

OKLAHOMA HORSE RACING COMMISSION

**PROPOSED RULE AMENDMENTS TO
EIGHT RACING RULES & 1 GAMING RULE**

Under permanent rulemaking procedures, the Commission is considering amendments to the following eight racing rules in OHRC *Rules of Racing* and one gaming rule in OHRC *Rules for Racetrack Gaming*:

Racing Rules

Rule 325:15-1-2, Definitions [for Program Trainer]

Rule 325:15-5-3, Employment of Unlicensed Person

Rule 325:15-5-20, Program Trainer Prohibited

Rule 325:20-1-22, Duties of the Racing Veterinarian

Rule 325:25-1-5, Entries

Rule 325:25-1-32, Coggins Test

Rule 325:40-1-2, Definitions [for Certified Veterinary Assistant]

Rule 325:40-1-3, Veterinary Practices-Treatment Restricted

Gaming Rule

Rule 325:80-15-1, Application Required [for Independent Testing Laboratories]

NOTE TO READER:

Proposed deletion is shown in bold and strikethrough fonts

Proposed addition is shown in bold and underline fonts

Rule 325:15-1-2, Definitions

A “Program Trainer” is a licensed Trainer who, for the purposes of the official Race program, is identified as the Trainer of a horse which is actually under the control of and/or trained by another person.

Rule 325:15-5-3, Employment of Unlicensed Person

No organization, Owner, Trainer or other licensee acting as an employer within the enclosure at an authorized race meeting shall employ or harbor within the enclosure any person required to be licensed by the Commission until such organization, Owner, Trainer, or other employer determines that such person required to be licensed has been issued a ~~valid~~ **current** license by the Commission **and that license allows their participation in the capacity for which they are employed.** No organization shall permit any Owner, Trainer, Jockey, Apprentice Jockey, or Exercise Rider to own, train, or ride a horse on its premises during a recognized race meeting unless such person has obtained the appropriate license(s) from the Commission. The organization or prospective employer may demand for inspection the license of any person participating

or attempting to participate at its race meeting, and the organization may demand for inspection the documents relating to any horse within the enclosure.

Rule 325:15-5-20, Program Trainer Prohibited

~~No licensed Trainer, for the purpose of avoiding his/her responsibilities or insurance requirements as set forth in the rules of this Subchapter, shall place any horse in the care or attendance of any other Trainer. No licensee shall act as a Program Trainer, nor shall any licensee use the services of a Program Trainer.~~

Rule 325:20-1-22, Duties of the Racing Veterinarian

The Racing Veterinarian must be a graduate veterinarian and licensed to practice in the State of Oklahoma. The Racing Veterinarian shall be present in the paddock on the racing course, and at the starting gate during the saddling, the parade, and until the horses are dispatched from the gate for the race; ~~and~~ shall examine any horse when there is a question as to the physical condition of such a horse; **and, as the Stewards or the Official Veterinarian require, shall conduct pre-race examinations of entered horses.** He or she shall report any horse, which in their opinion is incapable of physically exerting its best effort to win, to the Stewards, who may scratch such horse from the race. The Racing Veterinarian shall examine any horse which appears in physical distress during the race, at the finish of the race; and s/he shall report such horse together with their opinion as to the cause of the distress to the Stewards and to the Official Veterinarian. No Racing Veterinarian shall directly treat or prescribe for any horse scheduled to participate during their term of appointment at any recognized meeting except in an emergency. The Racing Veterinarian has the authority to treat any horse in the event of an emergency, accident or injury; and s/he is authorized to humanely destroy any horse which in their opinion is so seriously injured that it is in the best interests of racing to so act; and every horse owner and Trainer participating in Commission- licensed racing does consent to the humane destruction of such animal. In the case of a horse which has suffered a catastrophic injury, the Racing Veterinarian may obtain a blood sample from the injured horse prior to taking any humane actions necessary. If the trainer is immediately available, he or she may witness the collection process. If the trainer is not immediately available to witness the collection process, any other **Commission-**licensed individual shall act as the witness to the collection process.

Rule 325:25-1-5, Entries

No horse shall be entered in more than one (1) race on the same day. No person shall enter or attempt to enter a horse in a race unless such entry is a bona fide entry made with the intention that such horse is to compete in the race for which entry is made except, if race conditions permit, for entry back in finals or consolations involving physically disabled or dead qualifiers for purse payment purposes. No Trainer who is an Owner or part Owner of a horse may enter that horse under the name of another Trainer in ~~the same race~~ **any overnight race.**

325:25-1-32, Coggins Test

No horse shall be allowed ~~to enter an Oklahoma racetrack race in Oklahoma~~ unless it has had a Coggins test conducted within 12 months and with a negative result. The test record may be a copy of the original Coggins test. taken within 12 months of the date of the race in question with a negative result. Record of the negative test for a race horse entering a race shall be the original VS Form 10-11 or an approved electronic version attached to the registration papers of the horse and conducted within 12 months of the race in question. The trainer of the race horse is responsible for insuring that a negative Coggins test result is in the racing secretary's office as required by this rule. Failure to comply subjects the Licensee to disciplinary action.

Rule 325:40-1-2, Definitions

"Certified Registered Veterinary Technician" means a person who is ~~certified registered as an Animal Technician or Veterinarian Technician~~ by the Oklahoma Board of Veterinary Medical Examiners and licensed by the Commission as a Certified Registered Veterinary Technician. A licensed Certified Registered Veterinary Technician must perform all work on the racetrack enclosure under the direct supervision of a Veterinarian licensed in Oklahoma, except that a Certified Registered Veterinary Technician shall not be permitted to administer medication to any entered horse.

Rule 325:40-1-3, Veterinary Practices - Treatment Restricted

No person other than an Oklahoma-licensed Veterinarian or Certified Registered Veterinary Technician under the direct supervision of a licensed Veterinarian who has obtained a license from the Commission shall administer to any horse within the enclosure any veterinary treatment or any medicine, medication, or other substance recognized as a medication, except for recognized feed supplements or oral tonics or substances approved by the Official Veterinarian. "Administer" shall be defined as anything permitted under the Oklahoma Veterinary Practice Act [59 O.S., § 698.1 et seq.] or allowed for a Certified Registered Veterinary Technician under the Oklahoma Veterinary Practice Act, except a Certified Registered Veterinary Technician shall not be permitted to administer medications to any entered horse.

Rule 325:80-15-1, Application Required

Testing laboratories that wish to function as a Commission-approved Independent Testing Laboratory must apply to be issued an Independent Testing Laboratory License. The application must be accompanied by the required application fee and an investigation fee in an amount equal to one-half of the license fee. The deadline for renewal license applications is October 1 of the current license year.

(1) In addition to other information required on the application, any applicant must provide the following information for each of the last three years:

(A) address of main office and number of square feet used for testing;

(B) addresses of all satellite offices, if any, and number of square footage;

- (C) number of full-time employees;
 - (D) number of machines tested;
 - (E) list of states for which the Laboratory has performed tests;
 - (F) list of countries for which the Laboratory has performed tests;
 - (G) list of states and countries in which the Laboratory has been licensed or certified.
- (2) In addition, the Commission review of consideration of an application for an Independent Testing Laboratory shall include:
- (A) For the testing laboratory and its parent corporation, if any, a complete corporate financial disclosure and review; a complete disclosure and review of any criminal proceedings, civil litigation or investigations by a regulatory entity; and an evaluation of its corporate good standing in the jurisdiction(s) where it is incorporated and/or does business.
 - (B) For its principal shareholders (10% or greater) and its officers and directors, a complete individual financial disclosure and review; a complete disclosure and review of any criminal proceedings, civil litigation or investigations by a regulatory entity; and a finding of suitability.
 - (C) The testing laboratory will demonstrate its relevant technical skill and capability by providing evidence of suitable testing previously conducted for state or tribal regulatory authorities. The Commission's Law Enforcement Division may conduct an on-site review of the testing laboratory's facilities as part of its evaluation and will be satisfied that the testing laboratory is qualified and competent to perform the testing required before making any recommendation for approval to the Commission. The frequency of the on-site review will be recommended by the Commission Law Enforcement Division's Director to the Commission Executive Director.
 - (D) The testing laboratory must have in-house staff personnel in the following categories:
 - (i) Mathematicians
 - (ii) Mechanical, electrical and software engineering staff
 - (iii) Compliance engineering staff
 - (iv) Accounting system and communication protocol engineering specialists
 - (v) High-level engineering staff for new and current technology
 - (vi) Quality assurance staff
 - (E) The testing laboratory must have the ability to provide twenty-four hour, seven-day a week support for the Commission, including in-house personnel coverage.
 - (F) The testing laboratory must provide training and support staff for on-site field inspections to assist and/or train Gaming Agents on the security, compliance and accounting/auditing practices that should be used, with expenses paid by the testing laboratory.
 - (G) The testing laboratory must provide a quality assurance staff that verifies each test result.
 - (H) The testing laboratory must conduct an annual due diligence investigation on each employee of the testing laboratory and maintain such due diligence files on each employee.
 - (I) The testing laboratory must have physical building security in terms of surveillance systems and alarms to protect confidential information.
 - (J) The testing laboratory must demonstrate that it possesses multiple units of the approved signature device(s); that it provides signatures of the approved software with each certification which will assist in the conduct of field audits of the equipment; and that the Laboratory has the ability to provide the specifications on the various software verification methods (i.e., KOBETRON, DataMan and other types of algorithms that allow checking of gaming equipment) to assist the Commission in determining which verification tools will be acceptable.

(K) The testing laboratory must have adequate equipment to support the submissions for testing and also, additional units available for on-site inspections when laboratory presence is requested; must provide the requested signatures by taking those signatures at the Laboratory prior to storage of the storage media independent of the supplier; and a testing laboratory shall not rely on supplier-generated signatures.

(L) During the detailed communication protocol tests that are performed on the device side and the system side, the testing laboratory must use testing tools and testing techniques that are developed in compliance with the protocol used. The testing laboratory must have the ability to develop such tools independently without having to rely on the Manufacturer for the equipment.

(M) The testing laboratory must demonstrate that the testing it performs includes complete detailed tests to examine all external and internal functions, such as examinations of memory and communication protocol with all devices, of the gaming equipment being tested.

(N) The testing laboratory must have a national reputation for honesty, independence, competence and timeliness.