply with these rules.

**4 DE Reg. 174 (07/01/00)**

**4 DE Reg. 1131 (01/01/01)**

**12 DE Reg. 1403 (05/01/09)**

**17 DE Reg. 1178 (06/01/14)**

**19 DE Reg. 1010 (05/01/16)**

**22 DE Reg. 468 (12/01/18)**

**22 DE Reg. 1000 (06/01/19)**

## 9.0 Agents, Authorized and Jockey

- 9.1 Agency Permitted: Any registered Owner or Jockey or Apprentice Jockey holding a permit issued by the Commission may, as a principal, authorize another person as an agent to act in such principal's behalf in all matters pertaining to racing and transfer of horses at Licensee's premises. Such authorization shall be in writing and shall define the powers, limits and terms of such agency.

## 9.2 Registration or Permit Required:

- 9.2.1 No person may act as agent on behalf of another individual in a matter pertaining to racing at Licensee's premises or in the transfer of horses on its grounds unless both principal and agent have been duly issued a current registration or permit authorizing such activity.
- 9.2.2 If an Authorized Agent is to act on behalf of more than one principal, a separate registration or permit must be obtained as to each principal. Applications for such shall be accompanied by the written agency appointment, signed by the principal and notarized.
  - 9.2.2.1 If such agency appointment is other than one authorizing broad general powers and qualifies or limits powers of the Agent to act on behalf of the principal in any material way, then such registration or permit, if issued, shall indicate thereon such limitation.
  - 9.2.2.2 Any Racing Official may deny any Authorized Agent whose registration or permit is so limited any right to take action as such until he has inspected a copy of the agency appointment and ascertained to his satisfaction that any act in question is empowered by such agency.
  - 9.2.2.3 Jockey Agents. Each jockey agent shall obtain a license from the Commission.
    - 9.2.2.3.1 Number of Jockeys an Agent May Be Permitted to Represent.
      - 9.2.2.3.1.1 A jockey agent may represent up to: two journeymen jockeys, and one apprentice jockey.
    - 9.2.2.3.2 If a stable employs more than two contract jockeys, a jockey agent may represent all the jockeys under contract to that stable.
    - 9.2.2.3.3 A jockey agent may not make or assist in the making of any engagement for any rider other than those he is licensed to represent.
- 9.3 Termination of Agency: Such Agency shall remain in effect until written notification of revocation is received from the principal by the Commission. In the event a Jockey Agent is dismissed by his employer, or if a Jockey Agent discontinues making engagements for a rider, then such Jockey Agent shall immediately notify the Stewards and turn over to the Clerk of Scales a list of any unfulfilled engagements such Jockey Agent may have made for such rider.
- 9.4 Acts by Authorized Agent: Unless precluded by specific limitations in the agency appointment, an Authorized Agent who is registered or who holds a permit granted by the Commission may perform at Licensee's premises on behalf of the registered owner-principal all acts pertaining to racing, including the transfer of ownership of horses, as could be performed by the principal were he present. In executing any document on behalf of the principal, an Authorized Agent shall clearly indicate that he is acting as an Authorized Agent and shall specify the principal for whom he is acting. When an Authorized Agent enters a claim for the account of his principal, the name of the registered Owner for whom the claim is being made and the name of the Authorized Agent shall appear on the claim slip.
- 9.5 Riding Engagements: No person other than the contract employer or licensed Jockey Agent who holds a permit issued by the Commission may make riding engagements for a rider, except that a Jockey not represented by an Agent may make his own riding engagements. Such persons permitted to make riding engagements shall maintain in their possession at all times an engagement book and shall record therein riding engagements made, the same being subject to examination by the Stewards at any time. No Jockey Agent may enter the Jockey room, paddock or racing strip during the hours of racing.
- 9.6 Conflicting Claims for Rider: Any dispute arising from a conflict of claims for the services of a rider shall be determined by the Stewards on the basis of written records submitted by the parties involved.

**4 DE Reg. 179 (07/01/00)**

**17 DE Reg. 1061 (05/01/14)**

## 10.0 Horses

- 10.1 Registration required:
  - 10.1.1 No horse may be entered or raced in the State unless duly registered and named in the registry office of the Jockey Club in New York and unless the registration certificate or racing permit issued by the Jockey Club for such horse is on file with the Racing Secretary except that, (a) for good cause, the Stewards, in their discretion, may waive this requirement if the horse is otherwise correctly identified to their satisfaction; and (b) the Stewards may, in their discretion, allow a horse to race provided that the registration certificate must be delivered to the racing office within 48 hours.
  - 10.1.2 For steeplechase racing only, a Certificate for Racing Purposes Only issued by the National Steeplechase and Hunt Association in New York can be acceptable within the meaning of this Rule.
- 10.2 Ringers Prohibited:

- 10.2.1 No horse may be entered or raced in this state designated by a name other than the name under which such horse is currently registered with the Jockey Club in New York or with any other authority recognized by the Commission. In the event a horse's name is changed by the Jockey Club, or any other authority recognized by the Commission, such horse's former name shall be shown parenthetically in the daily race program the first three times such horse races after such name change.
- 10.2.2 No person shall at any time cause or permit the correct identity of a horse to be concealed or altered nor shall any person refuse to reveal the correct identity of a horse he owns, or which is in his care, to a Racing Official.
- 10.2.3 No horse shall race in this State without a legible lip tattoo number applied by agents of the Thoroughbred Racing and Protective Bureau, except that for good cause the Stewards, in their discretion, may waive this requirement if the horse is otherwise correctly identified to the Stewards' satisfaction. The Stewards shall require that a horse without a lip tattoo number be lip tattooed within a reasonably practical time.
- 10.2.4 No horse may be entered or raced in this State if previously involved in a "ringer" case if:
  - 10.2.4.1 A person having control of such horse knowingly entered or raced such horse while designated by a name other than the name under which such horse was registered with the Jockey Club or any other authority recognized by the Commission; or (2) such person having control of such horse participated in or assisted in the entry or racing of some other horse under the name registered as belonging to such horse in question.
- 10.3 Denervng:
  - 10.3.1 Any horse on which a neurectomy has been performed shall have such fact designated on its registration certificate or racing permit. It shall be the joint responsibility of the practicing veterinarian who performed the operation and the Trainer of such denerved horse to insure that such fact is designated on the registration certificate or racing permit.
  - 10.3.2 Any horse whose ulnar, radial or median nerve has been either blocked or removed (known as high nerved), or whose volar or plantar nerve has been blocked or removed, unilaterally or bilaterally, shall not be entered or raced in this State.
  - 10.3.3 Any horse which has had a posterior digital neurectomy (known as low nerved) may be permitted to race provided such denervng has been reported by the Trainer to the Stewards and such horse has been approved for racing by the Commission's Veterinarian prior to being entered for a race.
  - 10.3.4 In the event a horse races in violation of this Rule and participates in the purse distribution, then no protest thereon will be considered unless submitted in writing to the Stewards within 48 hours after such race.
  - 10.3.5 In the event a horse races in violation of this Rule and is claimed, then no protest thereon will be considered unless the successful claimant submits such protest in writing within 48 hours requesting that his claim be voided. Should the claim be voided, the horse shall be returned to the Owner who started such horse in such race and the claim price shall be returned to the claimant.
  - 10.3.6 A list of all denerved horses shall be posted in the Racing Secretary's Office. No person shall report a horse as having a neurectomy when in fact such horse has not.
- 10.4 Bleeders: Any horse known to have bled from its nostrils during a race or workout may not be entered or raced without the prior approval for racing by the Commission's Veterinarian. A horse which bled for the first time shall not be permitted to run for a period of ten (10) calendar days. A horse which bleeds a second time shall not be permitted to run for thirty (30) calendar days. A horse which bleeds a third time shall not be permitted to run for ninety (90) days. A horse which bleeds a fourth time shall be barred from further racing in the State of Delaware, except that if a horse's fourth bleeding incident occurs within one year of the first bleeding incident, then the horse shall not be barred but shall not be permitted to run for one year. If a horse has bled three times but at least twelve months have passed since the last bleeding incident, then if the horse bleeds for a fourth time, the horse shall not be permitted to run for twelve (12) months, and any further bleeding incidents will prevent the horse from racing for another twelve (12) month period. (A positive endoscopic examination shall be classed as a first time bleeder). See Rule 15.2 Bleeder Medication.
- 10.5 Health Certificate Required: Licensee, within its discretion, may require a health certificate from an accredited, practicing veterinarian of any horse stabled or to be stabled on its grounds.
- 10.6 Workouts: No horse may be schooled in the paddock or taken onto a track on Licensee's grounds for training or workout, other than during normal training hours as posted by Licensee, without the special permission of the Stewards.
- 10.7 Removal from Licensee's Grounds/Postmortem Examination:
  - 10.7.1 No dead or sick horse may be removed from Licensee's grounds without the prior approval of the Commission's Veterinarian.

- 10.7.2 The Commission may conduct a postmortem examination of any horse that is injured in this jurisdiction while in training or in competition and that subsequently expires or is destroyed. In proceeding with a postmortem examination, the Commission or its designee shall coordinate with the trainer and/or owner to determine and address any insurance requirements.
- 10.7.3 The Commission may conduct a postmortem examination of any horse that expires while housed on a licensee's grounds within this jurisdiction. Trainers and owners shall be required to comply with such action as a condition of licensure.
- 10.7.4 The Commission may take possession of the horse upon death for postmortem examination. The Commission may submit blood, urine, other bodily fluid specimens or other tissue specimens collected during a postmortem examination for testing by the Commission-selected laboratory or its designee. Upon completion of the postmortem examination, the carcass may be returned to the owner or disposed of at the owner's option.
- 10.7.5 The presence of a prohibited substance in a horse, found by the official laboratory or its designee in a bodily fluid specimen collected during the postmortem examination of a horse, which breaks down during a race constitutes a violation of these rules.
- 10.7.6 The cost of Commission-ordered postmortem examinations, testing and disposal will be borne by the Commission.
- 10.8 Serviceable for Racing:
- 10.8.1 No horse may be entered or raced that:
- 10.8.1.1 is not in serviceable, sound racing condition. The Stewards may, at any time, cause a horse on Licensee's grounds to be examined by a qualified person.
  - 10.8.1.2 is posted on a Veterinarian's list or Steward's list or is suspended in any racing jurisdiction;
  - 10.8.1.3 has been administered any drug, medication or substance foreign to the natural horse in violation of these Rules;
  - 10.8.1.4 is blind or has seriously impaired vision in both eyes;
  - 10.8.1.5 is not correctly identified to the satisfaction of the Stewards;
  - 10.8.1.6 is owned wholly or in part by, or is trained by, an ineligible person.
- 10.9 Equipment:
- 10.9.1 Riding crops or blinkers must be used consistently on a horse or not at all. Permission to change any equipment used on a horse in its last previous start must be obtained from the Stewards. A horse's tongue may be tied down for a race with a clean bandage or gauze. A horse's bridle may weigh no more than two pounds. War bridles are prohibited. No horse may race in ordinary training shoes. Bar shoes may be used for racing only with the permission of the Stewards.
- 10.9.2 Use on a horse either in a race or workout of any goading device, chain, electrical or mechanical device or appliance, other than the ordinary riding crop, which could be used to alter the speed of such horse is prohibited, except that spurs may be used in jumping races and, with the permission of the Stewards, during workouts.
- 10.9.3 No riding crop shall be used that weighs more than one pound or is longer than 30 inches with one popper; no stingers or projections extending through the hole of a popper or any metal part on a riding crop shall be permitted.
- 10.10 Sex Alteration:
- 10.10.1 Any alteration in the sex of a horse must be reported by such horse's Trainer to the Racing Secretary promptly, and the Racing Secretary shall note same on such horse's registration certificate.

Rule 10.1 and 10.2 Rev. March 1976.

**3 DE Reg. 754 (12/01/99)**

**4 DE Reg. 179 (07/01/01)**

**4 DE Reg. 1131 (01/01/01)**

**19 DE Reg. 1010 (05/01/16)**

**22 DE Reg. 1000 (06/01/19)**

## **11.0 Entries, Subscriptions, Delegations**

### **11.1 Entering and Eligibility Required:**

- 11.1.1 No horse shall be qualified to start in any race unless such horse has been and continues to be duly entered therein. Entries or subscriptions for any horse, or the transfer of same, may be refused or cancelled by the Licensee without notice or reason given therefore.

11.1.2 A horse must be eligible at the time of entry.

11.1.3 A horse must be eligible at the time of starting.

11.2 Procedure for Making Entries:

11.2.1 It shall be the absolute responsibility of the Trainer to report bleeders from other jurisdictions to the Commission's Veterinarian or Stewards on official forms from that State prior to entry.

11.2.2 All entries, subscriptions, declarations and scratches shall be lodged with the Racing Secretary and shall not be considered as having been made until received by the Racing Secretary who shall maintain a record of time of receipt of same.

11.2.3 Every entry must be in the name of such horse's registered Owner, as completely disclosed and registered with the Racing Secretary under these Rules and made by the Owner, Trainer or a person deputized by such Owner or Trainer.

11.2.4 Every entry must be in writing, or by telegraph promptly confirmed in writing, except that an entry may be made by telephone to the Racing Secretary but must be confirmed in writing should the Stewards, the Racing Secretary or an assistant to the Racing Secretary so request.

11.2.5 Every entry shall clearly designate the horse so entered. When entered for the first time during a meeting, every horse shall be designated by name, age color, sex, sire, dam and broodmare sire, as reflected by such horse's registration certificate.

11.2.6 No horse may race unless correctly identified to the satisfaction of the Stewards as being the horse duly entered;

11.2.7 In establishing the identity of a horse, responsibility shall be borne by any person attempting to identify such horse as well as the Owner of such horse, all such persons being subject to appropriate disciplinary action for incorrect identification.

11.2.8 At the time of entering a horse, the Trainer of such horse or his representative, must declare to the Racing Secretary or his representative, whether the horse will race on any medication permitted by these Rules and shall not deviate from such declaration.

11.2.9 Within the discretion of the Stewards, a list of horses so declared to race on medication may, in whole or in part, be announced, released for publication or otherwise made public without liability for the accuracy thereof.

11.2.10 In order to claim an apprentice allowance at the time of entry, an Apprentice Jockey must be designated by name.

11.2.11 No alteration may be made in any entry after the closing of entries, except that an error may be corrected.

11.2.12 No horse may be entered in two races to be run on the same day.

11.3 Limitation as to Spouses: (Repealed 1/6/92.)

11.4 Mutuel Entries:

11.4.1 All horses entered in the same race and owned wholly or in part by the same owner or spouse thereof shall be joined as a mutuel entry and be considered part of a single betting interest for the purpose of purse calculations and distribution of pools. Horses shall be regarded as having a common owner when an owner of one horse, either as an individual or as a licensed member of a partnership or as a licensed shareholder of a corporation, has an ownership interest in another horse, either as an individual or as a licensed shareholder of a partnership or as a licensed shareholder of a corporation.

11.4.2 Should any horse in a coupled entry or mutuel field be officially withdrawn or scratched, the remaining horse or horses in that coupled entry or mutuel field shall remain valid betting interests.

11.4.3 Same Owner and Different Owner Entries: Owners shall not have more than two horses entered in a purse race with the exception of stakes and handicap races. Trainers shall not have more than three horses entered in a purse race (two betting interests) with the exception of stakes and handicap races.

11.4.4 In no case may two horses having common ties through ownership start in a purse race to the exclusion of a single interest. When making a coupled entry in a Purse race, a preference for one of the horses must be made.

Revised: 6/19/92

11.5 Subscriptions:

11.5.1 Nominations to or entry of a horse in a stakes race is a subscription. Any subscriber to a stakes race may transfer or declare such subscription prior to closing.

11.5.1.1 Joint subscription and entries may be made by any one of the joint Owners of a horse and each such Owner shall be jointly and severally liable for all payments due thereon.

- 11.5.1.2 Death of a horse or a mistake in its entry, when such horse is eligible, does not release the subscriber or transferee from liability for all stakes fees due thereon. No fees paid in connection with a subscription to a stakes race that is run shall be refunded.
- 11.5.1.3 Death of a nominator or original subscriber to a stakes race shall not render void any subscription, entry or right of entry thereunder; all rights, privileges and obligations shall attach to the successor Owner, including the legal representatives of the decedent.
- 11.5.1.4 When a horse is sold privately, sold at public auction or claimed, stakes engagements for such horse shall be transferred automatically with such horse to its new Owner, except that if such horse is transferred to a person whose registration is suspended or otherwise unqualified to race or enter such horse, then subscriptions shall be void as of the date of such transfer.

Rule 11.4 Rev. July 1977

Rule 11.4 Rev. July 1978

- 11.5.1.5 All stakes fees paid toward a stakes race shall be allocated to the winner thereof unless otherwise provided by the conditions for such stakes race. In the event a stakes race is not run for any reason, all such subscription fees paid shall be refunded.

#### 11.6 Closings:

- 11.6.1 Entries for purse races and subscriptions to stakes races shall close at the time designated by the Licensee in the previously published conditions for such races. If a race is not split, no entry, subscription or declaration shall be accepted after such closing time, except that in the event of an emergency or if a purse race fails to fill, then the Racing Secretary may, with the approval of a Steward, extend such closing time.
- 11.6.2 If the hour of closing is not specified for stakes races, then subscriptions and declarations therefore may be accepted until midnight of the day of closing, provided they are received in time for compliance with every other condition of such race.
- 11.6.3 Entries which have closed shall be compiled without delay by the Racing Secretary and, along with declarations, be posted.

#### 11.7 Number of Starters in a Race:

- 11.7.1 The maximum number of starters in any race shall be limited to the number of starting positions afforded by the Licensee's starting gate and such extensions thereof as can be positioned across the width of the track at the starting point for such race. Such maximum number of starters shall be further limited by the number of horses which, in the opinion of the Stewards, considering the safety of the horses and riders and the distance from the start of the first turn, can be afforded a fair and equal start.
- 11.7.2 If any purse race in the printed condition book fails to fill, then the Licensee may cancel or declare off such race.

#### 11.8 Split or Divided Races:

- 11.8.1 In the event a race is cancelled or declared off, the Licensee may split any race programmed for the same day and which may previously have been closed.
- 11.8.2 When a purse race is split, forming two or more separate races, the Racing Secretary shall give notice thereof not less than 15 minutes before such races are closed so as to grant time for the making of additional entries to such split races.
- 11.8.3 Division of entries upon the splitting of any race shall be made in accordance with the conditions under which entries and subscriptions therefore were made and in the absence of specific prohibition by such conditions:
  - 11.8.3.1 Horses originally joined as a mutuel entry shall, to the greatest extent possible, be placed in different divisions of a split race;
  - 11.8.3.2 Division of other entries in any split race may be made according to age, sex or weight, except that such entries not so divided shall be divided by lot so as to provide a number of betting interests as nearly equal as possible for each division of such split race.

- 11.9 Post Positions: Post positions for all races shall be determined by lot drawn in the presence of those making the entries for such race. Post positions in split races also shall be redetermined by lot in the presence of those making the entries for such split race. The Racing Secretary shall assign pari-mutuel numbers for each starter to conform with the post position drawn, except when a race includes two or more horses joined as a single betting interest.

#### 11.10 Also Eligible List:

11.10.1 If the number of entries for a purse race exceeds the number of horses permitted to start in such race, then the names of as many as six (6) additional horses may be drawn as provided in Rule 11.9. The names drawn shall be posted, in the order they were drawn, as "also eligible" to start.

11.10.2 After any horses have been excused from a purse race at scratch time, the starting and post position of such horses as needed from the also-eligible list shall be determined by the order in which they appear on the entry sheet.

Revised: 10/26/95

11.10.3 Any Owner or Trainer of any horse on the also-eligible list who does not wish to start such horse in such race shall so notify the Racing Secretary prior to scratch time for such race and such horse shall forfeit any preference to which it may have been entitled.

11.10.4 Where entries are closed two racing days prior to the running of a race, any horse on an also-eligible list, which has also been drawn into a race as a starter for the succeeding day, shall not be given an opportunity to be drawn into the earlier race for which he had been listed as also-eligible.

11.11 Preferred List; Stars:

11.11.1 The Racing Secretary shall maintain a list of horses which were entered but denied an opportunity to race because eliminated from a race programmed in the printed condition book either by overfilling or failure to fill. Horses so eliminated shall be awarded a preference "star" for each such elimination. As to drawing in from the also-eligible list to subsequent races of similar distance and similar conditions, such horses shall be given preference over horses with fewer number or no preference stars.

11.11.2 No preference shall be given a horse otherwise entitled thereto for a race if such horse is also entered for a race on the succeeding day.

11.11.3 No preference shall be given a horse otherwise entitled thereto for a race unless preference is claimed at the time of entry by indicating same on the entry with the word "preferred".

11.12 Arrears: No horse may be entered or raced if the Owner thereof is in arrears as to any stakes fees due by such Owner, or is indebted in any sum to Licensee, except with the approval of the Racing Secretary. (Also, see Rule 6.11).

11.13 Declarations: Withdrawal of a horse from a race before closing thereof by the Owner or Trainer or person deputized by either, such being known as a "declaration", shall be made in the same manner as to form, time and procedure as provided for the making of entries. Declarations and scratches are irrevocable. No declaration fee shall be required by any Licensee.

11.14 Scratches:

11.14.1 Withdrawal of a horse from a race after closing thereof by the Owner or Trainer or person deputized by either, such being known as a "scratch", shall be permitted only under the following conditions:

11.14.1.1 A horse may be scratched from a stakes race for any reason at any time up until 45 minutes before post time for that race.

11.14.1.2 No horse may be scratched from a purse race without approval of the Stewards and unless such intention to scratch has been filed in writing with the Racing Secretary or his assistant at or before the time conspicuously posted as "scratch time". Scratch of one horse coupled in a mutuel entry in a purse race must be made at or before the posted scratch time, unless permission is granted by the Stewards to allow both horses to remain in the race until a later appointed scratch time therefore.

11.14.1.3 In purse races, horses that are physically disabled or sick shall be permitted to be scratched first. Horses that are not physically disabled or sick may be scratched only with the permission and in the manner prescribed by the Stewards.

11.14.1.4 Entry of any horse which has been scratched or excused from starting by the Stewards because of a physical disability or sickness shall not be accepted until the expiration of three calendar days after such horse was scratched or excused.

11.14.1.5 The Stewards will review all cases in which a horse is entered to run at a licensed track in Delaware, while appearing in the entries in another racing jurisdiction, during the five day entry period for Delaware. It shall be a violation of these Rules for a licensee to scratch a horse entered to race in Delaware in order for said horse to race in another jurisdiction within the five day entry period. Violations of this Rule, absent mitigating circumstances, will be subject to fines of not less than \$1,000 and no more than \$2,500. This rule shall not pertain to Handicap and Stake races.

11.14.1.6 If the Stewards determine that a horse has been scratched in error, the Stewards may allow the horse to start and race for purse money only and be disregarded for pari-mutuel purposes.





	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept	Oct.	Nov.	Dec.
Age 5 and up	130	130	130	130	130	130	130	130	130	130	130	130

**One Mile**

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept	Oct.	Nov.	Dec.
Age 2	---	---	---	---	---	---	---	---	96	99	102	102
Age 3	107	107	111	111	113	115	117	119	121	122	123	123
Age 4	127	127	128	128	127	126	126	126	126	126	126	126
Age 5 and up	130	130	130	130	130	130	130	130	130	130	130	130

**One Mile**

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept	Oct.	Nov.	Dec.
Age 2	---	---	---	---	---	---	---		96	99	102	102
Age 3	107	107	111	111	113	115	117	119	121	122	123	123
Age 4	127	127	128	128	127	126	126	126	126	126	126	126
Age 5 and up	128	128	128	128	127	126	126	126	126	126	126	126

**1-1/4 Miles**

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept	Oct.	Nov.	Dec.
Age 2	---	---	---	---	---	---	---	---	---	---	---	---
Age 3	101	101	107	107	111	113	116	118	120	121	122	122
Age 4	125	125	127	127	127	126	126	126	126	126	126	126
Age 5 and up	127	127	127	127	127	126	126	126	126	126	126	126

**1-1/2 Miles**

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept	Oct.	Nov.	Dec.
Age 2	---	---	---	---	---	---	---	---	---	---	---	---
Age 3	98	98	104	104	108	111	114	117	119	121	122	122
Age 4	124	124	126	126	126	126	126	126	126	126	126	126
Age 5 and up	126	126	126	126	126	126	126	126	126	126	126	126

**2 Miles**

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept	Oct.	Nov.	Dec.
Age 3	96	96	102	102	106	109	112	114	117	119	120	120
Age 4	124	124	126	126	126	126	126	125	125	124	124	124
Age 5 and up	126	126	126	126	126	126	126	125	125	124	124	124

In races of intermediate lengths, the weights for the shorter distance shall be carried.

12.12 Weights for Age -- Jumping Races: For jumping races, the following is the scale of weights for age and shall be carried when not otherwise specified in the conditions of the race:

**SCALE OF WEIGHTS FOR AGE  
STEEPLECHASES  
2 Miles**

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept	Oct.	Nov.	Dec.
Age 3	---	---	---	---	---	---	---	135	136	137	137	137
Age 4	144	144	146	146	148	149	150	151	152	153	154	154
Age 5	157	157	157	157	157	157	158	158	159	160	160	160
Older	162	162	162	162	162	162	162	162	162	162	162	162

**2 1/2 Miles**

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept	Oct.	Nov.	Dec.
Age 4	141	141	142	142	143	144	146	148	149	150	151	151
Age 5	156	156	156	156	156	157	157	158	158	159	159	159
Older	161	161	161	161	161	161	161	161	161	161	161	161

**3 Miles and Over**

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept	Oct.	Nov.	Dec.
Age 4	138	138	138	138	139	140	142	144	146	148	149	149
Age 5	155	155	155	155	155	156	156	157	157	158	158	158
Older	160	160	160	160	160	160	160	160	160	160	160	160

**HURDLE RACES  
1 1/2 Miles**

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept	Oct.	Nov.	Dec.
Age 3	132	132	132	133	134	135	136	137	138	140	142	142
Age 4	140	140	140	142	144	146	148	150	152	154	156	156
Age 5	150	150	150	151	152	153	154	155	156	158	160	160
Older	156	156	156	156	156	156	157	157	158	159	160	160

**1 3/8 Miles**

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept	Oct.	Nov.	Dec.
Age 3	131	131	131	132	133	134	135	136	137	138	140	140
Age 4	140	140	140	142	144	146	148	150	152	154	156	156
Age 5	150	150	150	151	152	153	154	155	156	158	160	160
Older	156	156	156	156	156	156	157	157	158	159	160	160

**1 3/4 Miles**

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept	Oct.	Nov.	Dec.
Age 3	130	130	130	131	132	133	134	135	136	137	138	138
Age 4	140	140	140	142	144	146	148	150	152	153	154	154
Age 5	151	151	151	152	153	154	155	156	157	159	160	160
Older	156	156	156	156	157	157	158	158	159	160	160	160

### 1 7/8 Miles

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept	Oct.	Nov.	Dec.
Age 3	---	---	---	---	---	---	132	133	134	135	136	136
Age 4	140	140	140	141	143	145	147	149	151	152	153	153
Age 5	152	152	152	153	154	155	156	157	158	159	160	160
Older	156	156	156	156	157	157	158	158	159	160	160	160

### 2 Miles

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept	Oct.	Nov.	Dec.
Age 3	---	---	---	---	---	---	130	131	132	133	134	134
Age 4	140	140	140	141	142	144	146	168	150	151	152	152
Age 5	152	152	152	153	154	155	156	157	158	159	160	160
Older	156	156	156	156	157	157	158	158	159	160	160	160

#### 12.13 Jumping Races - Weight, Age, Distance, Jockeys:

12.13.1 No horse shall start in a Steeplechase or Hurdle Race until three years old.

12.13.2 No horse shall be permitted to start in any Steeplechase or Hurdle Race under these Rules carrying less than 130 pounds.

12.13.3 There shall be no Steeplechase or Hurdle Races at a distance of less than one and one-half miles.

12.13.4 There shall be no Steeplechase or Hurdle Race run in heats.

12.13.5 In all Over-Night Steeplechase and Hurdle Races, except Handicaps, Jockeys or amateur riders who have never ridden a winner allowed 10 pounds; non-winners of five races allowed 7 pounds; of ten races allowed 5 pounds, if such allowance be claimed at the hour of closing of entries. In stakes (handicaps excepted) closing more than three (3) days prior to the day they are to be run, these allowances may be claimed up to twenty-four (24) hours before the race. These allowances cannot be waived except by permission of the Stewards and then only for a reason in keeping with the best interests of racing.

Rule 12.13 Rev. May, 1976.

12.14 Weigh Out - Jockeys Time: Jockeys shall be weighed out for their respective mounts by the Clerk of Scales not less than 15 minutes before post time.

12.15 Computation of Jockey's Weight: A Jockey's weight shall include his clothing, boots, goggles, saddle and its attachment, or any other equipment except riding crop, bridle, bit or reins, safety helmet, blinkers or number cloth.

12.16 Overweight Limit: Five pounds is the limit of overweight any horse is permitted to carry.

12.17 Weigh Out - Jockeys - Valets: Only Valets furnished by the Licensee shall assist Jockeys in weighing out.

12.18 Weigh in - Jockeys: After a race has been run, the Jockey shall ride promptly to the unsaddling area and, after requesting permission from the Stewards, shall there dismount and present himself to the Clerk of Scales to be weighed in. He shall carry over to the scales all pieces of equipment with which he weighed out.

12.19 Jockey Weight Differential: Each Jockey shall weigh in at the same weight as that at which he weighed out and, if short of it by more than two (2) pounds, his mount shall be disqualified.

12.20 Jockey Weight Differential Limit: No Jockey shall weigh in at more than two (2) pounds over the weight at which he weighed out, except insofar as said weight may have been affected by the elements.

- 12.21 Excuse From Weighing In: If a Jockey is prevented from riding his mount to the finish line because of an accident or illness either to himself or his horse, he may walk or be carried to the scales, or he may be excused by the Stewards from weighing in.

**22 DE Reg. 1000 (06/01/19)**

**13.0 Claiming Races**

13.1 Owners Entitled:

13.1.1 In claiming races, any horse, unless declared ineligible under Rule 13.20, is subject to claim for its entered price by any Owner in good standing, and who has started a horse at the race meeting at which the claim is made.

13.1.2 An Owner may claim out of the race in which he first starts a horse.

13.1.3 A new Owner, i.e., an individual, partnership, corporation or any other authorized racing interest who has not held an Owner's license in any racing jurisdiction during the prior year, is eligible to claim by obtaining an "Open Claiming License" from the Commission.

13.1.4 In order to obtain an open claiming license and file an open claim, an individual must comply with the following procedures:

13.1.4.1 Depositing an amount no less than the minimum claiming price of the intended claim at that meet with the Horsemen's Bookkeeper. Such amount shall remain on account until a claim is in fact made. In the event of withdrawal of such fund, any license issued hereunder shall be automatically revoked and terminated.

13.1.4.2 Securing an Owner or authorized racing interest license by the Commission. Such license will be conditioned upon the making of a claim and shall be revoked if no such claim is, in fact, made within thirty (30) racing days after issuance or if the deposit above required is withdrawn prior to completion of a claim.

13.1.4.3 Naming a Trainer licensed by the Commission who will represent him once said claim is made.

13.2 Claim by Agent: A claim may be made by an authorized agent, but an agent may claim only for the account of those for whom he is authorized and registered as agent and the name of the authorized agent, as well as the name of the Owner for whom the claim is being made, shall appear on the claim slip.

13.3 Claiming Own Horse Prohibited: No person shall claim his own horse or cause his own horse to be claimed, directly or indirectly, for his own account. No claimed horse shall remain in the same stable or under the care or management of the Owner or Trainer from whom claimed.

13.4 Limits on claims: No person shall claim more than one horse from any one race. No authorized agent, although representing several Owners, shall submit more than one claim for any race. When a stable consists of horses owned by more than one person, trained by the same Trainer, not more than one claim may be entered on behalf of such stable in any one race. An Owner who races in a partnership may not claim except in the interest of the partnership, unless he has also started a horse in his own individual interest. An owner who races in a partnership may claim in his or her individual interest if the individual has started a horse in the partnership. The individual must also have an account with the horsemen's bookkeeper that is separate from the partnership account.

13.5 Twenty Day Prohibition -- Sale of Claimed Horse: A claimed horse shall not run for twenty days after being claimed in a race in which the determining eligibility price is less than twenty-five percent more than the price for which the horse was claimed. The day claimed shall not count but the following calendar day shall be the first day, and the horse shall be entitled to enter whenever necessary so that it may start on the twenty-first calendar day following the claim. This provision shall not apply to starter handicaps, allowance and starter allowance races.

13.6 Thirty Day Prohibition -- Sale of Claimed Horse: No horse claimed in a claiming race shall be sold or transferred, wholly or in part, to anyone within thirty (30) days after the day it was claimed, except in another claiming race. A horse claimed by an Owner that has started a horse at the current meet and by a Trainer that is currently stabled on the grounds of the Association, shall not be permitted to run in another racing jurisdiction for the period of sixty (60) days, beginning the day after the claim was made, or until the end of the current meet, whichever comes first. A horse that is claimed by an Owner that has started a horse at the current meet by a Trainer that is not currently stabled on the grounds of the Association shall not be permitted to race elsewhere until the close of the meeting which it was claimed. The Stewards shall have the authority to waive this rule upon application, so as to allow a claimed horse to race in a stakes race. The Stewards may also permit a horse claimed in a steeplechase or hurdle race to race elsewhere in a steeplechase or hurdle race after the close of the steeplechase program, if such a program ends before the close of the meeting at which it is claimed.

Revised: 7/16/86

- 13.7 Form of Claim: Each claim shall be made in writing on a form and in an envelope supplied by Licensee. Both form and envelope must be filled out completely and must be accurate in every detail.
- 13.8 Procedure for Claim:
- 13.8.1 Claims must be deposited in the claim box at least ten (10) minutes before post time of the race from which the claim is being made. No money or its equivalent shall be put in the claim box. For a claim to be valid, the claimant must have, at the time of filing the claim, a credit balance in his account with the Horsemen's Bookkeeper of not less than the amount of the claim.
- 13.8.2 Officials and employees of the association shall not provide any information as to filing of claims until after the race has been run except as is necessary for processing of the claim.

Revised: 8/15/95

- 13.9 Stewards' Duties: The Stewards, or their designated representatives, shall open the claim envelopes for each race as soon as the horses leave the paddock en route to the post. They shall thereafter check with the Horsemen's Bookkeeper to ascertain whether the proper credit balance has been established with the Licensee and with the Racing Secretary as to whether the claimant has claiming privileges at Licensee's meeting.
- 13.10 Conflicting claims: If more than one valid claim is filed for the same horse, title to the horse shall be determined by lot under the supervision of the Stewards or their designated representative.
- 13.11 Delivery of Claimed Horse: Any horse that has been claimed shall, after the race has been run, be taken to the paddock for delivery to the claimant, who must present written authorization for the claim from the Racing Secretary. No person shall refuse to deliver to the person legally entitled thereto a horse claimed out of a claiming race and, until delivery is made, the horse in question shall be disqualified from further racing.
- 13.12 Nature and Effect of a Claim:
- 13.12.1 Claims are irrevocable except as otherwise provided for in these Rules. Title to a claimed horse shall be vested in the successful claimant from the time the said horse is a starter and said claimant shall then become the Owner of the horse, whether it be alive or dead, sound or unsound, or injured, during the race or after it. A claimed horse shall run in the interest of and for the account of the Owner from whom claimed.
- 13.12.2A post-race test may be taken from any horse claimed out of a claiming race. The trainer of the horse at the time of entry for the race from which the horse was claimed shall be responsible for the claimed horse until the post-race sample is collected. Any claimed horse not otherwise selected for testing by the stewards shall be tested if requested by the claimant at the time the claim form is submitted in accordance with these Rules. The successful claimant shall have the right to void the claim should the forensic analysis be positive for any prohibited substance, an illegal level of a permitted medication, or if a blood sample exhibits a positive response to the Erythropoietin (EPO) antibody test.
- 13.12.3 A claim shall be voided if a horse is a starter as determined by the Commission, and the horse:
- 13.12.3.1 Dies on the racetrack;
- 13.12.3.2 Suffers an injury which requires euthanasia of the horse as determined by the Commission Veterinarian while the horse is still on the racetrack;
- 13.12.3.3 Is vanned off the racetrack at the direction of the Commission Veterinarian; or
- 13.12.3.4 Is observed by the Commission Veterinarian to be lame or unsound while still on the racetrack and as such the Commission Veterinarian places that horse on the Vets List.
- 13.13 Prohibited Practices:
- 13.13.1 No person shall offer or enter into an agreement to claim or not to claim or to attempt to prevent another person from claiming any horse in a claiming race. No person shall attempt, by intimidation, to prevent anyone from running a horse in any claiming race. No Owner or Trainer shall make an agreement with another Owner or Trainer for the protection of each other's horses in a claiming race.
- 13.13.2 A person shall not claim a horse in which the person has a financial or beneficial interest as an owner or trainer.
- 13.13.3 A person shall not cause another person to claim a horse for the purpose of obtaining or retaining an undisclosed financial or beneficial interest in the horse.
- 13.13.4 A person shall not claim a horse or enter into any agreement to have a horse claimed on behalf of an ineligible person.
- 13.14 Invalidation of Claim: Claims which are not made in keeping with the Rules shall be void. The Stewards may, at any time in their discretion, require any person filing a claim to furnish an affidavit in writing that he is claiming in accordance with these Rules. The Stewards shall be the judges of the validity of the claim and, if they feel

that a "starter" was nominated for the purpose of making its Owner eligible to claim, they may invalidate the claim.

- 13.15 Necessity to Record Lien: Any person holding a lien of any kind against a horse entered in a claiming race must record the same with the Racing Secretary and/or Horsemen's Bookkeeper at least thirty (30) minutes before post time for that race. If none is so recorded, it shall be conclusively assumed, for claiming purposes, that none exists.
- 13.16 Claiming Privileges -- Eliminated Stable: If a person's stable shall be eliminated with thirty (30) racing days or less remaining in the current racing season, and such person is unable to replace the horse(s) lost via a claim by the end of the racing season, such person may apply to the Stewards for an additional thirty (30) racing days of eligibility to claim in the new race meeting as long as the person owns no other horses at the start of the next race meeting. Should a stable at a meeting be eliminated by sale or removal from the grounds, the right to claim is void. After claiming a horse under the conditions of this Rule, the Owner shall be required to reinstate his eligibility to claim pursuant to these Rules before being eligible to make another claim.
- 13.17 Claim Embraces Horse's Prior Engagements: The engagements of a claimed horse pass automatically with the horse to the claimant.
- 13.18 Caveat Emptor: Notwithstanding any designation of sex or age appearing on the racing program or in any racing publication, the claimant of a horse shall be solely responsible for determining the age or sex of the horse claimed.
- 13.19 Racing Claimed Horse: Repealed
- 13.20 Option to Declare Horse Ineligible to be Claimed: At the time of entry into a claiming race, the owner may opt to declare a horse ineligible to be claimed provided that the horse has been laid-off and has not started for a minimum of 120 days since its last race and is entered for a claiming price equal to or greater than the claiming price of the horse's last start.

**1 DE Reg. 713 (12/01/97)**

**2 DE Reg. 373 (09/01/98)**

**2 DE Reg. 2043 (05/01/99)**

**5 DE Reg. 849 (10/01/01)**

**5 DE Reg. 1710 (03/01/02)**

**6 DE Reg. 1205 (03/01/03)**

**7 DE Reg. 316 (09/01/03)**

**7 DE Reg. 1540 (05/01/04)**

**11 DE Reg. 1373 (04/01/08)**

**11 DE Reg. 1624 (06/01/08)**

**12 DE Reg. 201 (08/01/08)**

**19 DE Reg. 1010 (05/01/16)**

**24 DE Reg. 47 (07/01/20)**

**25 DE Reg. 507 (11/01/21)**

#### **14.0 Running of the Race**

- 14.1 Post Time: Post Time for the first race on each racing day shall be fixed by the Licensee. Post Time for subsequent races on the same program shall be fixed by the Pari-Mutuel Manager. (In Kent County and New Castle County, racing may be conducted during daylight or evening hours, but in Sussex County, no racing shall be held between the hours of sundown and sunrise.)
- 14.2 Horses in Paddock Not to be Touched: No person shall touch a horse while in the paddock except its Jockey, its registered Owner, its registered Trainer, authorized stable personnel, the Paddock Judge, Horse Identifier, its assigned Valet, a Steward, Farrier or Outrider.
- 14.3 Trainer Responsibility: The Trainer shall be responsible for arrival in the paddock, at the time prescribed by the Paddock Judge, of each horse entered by the Trainer and shall supervise the saddling of such horse. If a Trainer is to be absent from a track where his horses are participating in races, he must provide his own assistant Trainer or registered Trainer to substitute for him during his absence.
- 14.4 Withdrawal of a Horse: Every horse whose starting is obligatory is expected to run the course, except that the Stewards may order the withdrawal of a horse at any time up to the actual start of a race.
- 14.5 Walkover: If, at the time for saddling, only one horse or horses owned by only one stable shall have weighed out, such horse or horses of single ownership shall be ridden past the Stewards' stand, go to the post, and then move over the course before determination of the winner.

#### 14.6 Parade to the Post; Time

14.6.1 All horses shall parade and carry their declared weight from the paddock to the starting post, such parade to pass the Stewards' stand. After passing the Stewards' stand once, horses may break formation and canter, warm up, or go as they please to the post. The parade to the post shall not exceed 12 minutes from the time the field enters upon the track, except in cases of unavoidable delay. In the event a Jockey is injured as to require a substitute Jockey to be named for the horse by the Stewards, the horse shall be returned to the paddock where the horse shall be mounted by a substitute Jockey.

14.6.2 The Stewards may allow the weight to be taken off a horse for safety reasons or any other reason as deemed necessary by the Stewards.

14.6.3 The Starter may allow the weight to be taken off a horse: (i) for safety reasons; (ii) so that the horse may be loaded in the starting gate; or (iii) to repair, replace, or adjust any equipment.

14.6.4 If a Jockey is unseated from the paddock to the post, said horse shall be re-mounted in the vicinity where the jockey was unseated, unless excused by the Stewards.

14.6.5 The Stewards or the Outriders may excuse a horse from the post parade whenever they deem necessary.

14.7 Lead Pony: When, by permission of the Paddock Judge, a horse is led to the post by a pony, such horse may be excused from parading with the other horses, but must pass the Stewards' stand en route to the post. Lead ponies may be excluded from the saddling enclosure or walking ring, at the discretion of the Stewards and Paddock Judge.

14.8 Control of Horses and Jockeys by Starter: The horses and Jockeys shall be under the control of the Starter from the moment they enter the track until the race is started. If an accident happens to any Jockey or his equipment, the Starter may grant a delay to permit the substitution of a Jockey or repair of equipment. During such delay, the Starter may permit any Jockey to dismount. Should a horse break through the gate or unseat its Jockey after any of the field is loaded in the starting gate and such horse is not immediately taken in hand by the Outrider and brought back for reloading, the Starter may unload the horses in the gate and reload such horses in their proper order when the runaway horse is brought back to position for reloading. All causes of delay shall be reported by the Starter to the Stewards. No person other than the Jockey or Starter or assistant Starter shall be permitted to strike a horse or attempt, by shouting or other fashion, to assist such horse in getting a start.

14.9 Starting Gate to be Used: A starting gate shall be used in starting all races on the flat except in cases permitted by the Stewards. When a race is started without a starting gate, there shall be no start until, and no recall after, the Assistant Starter has dropped his flag in answer to the Starter.

14.10 Horses Left at Post: If, in the opinion of the Stewards, a horse did not receive a fair start or gained an unfair advantage at the start, such horse may be declared a non-starter or may be declared a starter for purse money only and disregarded for pari-mutuel purposes.

14.10.1 Stakes fees for such ruled non-starter shall be refunded to the Owner.

14.10.2 The Starter may, in his discretion, place an unruly or fractious horse on the outside of the starting gate. If such horse so stationed outside the starting gate by the Starter dwells or refuses to break with the field, and thereby is left at the post, there shall be no refund of pari-mutuel wagers thereon nor refund of stakes fees paid therefore.

14.11 Leaving Course; Losing Jockey: If a horse leaves the course during the running of a race, such horse must turn back and run the course from the point at which it left the course, or such horse shall be ruled unplaced. Any horse which starts in a race, but does not cross the finish line, or is not ridden the distance of the race and across the finish line by the Jockey with whom it starts the race, shall be declared unplaced. Any portion of a purse that would normally accrue to such horse shall revert to Licensee.

14.12 Remounting: In steeplechase and hurdle races, any horse losing his rider may be remounted by such rider in any part of the same field or enclosure in which the occurrence took place, but should such horse not be caught until he shall have entered another field, then he shall be ridden or brought back to the one in which he parted from his rider. Any rider so losing his horse may be assisted in catching him and remounting him without risk of disqualification.

Note. In artificially constructed steeplechase courses and in hurdle races, the spaces between the fences or hurdles and the space between the last fence and the finish are considered as fields or enclosures for the purposes of this Rule.

14.13 Course Markers: In steeplechase and hurdle races, if any flag, post or boundary mark be placed in the course or displaced after the riders have been shown over the ground or have had the course pointed out to them, it shall not be considered binding or of any effect unless such addition or alteration shall have been particularly named, previous to starting, to all the riders in the race by one of the Stewards or their representative.

- 14.14 Refusal of Fence: If a horse refuses any fence or hurdle in a jumping race and it can be proved to the satisfaction of the Stewards that he has been led or driven over it by any of the bystanders, or has been given a lead over it by anyone not riding in the race, such horse shall be disqualified.
- 14.15 Fouls: A leading horse, when clear, is entitled to any part of the track. If a leading horse or any other horse in a race swerves or is ridden to either side so as to interfere with or intimidate or impede any other horse or Jockey, it is a foul. If a Jockey strikes another horse or Jockey, it is a foul. If, in the opinion of the Stewards, a foul alters the finish of a race, any offending horse may be disqualified by the Stewards.
- 14.16 Stewards to Determine Foul Riding: Every Jockey shall be responsible for making his best effort to control and guide his mount in such a way as not to cause a foul. The Stewards shall take cognizance of riding which results in a foul, irrespective of whether an objection is lodged and, if in the opinion of the Stewards a foul is committed as a result of a Jockey not making his best effort to control and guide his mount to avoid a foul, whether intentionally or through carelessness or incompetence, such Jockey may be penalized at the discretion of the Stewards.
- 14.17 Horses to be Ridden Out: Every horse in every race must be ridden so as to win or finish as near as possible to first and demonstrate the best and fastest performance of which it is capable at the time. No horse shall be eased up without adequate cause, even if it has no apparent chance to earn a portion of the purse money. A Jockey who unnecessarily causes a horse to shorten stride may be penalized at the discretion of the Stewards. Stewards shall take cognizance of marked reversal of form of all horses and shall conduct inquiries of the registered Owner, registered Trainer and all other persons connected with such horse suspected of unformful racing and, if the Stewards find that such horse was deliberately restrained or impeded in any way by any means so as not to win or finish as near as possible to first, any person found to have contributed to such circumstances may be penalized at the discretion of the Stewards.
- 14.18 Use of Riding crops, Other Means of Altering Performance:
- 14.18.1 Riding crops are to be used uniformly and the Stewards shall take cognizance of unusual use or non-use of a riding crop by a Jockey. No appliance, electrical or mechanical, other than the ordinary riding crop, shall be used to affect the speed of a horse in a race or workout. No sponge or other object may be used to interfere with the respiratory system of a horse. Use or non-use of ordinary racing equipment shall be consistent and any change thereof must be approved by the Stewards.
- 14.18.2 Indiscriminate, excessive, abusive or brutal use of an ordinary riding crop on a horse, as determined by the Stewards in their sole discretion, is prohibited.
- 14.19 Official Order of Finish as to Pari-Mutuel Payoff: If foul riding or other cause for disqualification of any horse in a race is brought to the attention of the Stewards by the time the last Jockey in a race has weighed in, the Stewards shall rule on the extent of disqualification, if any, and shall determine the placing of the horses in the official order of finish for purposes of pari-mutuel payoff. After the Stewards have caused the "Official" sign to be flashed on the infield result board, the order of finish so declared official shall be final and no right of appeal therefrom shall exist insofar as the pari-mutuel payoff is concerned. Any subsequent change in the order of finish or award of purse money after the result of a race has been so declared official by the Stewards shall in no way affect the pari-mutuel payoff.
- 14.19.1 Multiple Disqualifications
- 14.19.1.1 Should the stewards determine that there is more than one incident of interference in a race where disqualification is warranted, the stewards shall deal with the incidents in the order in which the incident occurs during the race from start to finish; except in the case where the same horses are involved in multiple incidents. Once a horse has been disqualified, it should remain placed behind the horse with which it interfered.
- 14.20 Dead Heats
- 14.20.1 When two horses run a dead heat for first place, all purses or prizes to which first and second horses would have been entitled shall be divided equally between them; and this applies in dividing all purses or prizes whatever the number of horses running a dead heat and whatever places for which the dead heat is run.
- 14.20.2 In a dead heat for first place, each horse involved shall be deemed a winner and liable to penalty for the amount it shall receive.
- 14.20.3 When a dead heat is run for second place and objection is made to the winner of the race, and sustained, the horses which ran a dead heat shall be deemed to have run a dead heat for first place.
- 14.20.4 If the dividing owners cannot agree as to which of them is to have a cup or other prize which cannot be divided, the question shall be determined by lot by the stewards.

**13 DE Reg. 1296 (04/01/10)**

**19 DE Reg. 1010 (05/01/16)**



**20 DE Reg. 889 (05/01/17)**

**22 DE Reg. 1000 (06/01/19)**

**24 DE Reg. 997 (05/01/21)**

## **15.0 Medication; Testing Procedures**

### **15.1 Prohibition and Control of Medication:**

15.1.1 Horses should not compete under the influence of drugs or therapeutic medications. However, horses, in training, like all athletes, may require the administration of therapeutic medications at times to diagnose or treat illness or injury. Certain drugs have no therapeutic use in horses in training, and these drugs should not be administered to horses in training, nor should they be permitted at any concentration in post-race samples. In this context:

15.1.1.1 No horse participating in a race shall carry in its body any substance foreign to the natural horse, except as hereinafter provided.

15.1.1.2 No foreign substance shall be administered to a horse (entered to race) by injection, oral administration, rectal infusion or suppository, or by inhalation within twenty-four (24) hours prior to the scheduled post time for the first race, except as hereinafter provided.

15.1.1.3 No person other than a veterinarian shall have in his possession any equipment for hypodermic injection, any substance for hypodermic administration or any foreign substance which can be administered internally to a horse by any route, except for an existing condition as prescribed by a veterinarian.

15.1.1.4 Notwithstanding the provisions of Rule 15.1.1.3 above, any person may have in his possession within a race track enclosure, any chemical or biological substance for use on his own person, provided that, if such chemical substance is prohibited from being dispensed by any Federal law or law of this State without a prescription, he is in possession of documentary evidence that a valid prescription for such chemical or biological substance has been issued to him.

15.1.1.5 Notwithstanding the provisions of Rule 15.1.1.3 above, any person may have in his possession within any race track enclosure, any hypodermic syringe or needle for the purpose of administering a chemical or biological substance to himself, provided that he has notified the Stewards: (1) of his possession of such device; (2) of the size of such device; and (3) of the chemical substance to be administered by such device and has obtained written permission for possession and use from the Stewards.

15.1.2 Definitions. The following terms and words used in these Rules are defined as:

15.1.2.1 Hypodermic Injection shall mean any injection into or under the skin or mucous, including intradermal injection, subcutaneous injection, submucosal injection, intramuscular injection, intravenous injection and intraocular (intraconjunctival) injection.

15.1.2.2 Foreign Substances shall mean all substances except those which exist naturally in the untreated horse at normal physiological concentration, and shall also include substances foreign to a horse at levels that cause interference with testing procedures.

15.1.2.3 Veterinarian shall mean a veterinary practitioner authorized to practice at the race track.

15.1.2.4 Horse includes all horses registered for racing under the jurisdiction of the Commission and for the purposes of these Rules shall mean stallion, colt, gelding, ridgling, filly or mare.

15.1.2.5 Chemist shall mean the Commission's chemist.

15.1.2.6 Test Sample shall mean any body substance including, but not limited to, blood or urine taken from a horse under the supervision of the Commission's Veterinarian and in such manner as prescribed by the Commission for the purpose of analysis.

15.1.2.7 Race Day shall mean the 24-hour period prior to the scheduled post time for the first race.

15.1.3 Foreign Substances:

15.1.3.1 No horse participating in a race shall carry in its body any foreign substance except as provided in Rule 15.1.3.1.3:

15.1.3.1.1 A finding by the chemist that a foreign substance is present in the test sample shall be prima facie evidence that such foreign substance was administered and carried in the body of the horse while participating in a race. Such a finding shall also be taken as prima facie evidence that the Trainer and agents responsible for the care or custody of the horse has/have been negligent in the handling or care of the horse.

15.1.3.1.2 A finding by the chemist of a foreign substance or an approved substance used in violation of Rule 15.1 in any test sample of a horse participating in a race shall result in the horse being

disqualified from purse money or other awards, except for purposes of pari-mutuel wagering which shall in no way be affected.

15.1.3.1.3 A foreign substance of accepted therapeutic value may be administered as prescribed by a Veterinarian when test levels and guidelines for its use have been established by the Association of Racing Commissioners International (ARCI). The Commission hereby adopts by reference the ARCI Controlled Therapeutic Medication Schedule, Version 2.1. If there is any inconsistency between the Commission's regulations and the ARCI Controlled Therapeutic Medication Schedule, the provisions of the Commission's regulations shall prevail. Androgenic-Anabolic Steroids are subject to the provisions of Rule 15.17. Electrolytes may be administered to a horse within 24 hours prior to the scheduled post time for the first race so long as they do not contain any other drug or create a positive test under the Commission's drug testing program.

15.1.3.1.4 Except as provided in DTRC Rule 15.20, the only approved non-steroidal anti-inflammatory drug (NSAID) that may be present in a horse's body while it is participating in a race is phenylbutazone/oxyphenbutazone in the level stated in 15.1.3.1.5 or 15.1.3.1.6. The presence of any other NSAID at any test level is forbidden.

Revised: 1/6/92.

15.1.3.1.5 The test level of phenylbutazone under this Rule shall not be in excess of 0.3 micrograms (mcg) per milliliter (ml) of plasma without penalties in the following format:

Micrograms per milliliter	Penalties
0 to 0.3	No action
0.31 and Over	<p>First Offense (365 day period) in any jurisdiction</p> <p>Trainer: Minimum fine \$1,000.00 absent mitigating circumstances</p> <p>Owner: Loss of purse absent mitigating circumstances. Horse must pass commission-approved examination before being eligible to run.</p>
0.31 and Over	<p>Second Offense (365 day period) in any jurisdiction</p> <p>Trainer: Minimum fine \$1,500.00 and 15-day suspension absent mitigating circumstances</p> <p>Owner: Loss of purse. If same horse, placed on veterinarian's list for 45 days. Horse must pass commission-approved examination before being eligible to run.</p>
0.31 and Over	<p>Third Offense (365 day period) in any jurisdiction</p> <p>Trainer: Minimum fine \$2,500.00 and 30-day suspension absent mitigating circumstances</p> <p>Owner: Loss of purse. Minimum fine \$1,500.00. If same horse, placed on veterinarian's list for 60 days. Horse must pass commission-approved examination before being eligible to run.</p>

15.1.3.1.6 The test level for oxphenbutazone under this Rule shall not be in excess of 0.3 micrograms (mcg) per milliliter (ml) of plasma.

15.1.3.1.7 If a horse is to receive Furosemide (Salix), the trainer shall declare said use at the time of entry.

15.1.3.1.8 The race program shall denote if Furosemide (Salix) has been administered to a horse in the race and the past performance lines in the program, if any, shall denote any medications administered to said horse in those races.

- 15.1.3.1.9 Any horse running on Furosemide (Salix) under these Rules shall remain on the medication for a period of not less than sixty (60), unless permitted by the Stewards, days before being permitted to race without the Furosemide (Salix).
- 15.1.3.1.10 The detection Furosemide (Salix) in a horse following the running of a race which was not declared or reported to the Stewards, may result in the disqualification of the horse and other disciplinary action imposed upon the trainer and administering veterinarian. Conversely, the absence of Furosemide (Salix) following the running of a race in which was declared and reported by a trainer and/or veterinarian, may result in the disqualification of the horse and other disciplinary action imposed upon the trainer and administering veterinarian.

15.1.3.1.11 Erythropietin (EPO)

A finding by the official chemist that the antibody of Erythropietin (EPO) was present in a post-race test specimen of a horse shall be promptly reported in writing to the Stewards. The Stewards shall notify the owner and trainer of the positive test result for Erythropietin antibodies. The Stewards shall notify the Commission Veterinarian of the name of the horse for placement on the Veterinarian's List, pursuant to Rule 5.32, if the positive test result indicates that the horse is unfit to race. Any horse placed on the Veterinarian's List pursuant to this Rule shall not be permitted to enter a race until the owner or trainer, at their own expense, provides proof of a negative test result for EPO antibodies from a laboratory approved by the Commission provided said test sample is obtained under collection procedures acceptable to the Commission or its designee under these Rules.

Notwithstanding any inconsistent provision of these Rules, a horse shall not be subject to disqualification from the race and from any share of the purse in the race and the trainer of the horse shall not be subject to application of trainer's responsibility based on the finding by the laboratory that the antibody of Erythropietin was present in the sample taken from that horse.

15.2 Bleeder Medication:

15.2.1 Notwithstanding anything in the Rules of Racing to the contrary, the Stewards may permit the administration of Furosemide (Salix) to control epistaxis (bleeding) to horses under the following conditions:

- 15.2.1.1 A horse which, during a race or workout at a duly licensed race track in this State or within the first hour immediately following such a race or workout, is observed by the Commission's Veterinarian or the Stewards to be shedding blood from one or both nostrils or is found to have bled internally. (An endoscopic examination of the horse, in order to confirm bleeding, may be performed by the practicing veterinarian in the presence of the Commission's Veterinarian at the detention barn within one (1) hour of workout or race.)
- 15.2.1.2 A horse which has been certified as a bleeder in another jurisdiction may be placed on the bleeder list provided that the other jurisdiction qualified it as a bleeder using criteria satisfactory to the Commission's Veterinarian and the Stewards. It shall be the absolute responsibility of the Trainer to report bleeders from other jurisdictions to the Commission's Veterinarian or Stewards on official forms from that State prior to entry.
- 15.2.1.3 The Commission's Veterinarian shall be responsible to maintain an up-to-date "bleeder" list and the list shall be available in the Racing Secretary's office.
- 15.2.1.4 Horses must be on the grounds and the Furosemide (Salix) administered, not more than four hours and 30 minutes (4 1/2 hours) nor less than four hours (4 hours) prior to post time of their respective races. Failure to meet this time frame will result in scratching the horse, and the trainer may be fined. The ~~Salix~~ Attending Veterinarian or Veterinary Technician who administers Furosemide (Salix) to a horse scheduled to race shall prepare a written certification indicating the time, dosage and method of administration. The written certification shall be delivered to a Commission representative designated by the Stewards within one (1) hour of the last scheduled race for that day.
- 15.2.1.5 It is the responsibility of the owner or trainer to pay the ~~Salix veterinarian~~ Attending Veterinarian at the rate approved by the Commission. No credit shall be given without approval of the ~~Salix~~ Attending Veterinarian.
- 15.2.1.6 A horse which bled for the first time shall not be permitted to run for a period of ten (10) calendar days. A horse which bleeds a second time shall not be permitted to run for thirty (30) calendar days. A horse which bleeds a third time shall not be permitted to run for ninety (90) days. A horse which bleeds a fourth time shall be barred from further racing in the State of Delaware, except that if a horse's fourth bleeding incident occurs within one year of the first bleeding incident, then the horse shall not be barred but shall not be permitted to run for one year. If a horse has bled three

times but at least twelve months have passed since the last bleeding incident, then if the horse bleeds for a fourth time, the horse shall not be permitted to run for twelve (12) months, and any further bleeding incidents will prevent the horse from racing for another twelve (12) month period. A positive endoscopic examination shall be classed as a first time bleeder.

- 15.2.1.7 Dosage. Furosemide (Salix) shall be administered intravenously, or intramuscularly as permitted under Rule 15.2.1.8, to horses in the Bleeder Program by the Salix Attending veterinarian or Veterinary Technician, who will administer not more than 500 milligrams nor less than 100 milligrams, subject to the following conditions:
- 15.2.1.8 The dosage administered may not vary by more than 250 milligrams from race to race without the permission of the Commission Veterinarian.
- 15.2.1.9 Restrictions. No one except a licensed practicing veterinarian shall possess equipment or any substance for injectable administration on the race track complex, and no horse is to receive furosemide (lasix) in oral or intramuscular form, except that the stewards may approve intramuscular administration for a horse based on written documentation from the Commission veterinarian and the trainer's veterinarian.
- 15.2.1.10 Post-Race Quantification. As indicated by post-race quantification, a horse may not carry in its body at the time of the running of the race more than 100 nanograms of furosemide (Salix) per milliliter of plasma in conjunction with a urine that has a specific gravity of 1.010 or lower.
  - 15.2.1.10.1 If post-race analysis indicates that the specific gravity of a horse's urine is less than 1.010 and the concentration of Furosemide (Salix) in the blood plasma is greater than 100 nanograms per milliliter, the stewards shall take the following action (for each horse):
    - 15.2.1.10.1.1 If such overage is the first violation of this rule for this horse, the trainer and/or attending veterinarian shall be issued a warning and be required to participate in a review of all pertinent Commission rules and subsequent penalties at a time scheduled by the stewards. If the trainer wishes to contest the overage, the trainer shall follow a specific procedure under which all of the following conditions must be met:
      - 15.2.1.10.1.2 the horse in question must report to the detention barn four hours prior to post time.
      - 15.2.1.10.1.3 the same handler/groom must stay with the horse at all times.
      - 15.2.1.10.1.4 a blood sample shall be taken by the Commission veterinarian before the administration of furosemide.
      - 15.2.1.10.1.5 the Salix Attending veterinarian or Veterinary Technician must administer Furosemide (Salix) at a dosage not to exceed 500 milligrams.
      - 15.2.1.10.1.6 the horse must return to the detention barn after the race for the taking of post-race blood and urine testing by the Commission veterinarian or ~~assistant~~ Veterinary Technician, no matter how the horse finishes in the race.
    - 15.2.1.10.2 If, after all of the above conditions are met, the post race tests reveal that the specific gravity of the horse's urine is again below 1.010 and the concentration of Furosemide (Salix) in the blood plasma is greater than 100 nanograms per milliliter of plasma, and the blood sample taken in the detention barn before the administration of Furosemide (Salix) tests negative for Furosemide (Salix), the horse will be placed on an "exempt" list and the first offense will be removed, provided further that any horse on the "exempt" list will be required to have all future prerace Salix treatments administered pursuant to the procedure set forth in Rules 15.2.1.9.1.2 through 15.2.1.9.1.7 set forth above. Any horse that is placed on the "exempt" list and later fails to follow the prerace procedure for Furosemide (Salix) administration set forth in Rules 15.2.1.9.1.2 through 15.2.1.9.1.7 above will be removed from the "exempt" list, disqualified from the race, and subject to the penalties in this Rule for subsequent offenses.
    - 15.2.1.10.3 If such overage is the second violation of this rule for the same horse, the trainer and/or attending veterinarian shall be fined a minimum of \$100.00 and a maximum of \$500.00.
    - 15.2.1.10.4 If such overage is the third violation of this rule for the same horse, the trainer and/or attending veterinarian shall be issued a minimum suspension of seven (7) days and a maximum suspension of fifteen (15) days and shall be fined a minimum of \$100.00 and a maximum of \$1,000.00, and the stewards in their discretion may order loss of purse as an additional penalty.
    - 15.2.1.10.5 If such overage is the fourth violation for the same horse, the trainer and/or attending veterinarian shall be issued a suspension of fifteen (15) days to thirty (30) days, and shall be fined \$250.00 to \$1,000.00, and the stewards will order loss of purse as a mandatory penalty.

### 15.3 Responsibility for Prohibited Administration:

- 15.3.1 Any person found to have administered or authorized a medication, drug or substance which caused or could have caused a violation of Rules 15.1 or 15.2, or caused, participated or attempted to participate in any way in such administration, shall be subject to disciplinary action.
- 15.3.2 The registered Trainer of a horse found to have been administered a medication, drug or substance in violation of Rules 15.1 or 15.2 shall bear the burden of proof to show freedom from negligence in the exercise of a high degree of care in safeguarding such horse from being tampered with and, failing to prove such freedom from negligence (or reliance on the professional ability of a licensed Veterinarian), shall be subject to disciplinary action.
- 15.3.3 The Assistant Trainer, groom, stable watchman or any other person having the immediate care and custody of a horse found to have been administered a medication, drug or substance in violation of Rules 15.1 or 15.2, if found negligent in guarding or protecting such horse from being tampered with, shall be subject to disciplinary action.
- 15.3.4 A licensed Veterinarian shall be responsible for any medication, drug or substance that he or his Veterinary Technician administers, prescribes or causes to be administered by his direction on a horse. If found to have made an error in type or quantity of same administered and if in reliance upon the correctness thereof a Trainer races such treated horse in violation of Rules 15.1 and 15.2, such licensed Veterinarian shall be subject to disciplinary action.
- 15.4 Reports of Administration:
- 15.4.1 Before a licensed Veterinarian administers or prescribes any drug or restricted substance for a horse, he shall ascertain by reasonable inquiry whether the horse has been entered to race at any track and, if the horse has been entered, he shall not administer or prescribe any drug or restricted substance within the time or manner restricted by these Rules.
- 15.4.2 If, however, an emergency exists involving the life or health of the horse, he may proceed to treat or prescribe for the horse but shall report the matter as promptly as practicable to the Commission Veterinarian and Stewards.
- 15.4.3 Any Veterinarian practicing at any Delaware race track shall file a daily report with the Stewards and the Commission Veterinarian as to any medication prescribed or administered or professional service performed. This report shall be filed in person or postmarked within a period of forty-eight (48) hours from the time of treatment. Detection of any unreported medication, drug or substance by the Commission's Chemist in a pre-race or post-race test may be grounds for disciplinary action against such Veterinarian.
- 15.4.4 Such daily reports shall accurately reflect the identity of the horse treated, diagnosis, time of treatment, type and dosage of medication, drug or substance and method of administration.
- 15.4.5 Such daily reports shall remain confidential except that the Commission's Veterinarian may compile general data therefrom to assist the Commission in formulating policies or rules and the Stewards may review the same in investigating a possible violation of these rules. See Rule 11.2.8 respecting a public list of horses declared to race on medication.
- 15.4.6 When making an entry, it shall be the duty of the Trainer or his representative, as required by Rule 11.02(d), to disclose and declare to the Racing Secretary or his representative whether said horse will race on any medication permitted by these rules.
- 15.5 Report Prior to Race of Cessation or Reduction of Medication:
- 15.5.1 For any horse entered to run in a race, a timely report of the elimination or reduction since its last race in the level of Phenylbutazone and/or similar medications administered to it at the time of such last race shall be made to the Commission's Veterinarian by the horse's Owner, Trainer, attending Veterinarian and/or any other person having supervision over, or custody of, such horse.
- Violation of this Rule will constitute grounds for disciplinary action.
- 15.6 Bettors' Safeguard:
- 15.6.1 To help protect against inconsistent performances, a horse which last raced after having been administered Phenylbutazone and/or similar medication shall not be permitted to race without having been administered the same or similar medication at a comparable level, unless the Commission's Veterinarian grants his prior, express approval that such horse may race notwithstanding that the medication program to which it was subjected at the time of its last race has subsequently been eliminated or reduced.
- 15.6.2 Violation of any aspect of this Rule by an Owner, Trainer, attending Veterinarian or any other person having supervision or custody of the horse will constitute grounds for disciplinary action as provided by these Rules.
- 15.6.3 A horse currently listed in the Commission's Veterinarian "bleeder" list that races in another jurisdiction where the use of Furosemide is prohibited shall remain on the Commission's Veterinarian "bleeder" list without penalty nor count as a bleed event.

- 15.7 Commission List: As a guide to Owners, Trainers and Veterinarians, the Commission may from time to time publish a list of medications, shown by brand and generic names, specifically prohibited for racing. Such list shall not be considered exclusive and medications shown thereon shall be considered only as among those, along with others not so listed, prohibited by general classification under Rule 15.1.
- 15.8 Detention Area:
- 15.8.1 Each Licensee may provide and maintain on its grounds a fenced enclosure sufficient in size and facilities to accommodate stabling of horses temporarily detained for the taking of sample specimens for chemical testing; such detention area shall be under the supervision and control of the Commission's Veterinarian.
- 15.9 Horses to be Tested:
- 15.9.1 The Stewards may at any time order the taking of a blood, urine, or saliva specimen for testing from any horse entered. Any Owner or Trainer may at any time request that a specimen be taken from a horse he owns or trains by Commission's Veterinarian and be tested by Commission's Chemist, provided the costs of such testing are borne by the Owner or Trainer requesting such test.
- 15.9.1.1 Every effort shall be made to collect both blood and urine samples from all horses selected for post-race testing. Blood samples shall be tested;
- 15.9.1.1.1 For determination of those drugs with regulatory thresholds;
- 15.9.1.1.2 For those drugs not detectable in urine; and
- 15.9.1.1.3 To determine, when possible, whether a positive test result is consistent with the documented administration of the drug.
- 15.10 Procedure for Taking Specimens:
- 15.10.1 Horses from which specimens are to be drawn shall be taken to the detention area at the prescribed time and remain there until released by the Commission veterinarian. Only the owner, trainer, groom, or hotwalker of horses to be tested shall be admitted to the detention area without permission of the Commission veterinarian.
- 15.10.1.1 Blood samples must be collected at a consistent time, preferable not later than one hour post-race.
- 15.10.2 Stable equipment other than equipment necessary for washing and cooling out a horse shall be prohibited in the detention area.
- 15.10.2.1 Buckets and water shall be furnished by the Commission veterinarian.
- 15.10.2.2 If a body brace is to be used, it shall be supplied by the responsible trainer and administered only with the permission and in the presence of the Commission veterinarian.
- 15.10.2.3 A licensed veterinarian shall attend a horse in the detention area only in the presence of the Commission veterinarian.
- 15.10.3 One of the following persons shall be present and witness the taking of the specimen from a horse and so signify in writing:
- 15.10.3.1 The owner;
- 15.10.3.2 The responsible trainer who, in the case of a claimed horse, shall be the person in whose name the horse raced; or
- 15.10.3.3 A stable representative designated by such owner or trainer.
- 15.10.4 All urine containers shall be supplied by the Commission laboratory and shall be sealed with the laboratory security seal which shall not be broken, except in the presence of the witness as provided by Rule 15.10.3.
- 15.10.5 Blood vacutainers will also be supplied by the Commission laboratory in sealed packages as received from the manufacturer.
- 15.10.6 Samples taken from a horse, by the Commission veterinarian or his assistant at the detention barn, shall be collected and in double containers and designated as the "primary" and "secondary" samples.
- 15.10.6.1 These samples shall be sealed with tamper-proof tape and bear a portion of the multiple part "identification tag" that has identical printed numbers only. The other portion of the tag bearing the same printed identification number shall be detached in the presence of the witness.
- 15.10.6.2 The Commission Veterinarian shall:
- 15.10.6.2.1 Identify the horse from which the specimen was taken.
- 15.10.6.2.2 Document the race and day, verified by the witness; and
- 15.10.6.2.3 Place the detached portions of the identification tags in sealed envelope for delivery only to the stewards.
- 15.10.6.3 After both portions of samples have been identified in accordance with this section, the "primary" sample shall be delivered to the official chemist designated by the Commission.

- 15.10.6.3.1 Laboratories conducting post-race sample analysis must have access to LC/MS instrumentation for screening and/or confirmation purposes.
- 15.10.6.4 The "secondary" sample shall remain in the custody of the Commission veterinarian at the detention area and urine samples shall be frozen and blood samples refrigerated in a locked refrigerator/freezer.
- 15.10.6.5 The Commission veterinarian shall take every precaution to ensure that neither the Commission chemist nor any member of the laboratory staff shall know the identity of the horse from which a specimen was taken prior to the completion of all testing.
- 15.10.6.6 When the Commission chemist has reported that the "primary" sample delivered contains no prohibited drug, the "secondary" sample shall be properly disposed.
- 15.10.6.7 If after a horse remains a reasonable time in the detention area and a specimen can not be taken from the horse, the Commission veterinarian may permit the horse to be returned to its barn and usual surroundings for the taking of a specimen under the supervision of the Commission veterinarian.
- 15.10.6.8 If one hundred (100) milliliters (ml.) or less of urine is obtained, it will not be split, but will be considered the "primary" sample and will be tested as other "primary" samples.
- 15.10.6.9 Two (2) blood samples shall be collected in two (2) DTRC approved sample receptacles, one for the "primary" and one for the "secondary" sample.
- 15.10.6.10 In the event of an initial finding of a prohibited drug or in violation of these Rules, the Commission chemist shall notify the Commission, both orally and in writing, and an oral notice shall be issued by the Commission to the owner and trainer or other responsible person no more than twenty-four (24) hours after the receipt of the initial finding, unless extenuating circumstances require a longer period, in which case the Commission shall provide notice as soon as possible in order to allow for testing of the "secondary" sample.
- 15.10.6.10.1 If testing of the "secondary" sample is desired, the owner, trainer, or other responsible person shall so notify the Commission in writing within 48 hours after notification of the initial positive test or within a reasonable period of time established by the Commission after consultation with the Commission chemist. The reasonable period is to be calculated to insure the integrity of the sample and the preservation of the alleged illegal substance.
- 15.10.6.10.2 Testing of the "secondary" samples shall be performed at a referee laboratory selected by representatives of the owner, trainer, or other responsible person from a list of not less than two (2) laboratories approved by the Commission.
- 15.10.6.11 The Commission shall bear the responsibility of preparing and shipping the sample, and the cost of preparation, shipping, and testing at the referee laboratory shall be assumed by the person requesting the testing, whether it be the owner, trainer, or other person charged.
- 15.10.6.11.1A Commission representative and the owner, trainer, or other responsible person or a representative of the persons notified under these Rules may be present at the time of the opening, repackaging, and testing of the "secondary" sample to ensure its identity and that the testing is satisfactorily performed.
- 15.10.6.11.2The referee laboratory shall be informed of the initial findings of the Commission chemist prior to the making the test.
- 15.10.6.11.3If the finding of the referee laboratory is proven to be of sufficient reliability and does not confirm the finding of the initial test performed by the Commission chemist and in the absence of other independent proof of the administration of a prohibited drug to the horse in question, it shall be concluded that there is insubstantial evidence upon which to charge anyone with a violation.
- 15.10.6.12 The Commission veterinarian shall be responsible for safeguarding all specimens while in his possession and shall cause the specimens to be delivered only to the Commission chemist as soon as the possible after sealing, in a manner so as not to reveal the identity of a horse from which the sample was taken.
- 15.10.6.13 If an Act of God, power failure, accident, strike or other action beyond the control of the Commission occurs, the results of the primary official test shall be accepted as prima facie evidence.
- 15.11 Commission Chemist: The Commission's Chemist, who shall be a member of the Association of Official Racing Chemists, shall conduct tests on specimens provided him in order to detect and identify prohibited substances therein and report on such in such a manner, and according to such procedures, as the Commission from time to time may approve and/or prescribe.

## 15.12 Prohibited Practices

### 15.12.1 The following conduct shall be prohibited for all licensees:

- 15.12.1.1 The possession and/or use of a drug, substance, or medication, specified below, on the premises of a licensed race track under the jurisdiction of the Commission for which a recognized analytical method has not been developed to detect and confirm the administration of such substance including but not limited to erythropoietin, darbepoietin, and perfluorocarbon emulsions; or the use of which may endanger the health and welfare of the horse or endanger the safety of the rider; or the use of which may adversely affect the integrity of racing.
- 15.12.1.2 The possession and/or use of a drug, substance, or medication on the premises of a facility under the jurisdiction of the regulatory body that has not been approved by the United States Food and Drug Administration (FDA) for use in the United States.
- 15.12.1.3 The practice, administration, or application of Intermittent Hypoxic Treatment by External Device which is performed on the premises of a facility under the jurisdiction of the Commission, and which may endanger the health, safety, and welfare of the horse or endanger the safety of the jockey, or the use of which may adversely affect the integrity of racing. Intermittent Hypoxic Treatment is the administration of hypoxic gas to a horse for the purpose of enhancing aerobic metabolism by simulating training at a high altitude.
- 15.12.1.4 The use of a nasogastric tube (a tube longer than six inches, inserted in a horse's nostril) for the administration of any substance within the 24-hour period considered raceday is forbidden without prior permission of the Commission.
- 15.12.1.5 The possession and/or use of blood doping agents, including but not limited to Erythropoietin (EPO); Darbepoietin; Oxyglobin; Hemopure or any other substance that abnormally enhances the oxygenation of equine body tissue is considered a prohibited practice that endangers the health and welfare of a horse and/or the safety and welfare of a rider. The possession and/or use of such substances on the premises of a facility under the jurisdiction of the Commission is strictly forbidden.

## 15.13 Testing for Prohibited Substances that Abnormally Enhance Oxygenation

### 15.13.1 Horses may be tested for Erythropoietin (EPO), Darbepoietin (DPO), Oxyglobin, Hemopure or any other substance that abnormally enhances the oxygenation of equine body tissue as follows:

- 15.13.1.1 Once a horse is entered to race;
- 15.13.1.2 Any horse that was entered or raced within sixty (60) days of entry and/or race;
- 15.13.1.3 Any horse showing the presence of EPO, DPO and/or like antibodies;
- 15.13.1.4 Any horse in the care, custody, and control of a trainer having a horse that has tested positive for EPO, DPO and like substances through a screening test; and
- 15.13.1.5 Any horse that expires, consistent with DTRC Rules 10.7.1 through and inclusive of 10.7.6.

### 15.13.2 Two blood samples shall be collected in DTRC approved sample receptacles; one is the primary sample; and the other is the secondary sample.

### 15.13.3 In the event that the presence of EPO, DPO and/or any EPO analogues is determined to be present in a primary sample, the primary sample shall be sent to a DTRC approved laboratory for a confirmation test.

### 15.13.4 The trainer and/or owner of any horse that tests positive for the confirmed presence of EPO, DPO, Oxyglobin, Hemopure or any other substance that abnormally enhances the oxygenation of equine body tissue has the right to request a testing of the secondary sample consistent with DTRC Rule 15.10.6.10.1 through and inclusive of DTRC Rule 15.1.6.13.

### 15.13.5 Upon positive notification from the confirmatory laboratory of the primary sample, if uncontested by the trainer; or notification of confirmation in the secondary sample, the trainer shall be summarily suspended and any/all horses entered, by the trainer, to race shall be scratched. Notice of a hearing shall be delivered to the trainer within twenty-four (24) hours

### 15.13.6 The following penalties and disciplinary measures may be imposed for the confirmed presence of EPO, DPO, Oxyglobin, Hemopure or any other substance that abnormally enhances the oxygenation of equine body tissue:

### 15.13.7 In the absence of extraordinary circumstances, a penalty of \$5,000 and/or a 10 year suspension, forfeiture of the purse money and assessment for cost of the drug testing may be imposed.

## 15.14 Shock Wave Therapy/Instruments

### 15.14.1 The use of shock wave therapy shall not be permitted unless the following conditions are met:

- 15.14.1.1 Only licensed Veterinarians are permitted to possess or to use on the grounds of any licensee of the Commission an instrument used for shock wave therapy. Any shock wave therapy machines/



instruments must be registered with and approved by the Commission or its designee before use. The use of shock wave therapy machines/instruments shall be limited to practicing veterinarians licensed by the Commission.

15.14.1.2 Any horse treated with shock wave therapy shall not be permitted to race, work, or breeze for a minimum of ten (10) days following treatment (the day of treatment shall be considered the first day in counting the number of days). This restriction applies to horses treated with shock wave therapy on or off the grounds of any licensee of the Commission. Any horse treated with shock wave therapy shall be placed on the Commission Veterinarian's list.

15.14.1.3 All shock wave therapy treatments must be reported to the official Commission veterinarian on the prescribed form not later than the time prescribed by the official Commission veterinarian. This applies to any and all horses treated on or off the grounds of any licensee of the Commission. A form submitted under this section shall not constitute a daily report under Rule 15.4.5.

15.14.2A Trainer, Veterinarian, or other person, who has been found to have violated any of the above provisions of this Rule shall be subject to appropriate disciplinary action by the Stewards and/or Commission including but not limited to a maximum suspension of one year (365 days).

15.14.3 Definitions: The following terms and words used in this Rule are defined as:

15.14.3.1 Shock Wave Therapy shall mean all Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy treatments and any other treatments determined to pose similar risks by the Commission Veterinarian.

15.14.4 Once a horse is entered to race, no horse shall be permitted to leave the racetrack prior to racing. Any horse that leaves the racetrack after the time of entry shall be scratched by the Stewards.

#### 15.15 Blood Gas Testing

15.15.1 The Commission may use a testing machine that measures carbon dioxide levels in pre-race samples using a Base Excess testing protocol. A trainer whose horse is selected for blood gas testing and fails to report for the test will be penalized as if there was a positive test result.

15.15.2 Under this protocol, the prohibitive Base Excess concentrations are as follows: Base Excess level of 10.0 mmol/l (mEq/l) or higher for non-furosemide (Salix) treated horses and Base Excess (BE) level of 12.0 mmol/l (mEq/l) or higher for furosemide (Salix) treated horse. The level of uncertainty will be included before it is considered a violation of these Rules. The level of uncertainty is 0.4 mmol/l (mEq/l) and a positive test report must include this level of uncertainty. A horse must show a Base Excess (BE) level of 10.4 mmol/l (mEq/l) or higher for non-furosemide (Salix) treated horse and Base Excess (BE) level of 12.4 mmol/l (mEq/l) or higher for furosemide (Salix) treated horse, in order for a violation to be reported under this Rule.

15.15.3 A licensee has the right, pursuant to the quarantine procedure outlined at 15.15, or by such other procedures as may be established from time to time by the Commission, to attempt to prove that a horse has a naturally high carbon dioxide level in excess of the above-mentioned levels.

#### 15.16 Quarantine Procedure for Carbon Dioxide Positive Tests (Prerace Or Postrace)

15.16.1 Detention/Quarantine of Horses: The owner or trainer must request use of the quarantine procedure by sending written notice to the Stewards within forty-eight (48) hours of notification of the positive carbon dioxide test report. The owner or trainer will then be permitted, totally at his/her own expense, to make the necessary scheduling arrangements with the Stewards and the Commission Veterinarian. The horse in question will be quarantined on the grounds for periodic blood gas testing by the DTRC (up to three days) at the trainer's expense. All caretaker activities for the horse in question will be the responsibility of the horse's trainer.

15.16.2 Procedure: The owner or trainer will be responsible for providing the DTRC with a minimum check for \$1,500.00 to cover the costs for the quarantine. A professionally trained Track Security Officer must be with the horse at all times, and the Security Officer must be knowledgeable about the importance of monitoring all activity pertaining to the quarantined horse.

15.16.3 The quarantine of a horse is subject to the following mandatory requirements:

15.16.3.1 The owner or trainer will be required to deposit sufficient funds with the DTRC Stewards to cover the costs of the quarantine of the horse. The minimum quarantine cost will be \$1,500, and this figure may be higher if additional special circumstances are required for a particular horse. None of these procedures will be initiated until the Commission has in its possession a certified check or other method of payment acceptable to the Commission. The owner or trainer is responsible for all costs for the quarantine, including but not limited to, the costs of: stall bedding, daily cleaning of the stall, feed and hay, stall rent, hourly guard salary, portable toilet rental, veterinary charge,

courier or shipping charges to the laboratory, laboratory analysis costs. Unused funds will be returned to the trainer.

- 15.16.3.2 The expected period of the quarantine will be seventy-two hours.
- 15.16.3.3 The owner or trainer is required to execute a reasonable liability waiver form if requested to do so by the track for the quarantine of the horse on track grounds.
- 15.16.3.4 The owner or trainer is obligated to reimburse the track if the racing association is required to purchase additional insurance to cover risks from the quarantine of the trainer's horse. The owner or trainer is also responsible for any additional costs required by the track to pad or otherwise specially equip the quarantine stall.
- 15.16.3.5 All activity of the quarantined horse is observed, documented, and recorded by security officers for the track and the DTRC.
- 15.16.3.6 The Commission will be responsible for arranging for and providing for bedding, feed, water, and daily cleaning of the stall, all of which are at the owner's expense. Feed for the horse will be purchased by DTRC officials as specified by the owner or trainer. Samples of the feed will be retained by the DTRC designated official.
- 15.16.3.7 Each bale of hay/straw will be intact and uncut for inspection of contraband. Four small samples of hay are to be taken from the bale of hay used to feed the animal (one from each end of the bale of hay and two from the middle of the bale of hay). These samples with the ingredient tags from the bag of feed used by the horse will be retained by the DTRC designated official.
- 15.16.3.8 Every trainer, groom, or caretaker is subject to continuous observation and may be searched when with the horse for contraband.
- 15.16.3.9 Horses may be trained, but if leg paints or salves are used, they must be new and in unopened containers, and the track Security Officer must monitor the preparation of the horse.
- 15.16.3.10 A Security Officer must observe the horse during training and ensure that it does not leave the track except to return to the quarantine stall.
- 15.16.3.11 A sick horse must only be determined ill by the Commission's Veterinarian and the quarantine of the horse will be terminated. Any bills incurred for the quarantine of the horse prior to the illness and termination of the detention will be prorated.
- 15.16.3.12 Stalls for the quarantine of horses are designated by the Stewards of the DTRC, in cooperation with the racetrack.
- 15.16.3.13 Trainers can restrict water based on previous pre-race preparation schedules.
- 15.16.3.14 Trainers are expected to train their horse in the same manner as the horse was trained on previous racing events. The horse will be equipped with all the items that it would normally carry, taken to the paddock, and handled in a manner similar to previous racing events.
- 15.16.3.15 Blood samples will be taken from the quarantined horse by the Commission Veterinarian, as he or she deems appropriate and necessary during the quarantine period. A blood sample should be taken when the horse first enters the quarantine stall and again at the pre-arranged time between sixty (60) and seventy-two (72) hours. At the discretion of the Commission, another sample may be taken between the initial sample and the sample taken at the cessation of the quarantine period. Blood samples will only be taken from the horse that is at rest for a period of time approved by the Commission Veterinarian. The owner or trainer or his/her representative must be present and witness the collection of the blood samples. Blood samples will be shipped promptly to the Commission's designated testing laboratory, pursuant to the Commission's standard chain-of-custody procedures.
- 15.16.3.16 At the conclusion of the quarantine period, the party requesting the quarantine will be provided timely notice of the test results from the DTRC. The trainer may present such evidence at a hearing before the Stewards if he or she attempts to prove that the horse has a naturally high carbon dioxide level.

#### 15.17 Androgenic-Anabolic Steroids

15.17.1 The Commission hereby adopts by reference the Androgenic-Anabolic Steroids Rule, including the plasma thresholds, of the Association of Racing Commissioners International (ARCI) (ARCI-011-020, Part I, December 2013). If there is any inconsistency between the Commission's regulations and the ARCI Androgenic-Anabolic Steroids Rule, the provisions of the Commission's regulations shall prevail.

15.17.1.1 With respect to nandrolone, boldenone and testosterone in fillies, mares, and geldings (testosterone and nandrolone in intact male horse samples are treated separately in 15.17.1.2):

15.17.1.1.1 Any test result at plasma concentrations below 100 picograms per milliliter will be considered a negative test.

- 15.17.1.1.2 Any test result at plasma concentration levels at or above 100 picograms per milliliter will be considered a positive test result.
- 15.17.1.2 With respect to nandrolone and testosterone levels determined in intact male horses:
  - 15.17.1.2.1 Nandrolone
    - 15.17.1.2.1.1 Any test result at plasma concentrations below 500 picograms per milliliter will be considered a negative test.
    - 15.17.1.2.1.2 Any test result at and above plasma concentrations of 500 picograms per milliliter will be considered a positive test.
  - 15.17.1.2.2 Testosterone
    - 15.17.1.2.2.1 Any test result at plasma concentrations below 2000 picograms per milliliter will be considered a negative test.
    - 15.17.2.2.2 Any test result at and above plasma concentrations of 2000 picograms per milliliter will be considered a positive test.
- 15.17.2 All other Androgenic - Anabolic Steroids are prohibited in racing horses.
- 15.17.3 Post-race samples collected from intact males shall be identified to the laboratory.
- 15.17.4 Any horse to which one of these Androgenic - Anabolic Steroids has been administered in order to assist in the recovery from an illness or injury may be placed on the veterinarian's list in order to monitor the concentration of the drug or metabolite in plasma. After the concentration has fallen below the designated threshold for the administered Androgenic - Anabolic Steroids, the horse is eligible to be removed from the list.
- 15.18 ARCI Uniform Classification Guidelines for Foreign Substances. The Commission hereby adopts by reference the ARCI Uniform Classification Guidelines for Foreign Substances, Version 7.0, January 2014. If there is any inconsistency between the Commission's regulations and the ARCI Uniform Classification Guidelines for Foreign Substances, the provisions of the Commission's regulations shall prevail.
- 15.19 ARCI Multiple Medications Violations Penalties. The Commission hereby adopts by reference the Association of Racing Commissioners International (ARCI-011-020, Part B.(13), December 2013) Multiple Medications Violations Penalties. If there is any inconsistency between the Commission's regulations and the ARCI Multiple Medications Violations Penalties, the provisions of the Commission's regulations shall prevail.
- 15.20 ARCI NSAID Stacking Rule
  - 15.20.1 The Commission hereby adopts by reference the Association of Racing Commissioners International Non-Steroidal Anti-Inflammatory Drug Stacking rule (ARCI-011-020, Part E.(1)(C)), version 5.9 approved December 12, 2014.
- 15.21 ARCI Cobalt Rule.
  - 15.21.1 The Commission hereby adopts by reference the Association of Racing Commissioners International Cobalt rule (ARCI Drug Testing and Practices Committee, Recommendations 1 and 2), approved April 23, 2015.
- 15.22 ARCI Veterinary Practices Rule.
  - 15.22.1 The Commission hereby adopts by reference the Association of Racing Commissioners International Veterinary Practices rule (ARCI-011-010, Model Rules v7.0, 2017). If there is any inconsistency between the Commission's regulations and the ARCI Veterinary Practices rule, the provisions of the Commission's regulations shall prevail.
- 15.23 ARCI Prohibited Practices Rule.
  - 15.23.1 The Commission hereby adopts by reference the Association of Racing Commissioners International Prohibited Practices rule including Annex I Prohibited Substances (ARCI-011-015, Model Rules v7.0, January 2017). If there is any inconsistency between the Commission's regulations and the ARCI Prohibited Practices rule, the provisions of the Commission's regulations shall prevail.
- 15.24 ARCI Out of Competition Testing Rule.
  - 15.24.1 The Commission hereby adopts by reference the Association of Racing Commissioners International Out of Competition Testing rule (ARCI-022-010, Model Rules v7.0, 2017). If there is any inconsistency between the Commission's regulations and the ARCI Out of Competition Testing rule, the provisions of the Commission's regulations shall prevail.
- 15.25 ARCI Out-of-Competition Testing - Responsible Persons Definition.
  - 15.25.1 The Commission hereby adopts by reference the Association of Racing Commissioners Out-of-Competition Testing rule definition of Responsible Persons (ARCI-011-022(10), Model Rules v8.3, April 2018). If there is any inconsistency between the Commission's regulations and the ARCI Out-of-Competition Testing rule, the provisions of the Commission's regulations shall prevail.

15.26 ARCI Trainer Other Responsibilities Rule.

15.26.1 The Commission hereby adopts by reference the Association of Racing Commissioners Trainer Other Responsibilities Rule Recordkeeping, Reporting and Corticosteroid and Intra-Articular Injection Reporting Requirements (ARCI-008-020 C.17-19, Model Rules v8.3, April 2018). If there is any inconsistency between the Commission's regulations and the ARCI Trainer Other Responsibilities Rule Recordkeeping, Reporting and Corticosteroid and Intra-Articular Injection Reporting Requirements, the provisions of the Commission's regulations shall prevail.

15.27 ARCI Veterinary Practice Rule.

15.27.1 The Commission hereby adopts by reference the Association of Racing Commissioners International Veterinary Practice Rule, Veterinarian's Reports (ARCI-011-010 D., Model Rules v8.3, April 2018). If there is any inconsistency between the Commission's regulations and the ARCI Veterinary Practice Rule, Veterinarian's Reports rule, the provisions of the Commission's regulations shall prevail.

15.28 Bisphosphonates. It is a prohibited practice to administer bisphosphonates to any horse under four years of age. Horses four years of age or older may only be administered bisphosphonates under the following circumstances:

15.28.1 Only bisphosphonates that are FDA approved for use in the horse may be administered according to label requirements and only for diagnosed cases of navicular disease.

15.28.2 If a horse older than four years of age is administered bisphosphonates the Commission Veterinarian must be notified within 24 hours of the administration, and the horse shall be placed on the Veterinarian's List for a minimum of six months after the last administration. Prior to returning to racing, the horse must work for the Commission Veterinarian as required by ARCI 011-030(B)(4).

15.28.3 If any bisphosphonate is detected in an out of competition or post-race test sample and the Commission has not received timely notification (24 hours as provided in Rule 15.28.2) of an administration, the detection shall be treated as the finding of an illicit substance. The horse shall be placed on the Veterinarian's List for a minimum of six months from the date of sampling and be required to work for the Commission Veterinarian as described in ARCI Model Rules section ARCI 011-030(B)(4).

15.29 ARCI Non-Steroidal Anti-Inflammatory Drugs (NSAIDs) Rule.

15.29.1 The Commission hereby adopts by reference the Association of Racing Commissioners International Non-Steroidal Anti-Inflammatory Drugs (NSAIDs) Rule, (ARCI-Item 3, December 12, 2019). If there is any inconsistency between the Commission's regulations and the ARCI Non-Steroidal Anti-Inflammatory Drugs (NSAIDs) Rule, the provisions of the Commission's regulations shall prevail.

15.30 ARCI Intra-articular Joint Injections Rule.

15.30.1 The Commission hereby adopts by reference the Association of Racing Commissioners International Intra-articular Joint Injections Rule (ARCI-011-020 F.). If there is any inconsistency between the Commission's regulations and the ARCI Intra-articular Joint Injections Rule, the provisions of the Commission's regulations shall prevail.

15.31 ARCI Stacking of Corticosteroids Rule.

15.31.1 The Commission hereby adopts by reference the Association of Racing Commissioners International Stacking of Corticosteroids Rule (ARCI-011-020 G.). If there is any inconsistency between the Commission's regulations and the ARCI Stacking of Corticosteroids Rule, the provisions of the Commission's regulations shall prevail.

15.32 Clenbuterol use is prohibited in racing and training unless the following conditions are met:

15.32.1 The prescription for clenbuterol is made for a specific horse based upon a specific diagnosis. The prescription and volume dispensed cannot exceed a treatment period of 30 days.

15.32.2 The veterinarian must provide a copy of the prescription and diagnosis to the Commission Veterinarian for review and approval. The horse may not receive clenbuterol before this approval is issued.

15.32.3 Trainers must make daily notification to the Commission Veterinarian of horses in their custody having been administered clenbuterol. Notification shall be made on a form and by a deadline designated by the Commission.

15.32.4 A horse administered clenbuterol shall be placed on the Commission Veterinarian's list. The horse must meet all conditions for removal from the list including a timed workout and blood and urine sampling. Both samples must have no detectable clenbuterol. A horse may not enter to race until it has completed all the requirements in this subsection 15.32.4.

15.32.5 If clenbuterol is detected in a horse's post-race or out of competition sample and all appropriate notifications as outlined in subsections 15.32.2 and 15.32.3 were not completed, the horse shall immediately be placed on the Commission Veterinarian's List pending the outcome of an investigation. The

horse shall be required to meet all conditions for removal from the veterinarian's list outlined in subsection 15.32.4.

- 1 DE Reg. 508 (11/01/97)
- 1 DE Reg. 1184 (02/01/98)
- 3 DE Reg. 754 (12/01/99)
- 4 DE Reg. 179 (07/01/00)
- 4 DE Reg. 1131 (01/01/01)
- 4 DE Reg. 1821 (05/01/01)
- 6 DE Reg. 641 (11/01/02)
- 6 DE Reg. 1205 (03/01/03)
- 7 DE Reg. 766 (12/01/03)
- 7 DE Reg. 1540 (05/01/04)
- 8 DE Reg. 1699 (06/01/05)
- 10 DE Reg. 546 (09/01/06)
- 10 DE Reg. 1581 (04/01/07)
- 11 DE Reg. 1374 (04/01/08)
- 12 DE Reg. 1514 (06/01/09)
- 14 DE Reg. 1047 (04/01/11)
- 15 DE Reg. 520 (10/01/11)
- 15 DE Reg. 1584 (05/01/12)
- 16 DE Reg. 1265 (06/01/13)
- 17 DE Reg. 1061 (05/01/14)
- 18 DE Reg. 961 (06/01/15)
- 19 DE Reg. 137 (08/01/15)
- 20 DE Reg. 889 (05/01/17)
- 22 DE Reg. 295 (10/01/18)
- 24 DE Reg. 47 (07/01/20)
- 24 DE Reg. 996 (05/01/21)
- 24 DE Reg. 997 (05/01/21)
- 25 DE Reg. 507 (11/01/21)

## 16.0 Pari-Mutuel Wagering

- 16.1 Place of Conducting Pari-Mutuel Betting: Any person or entity holding a license therefore issued by the Commission may make, conduct and sell pools by the use of pari-mutuel machines or totalizators for the purpose of receiving wagers or bets on horse races within the enclosure of any racing meet licensed and conducted under these Rules, but not elsewhere.
- 16.2 License is Revocable: Any license for the operation of pari-mutuel or totalizator pools issued by the Commission shall be revocable at any time by it, without hearing, in its absolute discretion.
- 16.3 State Tax and Licensee's Commission -- New Castle and Sussex: Every person engaged in the business of conducting a horse racing meet under these Rules in New Castle and Sussex Counties shall pay such tax and be entitled to such commissions on pari-mutuel and totalizator pools as are provided by 28 **Del.C.** §§365 and 366, as now constituted or as hereafter amended, and shall make such disposition of monies for unclaimed pari-mutuel tickets as is provided by 28 **Del.C.** §368, as now constituted or as hereafter amended.
- 16.4 State Tax and Licensee's Commission - Kent: Every person engaged in the business of conducting a horse racing meet under these Rules in Kent County shall pay such tax and be entitled to such commissions on pari-mutuel and totalizator pools as are provided by 28 **Del.C.** §§445 and 446, as now constituted or as hereafter amended, and shall make such disposition of monies for unclaimed pari-mutuel tickets as is provided by 28 **Del.C.** §448, as now constituted or as hereafter amended.
- 16.5 Scratches While Wagering in Progress: If, while wagering is in progress, a horse is excused by the Stewards for any reason whatsoever, all wagers on that horse shall be refunded, except when the horse is part of a mutuel entry or a mutuel field, when there shall be no refund, provided that the mutuel entry or the mutuel field has at least one actual starter.
- 16.6 Pari-Mutuel Application Fee and License Fee:

- 16.6.1 Any person, upon applying to the Commission for a license to make, conduct and sell pools by the use of pari-mutuel machines or totalizers for the purpose of receiving wagers or bets on horse races within the enclosure of any racing meet licensed and conducted under these Rules shall, at the time of making the application, pay by check to the Commission (for endorsement to the Secretary of Finance) such fee as may from time to time be fixed by the Commission, provided that such fee shall not exceed the amount of \$5,000 per annum.
- 16.6.2 Any person who is granted a license by the Commission to make, conduct and sell pools by the use of pari-mutuel machines or totalizers for the purpose of receiving wagers or bets on horses conducted under these Rules, shall, at the time the license is granted, pay by check to the Commission (for endorsement to the Secretary of Finance) an additional fee, as may from time to time be legally fixed by the Commission.
- 16.7 Presentation of Pari-Mutuel Tickets - Prohibited Practices:
- 16.7.1 No person shall present or cause a pari-mutuel ticket to be presented or processed in return for payment of any commission, premium, discount or any consideration other than the authorized pool payment to be distributed in full to the owners thereof, and Licensees shall eject or exclude from Licensee's grounds all persons believed to be engaged in such activity or in a bookmaking activity or the solicitation of bets or touting and a report thereof shall be submitted promptly to the Commission, to the Stewards and to the local police.
- 16.7.2 Licensees shall eject or exclude from Licensee's grounds all persons who, as a business or for any compensation, shall, directly or indirectly, accept anything of value to be wagered or to be transmitted or delivered for wager to any pari-mutuel wagering enterprise or participate in any such transaction.

Rule 16.5 Added July 1977.

Rule 16.6 and 16.07 Added June 1978.

**19 DE Reg. 1010 (05/01/16)**

## **17.0 Objections and Complaints**

- 17.1 Persons Eligible to Lodge Objections or Complaints: Objections or complaints against a horse or Jockey entered in a race shall be received only when duly lodged by the Owner or Authorized Agent of the Owner, the Trainer or the Jockey of another horse engaged in the same race which suffered or could suffer by the alleged Rule violation. An inquiry also can be made by a Racing Official.
- 17.2 Form for Objections and Complaints: Objections as to interference or fouls occurring during the running of the race may be lodged orally with the Clerk of Scales or with the Stewards; all other objections or complaints shall be made in writing and bear the signature of the complainant. All objections or complaints must be lodged prior to the termination of Licensee's race meeting. An objection or complaint once lodged cannot be withdrawn without permission of the Stewards.
- 17.3 Time for Lodging Objections or Complaints:
- 17.3.1 Objections or complaints based on the following Rule violations must be lodged by persons aggrieved thereby within the time prescribed therefore, except that the Stewards may declare a horse ineligible or disqualified at any time:
- 17.3.2 At least one hour before post time if objection is based on incorrect weight allowance claimed for a horse to race;
- 17.3.3 Before the race has been posted as official on the infield result board if objection is based on interference by a horse, improper course run by a horse, foul riding by a Jockey or any other matter occurring during and incident to the running of the race;
- 17.3.4 Not later than 48 hours after the race was run if objections or complaints are based on any other Rule violation;
- 17.3.5 Not later than the expiration of Licensee's racing meet if the objection or complaint is based on fraudulent or willful misstatement in entry under which a horse has run.
- 17.4 Determination of Objections to Acts in Race:
- The Stewards shall make all findings of fact as to all matters occurring during and incident to the running of a race. They shall determine all objections and inquiries based on interference by a horse, improper course run by a horse, foul riding by a Jockey, and all other matters occurring during and incident to the running of a race and shall determine the extent of disqualification, if any, of horses in a race for a foul committed during such race. Such findings of fact and determinations may be appealed to the Commission under Rule 19.3. In determining the extent of disqualification, the Stewards, in their discretion, may:
- 17.4.1 Disqualify and place the offending horse and any horses coupled with it as an entry behind such horses as may have suffered by reason of the foul;

- 17.4.2 Disqualify and declare the offending horse and any horses coupled with it as an entry, unplaced;
- 17.4.3 Disqualify the offending horse and any horses coupled with it as an entry from participation in all or any part of the purse;
- 17.4.4 Declare null and void a track record set or equaled by a disqualified horse or any horses coupled with it as an entry;
- 17.4.5 Affirm the Placing Judges' order of finish and suspend a Jockey if, in the Stewards' opinion, the foul riding did not affect the order of finish;
- 17.4.6 Disqualify the offending horse and not suspend a Jockey if, in the Stewards' opinion, the interference to another horse in a race was not the result of an intentional foul or careless riding on the part of a Jockey.

Revised: 1/6/92.

**17.5 Dispute of a Race After Declared Official for Pari-Mutuel Payoff:**

- 17.5.1 In the event the result of a race is placed in dispute by the lodging of an objection or complaint or by the discovery of an alleged Rule violation after such race has been declared official for pari-mutuel payoff, then pending final determination of such disputed race:
- 17.5.2 Purse money and trophy to which the horse objected to may have been entitled shall be withheld and placed in escrow by the Licensee until final adjudication of the dispute, provided, however, any portion of the purse money whose distribution would not be affected by the determination of such dispute may be distributed at the discretion of the Stewards.
- 17.5.3 If purse money or trophy has been awarded to an Owner prior to the lodging of an objection or discovery of an alleged Rule Violation which places the outcome of a race in dispute, such money or trophy shall be returned immediately to the Licensee on order of the Stewards. Upon final adjudication of the dispute, the person deemed to be entitled to the purse money or trophy shall be entitled to an order of recovery from any person or entity holding same.
- 17.5.4 The horse which crossed the finish line first and any other horse which claims to have won the race shall be liable for all penalties attaching to the winner of that race until the matter is finally adjudicated.

**17.6 Determination of a Disputed Race:** The Stewards shall determine all objections, complaints or alleged Rule violations lodged or discovered after a race has been declared official for pari-mutuel payoff and shall issue a ruling thereon. If the Stewards find that a Rule was violated, they may penalize the persons responsible therefore, disqualify any horses in the disputed race and award the purse money and trophy in accordance with any resulting revised order of finish in such disputed race.

**17.7 Revised Order of Finish After Race Declared Official for Pari-Mutuel Payoff:**

- 17.7.1 In the event a horse is disqualified after a race has been declared official for pari-mutuel payoff and thereby causes revision of the order of finish in such races:
  - 17.7.1.1 The pari-mutuel payoff shall in no way be affected;
  - 17.7.1.2 The Stewards shall be responsible for causing appropriate corrections to be made in official records for the race and in racing statistics as may pertain to the respective horses, Jockeys, Trainers, Owners, Breeders, Sires, Dams and Broodmare Sires by reporting such corrections to the Racing Secretary and to the Daily Racing Form.

**17.8 Complaints Against Officials:** All complaints or protests by any registrant or permittee based on any decision or act of a Racing Official other than the Stewards or concerning any matter occurring on Licensee's grounds which is not covered by Rules 15.4 and 15.5 shall be made in writing, shall be signed by the complainant and shall be submitted to the Stewards. All complaints or protests by any persons based on any decision or act, or conduct of the Stewards, shall be submitted to the Commission, as provided by Rule 19.0.

## **18.0 Disciplinary Measures**

**18.1 Disciplinary Measures by Stewards:**

- 18.1.1 Upon the finding of a violation of these Rules, or an attempted violation, on Licensee's grounds during the conduct of a meeting at which the Stewards have been appointed to serve, the Stewards may:
- 18.1.2 Declare ineligible for racing or disqualify in a race any Thoroughbred or person;
- 18.1.3 Suspend the registration, permit or authorization of any person involved in such Rule violation for any length of time deemed warranted by the Stewards as commensurate with the seriousness of the violation;
- 18.1.4 Cause any person found to have interfered with, or contributed toward the interference of, the orderly, proper or honest conduct of a race or race meeting, to be excluded or ejected from Licensee's grounds, or any portion thereof, permanently or for any lesser period.
- 18.1.5 Summary Suspension

- 18.1.5.1 If the stewards determine that a licensee's actions constitute an immediate danger to the public health, safety or welfare, the stewards may summarily suspend the license pending a hearing.
- 18.1.5.2 A licensee whose license has been summarily suspended is entitled to a hearing on the summary suspension not later than the third racing day after the license was summarily suspended. The licensee may waive his/her right to a hearing on the summary suspension within the three racing - day limit.
- 18.1.5.3 The stewards shall conduct a hearing on the summary suspension in the same manner as other disciplinary hearings. At a hearing on a summary suspension, the sole issue is whether the licensee's license should remain suspended pending a final disciplinary hearing and ruling.

**18.2 Disciplinary Measures by the Commission:**

- 18.2.1 Upon the finding of a violation of these Rules, or an attempted violation, on Licensee's grounds during the conduct of a race meeting within the State of Delaware, the Commission may:
- 18.2.2 Declare ineligible for racing or disqualify in a race any Thoroughbred or person;
- 18.2.3 Deny, suspend, revoke or declare void any registration, permit or authorization applied for or issued by the Licensee or its Registrar;
- 18.2.4 Cause any person found to have interfered with or contributed toward the interference of the orderly, proper or honest conduct of a race or race meeting to be excluded or ejected from Licensee's grounds, or any portion thereof, for any length of time the Commission may deem warranted;
- 18.2.5 Upon appeal and hearing de novo of a matter determined by the Stewards, the Commission may reverse or revise the Stewards' ruling in all respects.

**18.3 Additional Powers of Commission, Stewards or Licensee:**

- 18.3.1 Based upon the report and advice of the Thoroughbred Racing Protective Bureau premised upon its investigation and/or information available to it from governmental or other investigative sources or, based upon their own investigation and determination, either the Commission, the Stewards or the Licensee may bar or eject any person, permanently or for a lesser period, from Licensee's grounds or any part thereof who, by reason of his or her past or contemplated conduct or associations is, or would be, in any direct or indirect way detrimental to the continued maintenance and promotion of high standards for honesty, integrity and propriety in all Thoroughbred racing conducted in Delaware.

**19 DE Reg. 32 (07/01/15)**

**19.0 Hearings, Reviews and Appeals**

**19.1 Procedure Before Stewards:**

- 19.1.1 Before holding any Stewards' hearing provided for under these Rules, notice in writing must be given to any party charged with a violation, other than a routine riding offense occurring in a race, unless such notice is waived in writing by the person charged.
- 19.1.2 The notice required by the preceding subsection shall include:
  - 19.1.2.1 Identification of the specific Rule or Rules involved, the infraction for which he is charged and a brief statement of the facts supporting such charge.
  - 19.1.2.2 The time and place of hearing.
  - 19.1.2.3 The statement that the party charged may be represented by legal counsel or by a representative of any racing trade organization of which he is a member.
- 19.1.3 All Stewards' hearings shall be closed and the Stewards shall cause no public announcement to be made concerning a matter under investigation until the conclusion of the hearing and the party charged has been notified of the decision.
- 19.1.4 The hearing shall be conducted by no less than two of the Stewards in such a manner as to ascertain and determine the substantial rights of the parties involved and shall not be bound by technical rules of procedure and evidence. In emergencies during the live racing meet or during periods when there is no live racing, a hearing may be conducted by only one Steward.
- 19.1.5 All testimony at such hearings shall be given under oath. A record shall be made of the hearing, either by use of a tape recorder or by court reporter's transcript, or otherwise, if funds for such are made available from any source. The Stewards will not be required to receive testimony under oath in cases where their ruling is based upon a review of the video tapes of a race.
- 19.1.6 If, at the conclusion of their hearing, the Stewards find that a Rule has been violated, they promptly shall issue a written ruling which sets forth the name of every person charged with a violation, the Rule violated, their finding as to the violation of such Rule and the penalty affixed. Copies of such rulings shall be



delivered to each party in interest and to the Commission and the Licensee, and posted in the Racing Secretary's office.

## 19.2 Review and Appeal:

19.2.1 Any party who is penalized by any order or ruling of the Stewards may apply to the Commission for a review of such Stewards' order or ruling.

### 19.2.2 Stays

19.2.2.1 A person who has been disciplined by a ruling of the stewards and who has applied under 19.2.1 to the Commission for a review of such Stewards' order or ruling may apply to the executive director for a stay of the ruling until the scheduled hearing date of the Commission's review of such Stewards' order or ruling. If the scheduled hearing date of the Commission's review of such Stewards' order or ruling is continued pursuant to Rule 19.6, the stay will continue to the rescheduled hearing date only upon the approval of the executive director.

19.2.2.2 An application for a stay must be filed with the Commission's executive director not later than the deadline for filing an appeal.

19.2.2.3 An application for a stay must be in writing and include:

19.2.2.3.1 The name, address and telephone number and signature of the person requesting the stay; and

19.2.2.3.2 A statement of the justification for the stay.

19.2.2.4 The executive director may grant a stay for cause. The executive director shall notify the person in writing of the decision. The executive director may rescind a stay granted under this subsection for reasonable cause.

19.2.2.5 The fact that a stay is granted is not a presumption that the ruling by the stewards is invalid.

## 19.3 Application for Review:

19.3.1 An application to the Commission for the review of a Steward's order or ruling must be made within forty-eight (48) hours after such order or ruling is issued by written or oral notice and shall:

19.3.1.1 Be in writing and addressed to the Commission's Administrator of Racing, accompanied by a filing fee in the amount of \$250 plus an additional fee to cover the cost of administrative expenses including court reporter costs. The Commission, for just cause, may refund the \$250 portion of the filing fee. In no event shall the advance payment of the court reporter's fee be refunded.

19.3.1.2 Contain the signature of the applicant and the address to which notices may be mailed to applicant;

19.3.1.3 Set forth the order or ruling requested to be reviewed and the date thereof;

19.3.1.4 Succinctly set forth the reasons for making such application;

19.3.1.5 Request a hearing;

19.3.1.6 Briefly set forth the relief sought; and

19.3.1.7 Provide assurance to the Commission that all expenses occasioned by the appeal will be borne by the applicant; and

19.3.1.8 Contain a sworn, notarized statement that the applicant has a good faith belief that the appeal is meritorious and is not taken merely to delay the penalty imposed by the stewards.

## 19.4 Disposition of Review Application:

19.4.1 After consideration of any such application for review, the Commission may grant the application, defer it or reject it. The applicant shall be advised of the Commission's disposition of his application for review.

## 19.5 Commission Hearing:

19.5.1 If the Commission grants any such application for review, before holding any hearing thereon, it shall:

19.5.1.1 Give written notice forthwith to the applicant and all other necessary parties personally or by mail, including:

19.5.1.1.1 Time and place of such hearing as designated by the Commission Chairman, but such time shall not be less than five (5) days and no more than thirty (30) days after service of notice unless at the request of a party and in order to provide a fair hearing.

19.5.1.1.2 Except to applicant, a copy of the application for review.

19.5.2 The Commission may request the Attorney General to appoint a special prosecutor to carry the burden of proof showing a Rule violation if the matter involves a Rule violation and requires a proceeding of an adversary nature, such prosecutor being an attorney who has had no prior participation in the matter on review.

- 19.5.3 The Commission may request the Attorney General, or a member of his staff other than the special prosecutor, to serve as law officer for the Commission to assist the presiding officer in rendering decisions of a judicial nature.
- 19.5.4 The Commission shall permit all parties that so desire to be represented by counsel and, to the extent it deems necessary or appropriate, shall permit all parties to respond and present evidence and argument on all issues involved.
- 19.5.5 The Commission may issue, under the hand of its Chairman and the seal of the Commission, subpoenas for the attendance of witnesses and the production of books, papers and documents, before the Commission, and may administer oaths or affirmations to the witnesses whenever, in the judgment of the Commission, it may be necessary for the effectual discharge of its duties.
- 19.5.6 If any person refuses to obey any subpoena or to testify or produce any books, papers or documents, then any Commissioner may apply to the Superior Court of the county in which he or the Commission may be sitting and, thereupon, the Court shall issue its subpoena requiring the person to appear and to testify or produce any books, papers or documents.
- 19.5.7 Whoever fails to obey or refuses to obey a subpoena of the Superior Court shall be guilty of contempt of court and shall be punished accordingly.
- 19.5.8 False swearing on the part of any witness shall be deemed perjury and shall be punished as such.
- 19.5.9 All tape recordings or stenographic recordings taken and transcriptions made of the hearing or any part thereof shall be paid for by such parties as request that such a tape or stenographic record be made of the hearing, except that additional transcripts thereof shall be paid for by the person desiring such copies.
- 19.5.10 The Commission may exclude evidence that is irrelevant, immaterial or unduly repetitious and may admit evidence that would be inadmissible under the Civil Rules of Procedure but is evidence of the type commonly relied upon by reasonably prudent men in the conduct of their affairs.
- 19.5.11 All or part of the evidence may be received in written form if the interest of the appearing parties will not be substantially prejudiced thereby.
- 19.5.12 The Commission may take official notice of technical facts or customs or procedures common to racing.
- 19.5.13 The Commission may make an informal disposition of the matter by stipulation, agreed settlement, consent order or default.
- 19.5.14 Upon conclusion of the hearing, the Commission shall take the matter under advisement, shall render a decision as promptly as possible and shall issue a ruling in final adjudication of the matter. Such ruling shall set forth the name of every person charged with a Rule violation; the Rule number and pertinent parts of the Rule alleged to have been violated; a separate statement of reasons for the decision; and penalties fixed by the Commission, if any. Copies of such ruling shall be delivered to each party in interest, posted in the Racing Secretary's office of the Licensee where the matter arose and forwarded to the national office of the National Association of State Racing Commissioners.
- 19.5.15 The Commission, for just cause, may refund the filing fee to the applicant.

Added: 9/27/94

#### 19.6 Continuances:

- 19.6.1 All applications for a continuance of a scheduled hearing shall be in writing, shall set forth the reasons therefore and shall be filed with the Commission's executive director after giving notice of such application by mail or otherwise to all parties or their attorneys, including counsel for the stewards. The Commission will not consider any continuance request from counsel for an appellant unless counsel has filed a written entry of appearance with the Commission. For attorneys who are not members of the Delaware bar, those attorneys must comply with the provisions of Delaware Supreme Court Rule 72 for admission pro hac vice before the Commission. The Commission will not consider any continuance request from attorneys who are not members of the Delaware bar unless and until that attorney has been formally admitted under Delaware Supreme Court Rule 72 as the attorney of record for the appellant.
- 19.6.2 When application is made for continuance of a cause because of the illness of an applicant, witness or counsel, such application shall be accompanied by a medical certificate attesting to such illness and inability.
- 19.6.3 An application for continuance of any hearing must be received by the Commission at least ninety-six (96) hours prior to the time fixed for the hearing. An application received by the Commission within the 96-hour period will not be granted except for extraordinary reasons. The Commission will not consider any request for a continuance absent evidence of good cause for the request. A failure by an appellant to take reasonable action to retain counsel shall not be considered good cause for a continuance.

19.6.4 If the Commission approves the application for continuance, it shall, concurrently with such postponement, set a date for the continued hearing.

19.6.5 The executive director shall have authority and discretion to grant or deny applications for continuance in accordance with these rules.

**3 DE Reg. 1541 (05/01/00)**

**7 DE Reg. 316 (09/01/03)**

**8 DE Reg. 1289 (03/01/05)**

**8 DE Reg. 1699 (06/01/05)**

**12 DE Reg. 1408 (05/01/09)**

**19 DE Reg. 32 (07/01/15)**

## **20.0 Amendments to Rules**

- 20.1 **Right to Modify Reserved:** The Commission reserves its statutory right at any time or times to modify or abrogate further the rules and regulations of the Jockey Club and/or of the National Steeplechase and Hunt Association by canceling, or by revising and amending, or by adding to, the foregoing Rules of Racing governing all horse racing on the flat or over jumps for any stake, purse or reward which is conducted within the State of Delaware.
- 20.2 **Notice of Modification:** In the event of any such modification or abrogation of the rules of the Jockey Club or of the National Steeplechase and Hunt Association, the Commission will give notice thereof to the Jockey Club or to the National Steeplechase and Hunt Association, as the case may be, and afford such organization an opportunity to be heard respecting such rule change.
- 20.3 **Distribution of Rules:** A reasonable number of copies of these Rules of Racing for Delaware shall be provided to any Licensee hereunder and, upon the promulgation of any changes in such Rules, any Licensee hereunder shall be provided promptly with a copy of all such changes.

## **21.0 Substance Abuse or Addiction**

- 21.1 **Statement of Purpose.** The rules in this part establish and describe requirements, criteria, standards and procedures designed to monitor, test for and ultimately control the use of alcohol and drugs by persons within the jurisdiction of the Delaware Thoroughbred Racing Commission. The purpose of these rules is to eliminate substance abuse and thereby enhance the safety, integrity and decorum of horse racing in the State of Delaware. The Commission shall promulgate administrative regulations for effectively preventing the use of improper devices, the administration of drugs or stimulants or other improper acts for the purpose of affecting the speed or health of horses in races in which they are to participate. The Commission is also authorized to promulgate administrative regulations for the legal drug testing of licensees. The Commission is authorized to contract for the maintenance and operation of a testing laboratory and related facilities, for the purpose of saliva, urine, or other tests for enforcement of the Commission's drug testing rules. The licensed persons or associations conducting thoroughbred racing shall reimburse the Commission for all costs of the drug testing programs established pursuant to this section. Increases in costs of the aforementioned testing program shall be reasonable and related to the expansion in the number of days of racing and the number of races held, the need to maintain competitive salaries, and inflation. The Commission may not unreasonably expand the drug testing program beyond the scope of the program in effect as of June 30, 1998. Any decision by the Commission to expand the scope of the drug testing program that occurs after an administrative hearing, at which the persons or associations licensed under 3 **Del.C.** §10121 consent to such expansion, shall not be deemed an unreasonable expansion for purposes of this section. The Commission, in addition to the penalties contained in 3 **Del.C.** §10125, may impose penalties on licensees who violate the drug testing regulations including the imposition of fines or assessments for drug testing costs.
- 21.2 **Scope.** These rules shall be deemed to apply to every licensed person and all employees of licensees within the jurisdiction of the Delaware Thoroughbred Racing Commission. Exception -- Owners who are licensees of the Commission are not subject to this part unless they are otherwise eligible as a result of holding another type of license.
- 21.3 **Violations**
  - 21.3.1 It shall be a violation of the rules of racing, subjecting the offender to discipline by the Commission or its designee:
    - 21.3.1.1 To possess, without a valid prescription, any controlled substance while on the premises of a horse racing enclosure within the jurisdiction of the Delaware Thoroughbred Racing Commission;

- 21.3.1.2 Any individual possessing or under the influence of a prescription medication shall produce for inspection a valid prescription for the medication within twenty-four (24) hours upon demand by the Commission or its designee. The failure to produce the prescription at this time constitutes a separate violation.
- 21.3.1.3 To be intoxicated or under the influence of alcohol or a controlled substance while on the premises of a horse racing enclosure within the jurisdiction of the Delaware Thoroughbred Racing Commission;
- 21.3.1.4 To engage in the illegal sale or distribution of alcohol or a controlled substance;
- 21.3.1.5 To possess any equipment, products or materials of any kind which are used or intended for the use of planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, possessing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled dangerous substance while on the premises of a horse racing enclosure within the jurisdiction of the Delaware Thoroughbred Racing Commission;
- 21.3.1.6 To refuse to submit to urine or drug testing, when notified that such testing is based upon a random drug testing procedure, or is based upon reasonable suspicion that the person to be tested is using drugs or alcohol, or is based upon actions which demonstrate that the individual is impaired.

#### 21.4 Testing Procedures - General

- 21.4.1 At its discretion, the Commission or its designee may conduct random or episodic drug and/or alcohol testing, as well as testing based upon reasonable suspicion in order to ensure the safety, integrity and decorum of Delaware thoroughbred racing.
- 21.4.2 Any licensed person and all employees of licensees within the jurisdiction of the Delaware Thoroughbred Racing Commission, except as noted in Rule 21.2, may be subjected to a urine test, blood test or any other test approved by the Commission in a manner prescribed by the Delaware Thoroughbred Racing Commission. The failure to submit to such a test when requested to do so by the Commission or their designee shall subject the offender to discipline as provided in Rule 21.8.
- 21.4.3 No prior notice need be given as to the onset or cessation of random testing.
- 21.4.4 Testing based on reasonable suspicion will be conducted just before, during, or just after performance of duties when a supervisor or company official observes behavior or appearance that is characteristic of drug or alcohol misuse and/or has reasonable suspicion to believe the individual has violated the Commission's prohibitions on drug or alcohol use.
- 21.4.5 Random testing will be conducted on a random, unannounced basis just before, during or just after performance of duties. Names of individuals to be tested will be selected randomly. If a name is selected more than once in the same month, it will be eliminated and another selection will be made. If a name is selected and the individual cannot be tested within the month, the Commission may test the individual at another time. Once notified of a random test, an employee must proceed immediately to the test site.
- 21.4.6 Return-to-duty testing will be conducted when an individual has violated the Commission's prohibitions on drug or alcohol use and returns to duty.
- 21.4.7 Follow-up testing will be conducted after there has been a determination that an employee is in need of assistance in resolving problems associated with drug or alcohol misuse. Tests will be unannounced and conducted just before, during or just after the performance of duties. Follow-up testing may be extended for up to sixty (60) months following return to duty.

#### 21.5 Testing Procedures - Urine and Blood Testing

- 21.5.1 Any licensed person and all employees of licensees within the jurisdiction of the Delaware Thoroughbred Racing Commission, except as noted in Rule 21.2, who has been requested to submit to a test for the presence of drugs or alcohol shall provide the requested sample without unreasonable delay to the designee of the Commission. The sample so taken shall be immediately sealed and tagged for identification. The sealing and tagging of the sample shall be witnessed by the individual tested. It shall be the obligation of the individual tested to cooperate fully with the representative of the Commission obtaining and securing a sample.
- 21.5.2 If a field screening test indicates the presence of alcohol or a controlled substance, the test results shall be confirmed by a laboratory acceptable to the Commission. When sample quantity permits, each test sample shall be divided into portions so that one portion may be used to confirm the field screening test and another portion may be used by the individual tested to obtain an independent analysis of the sample.
- 21.5.3 A portion of the test sample will be provided to a laboratory or testing facility, designated by the individual tested, when quantity permits, only upon written request. To protect the security of the chain of custody,

the laboratory performing the initial test under Rule 21.5.2 will arrange for transportation of any remaining sample to the facility so designated by the individual for testing. All cost for the transportation and testing of the sample portion so provided shall be the financial responsibility of the requesting person. Payment for the costs of the transportation and testing of this portion of the sample shall be due from the individual tested within fifteen (15) days of the receipt of written notice of the costs.

21.5.4 Any individual may choose to submit to a blood test at a laboratory acceptable to the Commission instead of submitting to a urine test. An individual so choosing must announce the intention to forego the urine test and to obtain a blood test without delay, and proceed to the laboratory for the testing procedure.

21.5.5 If a field screening test has been performed, and the individual conducting the field test has reason to believe that the test results are inaccurate, the individual tested may be directed to submit to a blood test at a laboratory acceptable to the Commission.

#### 21.6 Testing Procedures -- Breathalyzer Tests

21.6.1 Every licensed person and all employees of licenses within the jurisdiction of the Delaware Thoroughbred Racing Commission shall, except as noted in Rule 21.2, when directed by the Commission or their designee, submit to a breathalyzer test. If the results of a breathalyzer test indicate the presence of alcohol in the blood in an amount equal to or greater than .05%, such person shall be immediately suspended for twenty-four (24) hours. Any individual so suspended shall not be allowed to return to his or her duties within the horse racing enclosure until such a time as a breathalyzer test demonstrates a reading of less than .05% of alcohol. Any individual who records a reading above the prescribed level on more than one (1) occasion in a calendar year, shall be subject to the penalties as provided in Section 21.8.

21.6.2 Any individual who has been requested to submit to a breathalyzer test may instead choose to submit to a blood test at a laboratory acceptable to the Commission provided that the test is taken within four (4) hours of the request. An individual so choosing must announce the intention to forego the breathalyzer test and to obtain a blood test without delay, and proceed immediately to the laboratory for the testing procedure.

21.6.3 If a field screening test has been performed and the individual conducting the field test has reason to believe that the test results are inaccurate, the individual tested may be directed to submit to a blood test at a laboratory acceptable to the Commission.

#### 21.7 Reporting Requirements - Confidentiality

21.7.1 It shall be the obligation of the individual conducting the test to report, in writing, to the Chairman of the Commission or the Chairman's designee. The individual conducting the test shall immediately report any test indicating the presence of alcohol or controlled substances to the Chairman or the Chairman's designee. In addition, on a schedule to be set by the Commission, the individual conducting the test shall make a written report to the Commission of the number of people tested each day, the names of the individuals tested each week, the number of tests which were found "positive" in any field screening test and the number confirmed to be "positive" by laboratory testing.

21.7.2 Any information received and records retained in the process of obtaining a test sample including, but not limited to, medical information, information regarding the lawful use of prescription medication, the results of any tests and any reports filed as a result of attending any approved treatment program shall be treated as confidential, except for their use in a ruling issued pursuant to this rule, or any administrative or judicial hearing with respect to such a ruling. Access to the information received and/or reports generated shall be limited to the Commissioners of the Delaware Thoroughbred Racing Commission, the Commission's designee, the Secretary of the Department of Agriculture and employees of the office of the Attorney General.

21.7.3 Information received and reports generated pursuant to this rule shall be stored in the office of the Chairman of the Commission for a period of three (3) years. After three (3) years, they may be destroyed at the discretion of the Commission. The Commission may maintain information received and reports on individuals violating this rule for the purposes of recording the number of violations and results of treatment programs, should future violations occur.

#### 21.8 Penalties

21.8.1 These penalties apply to any individual who tests "positive" for a controlled substance or tests "positive" on a breathalyzer test for a second time.

21.8.2 The individual shall be suspended from their duties; and

21.8.3 The individual shall submit to a professional evaluation by a substance abuse professional approved by the Commission or its designee. If the substance abuse professional determines that the individual requires rehabilitation, the individual must properly follow the prescribed rehabilitation program, and will be subject to follow-up testing, as described above and in accordance with any direction of the rehabilitation counselor. The suspension shall not be lifted until:

- 21.8.4 The Commission or its designee makes a finding that the individual's condition is not detrimental to the best interest of racing;
- 21.8.5 The individual can produce a negative test result performed at a laboratory designated by the Commission at the individual's expense;
- 21.8.6 The individual successfully completes any prescribed rehabilitation program and/or is certified as ready to return to work by the rehabilitation professional; and
- 21.8.7 The individual shall be placed on probation for a period of one (1) year from the date of the violation. The individual shall be subject to mandatory follow-up testing at the discretion of the Commission and/or the substance abuse counselor or program during the period of probation. The expense of such further mandatory testing may be at the individual's expense. The laboratory testing facilities, as well as the date, time and frequency of the tests are at the sole discretion of the Commission or their designee.
- 21.9 For the individual's second violation of these rules (third positive test on a Breathalyzer):
  - 21.9.1 The individual shall be required to enroll in a rehabilitation program approved by the Commission. Inquiries as to whether a particular program meets the approval requirements of this rule shall be referred to the Commission or its designee; and
  - 21.9.2 The individual shall be suspended for a minimum of six (6) months or until the requirements of this subsection are fulfilled, whichever is greater; and
  - 21.9.3 The individual shall be placed on probation for a period of two (2) years following the suspension. During the period of suspension and probation, the individual shall be subject to mandatory testing at the discretion of the Commission or its designee. Further mandatory tests shall be at the expense of the individual. The laboratory, date, time and frequency of the test are within the sole discretion of the Commission or its designee.
  - 21.9.4 For an individual's third violation (fourth positive test on a Breathalyzer), the individual shall be banned from participating in horse racing within the jurisdiction of the Delaware Thoroughbred Racing Commission. The individual may apply to the Commission to have the ban lifted after not less than five (5) years have elapsed since the last violation. The decision to lift or not to lift the ban is within the sole discretion of the Commission except that no individual is eligible to have a ban lifted without documentary evidence of satisfactory completion of an in-house substance abuse program approved by the Commission.
  - 21.9.5 In addition to any other requirements specified in Rule 21.8, the Delaware Thoroughbred Racing Commission may require an individual to submit additional proof of rehabilitation as may be requested in view of the professional evaluation and other facts and circumstances surrounding the violation.

Added: 2/22/95

Revised: 10/26/95

Revised: 8/27/96

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|-----------------------------------|---|
| <b>1 DE Reg. 508 (11/01/97)</b>   | <b>1 DE Reg. 1184 (02/01/98)</b>          |
| <b>3 DE Reg. 754 (12/01/99)</b>   | <b>3 DE Reg. 1541 (05/01/00)</b>          |
| <b>4 DE Reg. 179 (07/01/00)</b>   | <b>4 DE Reg. 1131 (01/01/01)</b>          |
| <b>4 DE Reg. 1821 (05/01/01)</b>  | <b>6 DE Reg. 641 (11/01/02)</b>           |
| <b>6 DE Reg. 1205 (03/01/03)</b>  | <b>7 DE Reg. 766 (12/01/03)</b>           |
| <b>7 DE Reg. 1540 (05/01/04)</b>  | <b>8 DE Reg. 1289 (03/01/05)</b>          |
| <b>8 DE Reg. 1699 (06/01/05)</b>  | <b>10 DE Reg. 546 (09/01/06)</b>          |
| <b>10 DE Reg. 1581 (04/01/07)</b> | <b>11 DE Reg. 1374 (04/01/08)</b>         |
| <b>12 DE Reg. 1514 (06/01/09)</b> | <b>14 DE Reg. 1047 (04/01/11)</b>         |
| <b>15 DE Reg. 520 (10/01/11)</b>  | <b>15 DE Reg. 1584 (05/01/12)</b>         |
| <b>16 DE Reg. 1265 (06/01/13)</b> | <b>17 DE Reg. 1061 (05/01/14)</b>         |
| <b>17 DE Reg. 1178 (06/01/14)</b> | <b>18 DE Reg. 961 (06/01/15)</b>          |
| <b>19 DE Reg. 32 (07/01/15)</b>   | <b>19 DE Reg. 137 (08/01/15)</b>          |
| <b>19 DE Reg. 1010 (05/01/16)</b> | <b>20 DE Reg. 889 (05/01/17)</b>          |
| <b>22 DE Reg. 295 (10/01/18)</b>  | <b>22 DE Reg. 468 (12/01/18)</b>          |
| <b>22 DE Reg. 1000 (06/01/19)</b> | <b>24 DE Reg. 47 (07/01/20)</b>           |
| <b>24 DE Reg. 996 (05/01/21)</b>  | <b>24 DE Reg. 997 (05/01/21)</b>          |
| <b>25 DE Reg. 507 (11/01/21)</b>  | <b>25 DE Reg. 1058 (06/01/22) (Emer.)</b> |

