

APPENDIX A

KENTUCKY STATUTES AND REGULATIONS

I. JOCKEY

A. 810 KAR 1:009 Section 10. Duty to Fulfill Engagements. Every rider shall fulfill his duly scheduled riding engagements, unless excused by the stewards due to circumstances under which a jockey could not reasonably be expected to be physically present at the required time. A rider shall not be required to ride a horse he believes to be unsound, nor over a racing strip he 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, the rider may be subject to disciplinary action.

B. 810 KAR 1:009 Section 11(2). Presence in Jockey Room. Each rider reporting to the jockey room shall remain in the jockey room until he has fulfilled all his riding engagements for the day, except to ride in a race, or except to view the running of a race from a location approved by the stewards. While a rider is outside of the jockey room, a rider shall not have contact or communication with any person other than an owner or trainer for whom he is riding, a racing official, or a representative of the regular news media, until the rider has fulfilled all his riding engagements for the day.

C. 810 KAR 1:016 Section 14. Horses to be Ridden Out. Every horse in every race shall 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. A horse shall not be eased up without adequate cause, even if it has no apparent chance to earn a portion of the purse money.

D. 810 KAR 1:025 Section 14(1)(Q). License Denial, Revocation, or Suspension. The commission, executive director, chief racing steward, or director of licensing may deny a license application, and the commission or chief state steward may suspend or revoke a license, or otherwise penalize in accordance with KRS 230.320(1) a licensee, or other person participating in horse racing, for any of the following reasons . . . (q) The licensee or applicant has engaged in conduct that is against the best interest of horse racing . . .

II. STEWARDS

A. 810 KAR 1:004 Section 3. General Powers of Stewards. The stewards shall exercise immediate supervision, control, and regulation of racing at each licensed race meeting on behalf of and responsible only to the commission.

B. 810 KAR 1:004 Section 4(1) and (8). Duties and Responsibilities of Stewards. In addition to the duties and responsibilities necessary and pertinent to general supervision, control, and regulation of race meetings, and without limiting the authority of the stewards to perform these and other duties enumerated in these administrative regulations, the stewards shall have the following specific duties and responsibilities:

(1) To take appropriate action on all misconduct or administrative regulation infractions, to cause investigations to be made of all instances of possible infractions, and to take appropriate action to prevent an administrative regulation infraction.

(8) To supervise the taking of entries and receive all declarations and scratches and determine all questions arising and pertaining to declarations and scratches. The stewards in their discretion may refuse the entry of any horse by any person, refuse to permit a declaration or scratch, or may limit entries.

C. 810 KAR 1:012 Section 9(1). Serviceable for Racing. A horse shall not be entered or raced that:

(1) Is not in serviceable, sound racing condition. The stewards may at any time cause a horse on association grounds to be examined by a qualified person.

D. 810 KAR 1:016 Section 14. Horses to be Ridden Out. Stewards shall take cognizance of any marked reversal of form of a horse and shall conduct inquiries of the licensed owner, licensed trainer, and all other persons connected with the horse. If the stewards find that the horse was deliberately restrained or impeded in any way or by any means so as not to win or finish as near as possible to first, any person found to have contributed to that circumstance may be penalized at the discretion of the stewards.

E. 810 KAR 1:018 Section 11. Sample Collection, Testing, and Reporting. Sample collection shall be done in accordance with the instructions provided by the commission veterinarian. The commission veterinarian shall take a sample from a horse that finished first in a race and a horse or horses designated by the stewards to determine if there has been a violation of this administrative regulation.

F. 810 KAR 1:027 Entries. Section 15(1) and (5). Scratches. Scratches shall be irrevocable and shall be permitted under the following conditions:

(1)(a) Except as provided in paragraph (b) of this subsection, a horse may be scratched from a stakes race for any reason at any time until four hours prior to post time for the race by obtaining written approval from the stewards. Upon receiving a scratch from a stakes race, the racing secretary shall promptly notify the

stewards and pari-mutuel manager, and shall cause public announcement of the scratch to be made.

(b) If a list of also-eligibles has been drawn, scratches shall be filed at the regular scratch time as posted by the racing secretary. Thereafter, a horse shall not be scratched unless:

1. A valid physical reason exists; or
2. The scratch is related to adverse track conditions or change of racing surface.

(5) A horse that has been scratched or excused from starting by the stewards because of a physical disability or sickness shall be placed on the commission's veterinarian list for six (6) calendar days beginning the day after the horse was scratched or excused.

III. TRAINER

A. 810 KAR 1:008 Sections 3(4) and (9). Duties and Responsibilities. A licensed trainer shall bear primary responsibility for the proper care, health, training condition, safety, and protection against the administration of prohibited drugs or medication of horses in his charge. A licensed trainer:

(4) Shall bear primary responsibility for horses he enters as to eligibility; weight allowance 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 licensed trainer shall be jointly responsible with the licensed owner for horses he enters as to stakes payments and jockey fees due.

(9) Shall promptly report to the [commission] veterinarian or horse identifier any sickness or death of any horse in his charge.

B. 810 KAR 1:018 Medication; testing; prohibited practices. Section 15(1) and (5). Trainer Responsibility. (1) A trainer shall be responsible for the condition of a horse in his or her care.

(5) A trainer shall be responsible for:

(c) The proper identity, custody, care, health, condition, and safety of horses in his or her care;

(k) Ensuring the fitness of every horse in his or her care to perform creditably at the distance entered.

IV. OTHER

A. 810 KAR 1:028 Section 10. Disciplinary measures by the commission.

Upon finding a violation or an attempted violation of the provisions of KRS Chapter 230 relating to thoroughbred racing or Title 810 KAR, if not otherwise provided for in this administrative regulation, the commission may impose one (1) or more of the following penalties:

(a) If the violation or attempted violation may affect the health or safety of the horse or a participant in a race or may affect the outcome of a race, declare a horse or a licensee ineligible to race or disqualify a horse or licensee in a race;

(b) Suspend or revoke a person's licensing privileges for a period of time of not more than five (5) years as may be deemed appropriate by the commission in keeping with the seriousness of the violation; or

(c) Eject or exclude persons from association grounds for a length of time the commission deems necessary.

(2) The licensee whose licensing privileges may be suspended or revoked and the commission may enter into an agreement to mitigate the suspension or revocation by agreeing to payment of a fine in an amount not to exceed \$50,000 as may be deemed appropriate by the commission in keeping with the seriousness of the violation and the facts of the case.

B. GENERAL AUTHORITY OF COMMISSION

1. **KRS 230.215(2)**. It is hereby declared the purpose and intent of this chapter in the interest of the public health, safety, and welfare, to vest in the racing commission forceful control of horse racing in the Commonwealth with plenary power to promulgate administrative regulations prescribing conditions under which all legitimate horse racing and wagering thereon is conducted in the Commonwealth so as to encourage the improvement of the breeds of horses in the Commonwealth, to regulate and maintain horse racing at horse race meetings in the Commonwealth of the highest quality and free of any corrupt, incompetent, dishonest, or unprincipled horse racing practices, and to regulate and maintain horse racing at race meetings in the Commonwealth so as to dissipate any cloud of association with the undesirable and maintain the appearance as well as the fact of complete honesty and integrity of horse racing in the Commonwealth. In addition to the general powers and duties vested in the racing commission by this chapter, it is the intent hereby to vest in the racing commission the power to eject or exclude from association grounds or any part thereof any person, licensed or unlicensed, whose conduct or reputation is such that his presence on association grounds may, in the opinion of the racing commission, reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of horse racing.

2. **KRS 230.225(7)(a).** The Commission is responsible for developing policies and procedures for oversight and regulation of horse racing matters, including but not limited to race day medication.

V. VETERINARIANS

A. **810 KAR 1:024 Section 4. Commission Veterinarian.** The commission shall employ a graduate veterinarian licensed in Kentucky and experienced in equine medicine and practice.

- (1) The commission veterinarian shall:
 - (a) Advise the commission and the stewards on all equine veterinary matters;
 - (b) Supervise and control the detention area;
 - (c) Collect samples for the testing of horses for prohibited medication as outlined in 810 KAR 1:018;
 - (d) Inspect and report all horses entered for racing soundness;
 - (h) Be attendant on the stewards and the racing secretary at scratch time each day;
 - (i) Examine horses as racing officials may request;
 - (j) Make prompt reports to the racing officials;
 - (k) Be present in the paddock for saddling;
 - (l) Inspect the horses for:
 1. Physical fitness;
 2. General conditions; and
 3. Any unsoundness;
 - (m) Accompany each field to the starting gate;
 - (n) Observe all horses after the finish of each field.
 - (2) The commission veterinarian shall have the authority to determine that:
 - (a) A horse has suffered an injury:
 1. While in the paddock;
 2. During the post parade; or
 3. At the starting gate; and
 - (b) A horse is unfit to race and shall recommend to the stewards that the horse be excused and placed on the veterinary list.
 - (3) All horses requested to be scratched for physical reasons after scratch time shall be inspected by a commission veterinarian, who shall report the condition of the horse to the stewards.