

**Andy Beshear**  
GOVERNOR

**Jacqueline Coleman**  
LIEUTENANT GOVERNOR

**PUBLIC PROTECTION CABINET**

**Kentucky Horse Racing  
Commission**  
4047 Iron Works Parkway  
Lexington, KY 40511  
Phone: (859) 246-2040  
Fax: (859) 246-2039

**Ray A. Perry**  
SECRETARY

**DJ Wasson**  
DEPUTY SECRETARY

**Jamie Eads**  
EXECUTIVE DIRECTOR

**Jonathan Rabinowitz**  
CHAIRMAN

March 14, 2024

Senator Stephen West, Co-Chair  
Representative Derek Lewis  
c/o Emily Caudill  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
083, Capitol Annex  
Frankfort, KY 40601

Re: 810 KAR 7:040: Kentucky Standardbred Development Fund and Kentucky Standardbred Breeders' Incentive Fund

Dear Co-Chairs West and Lewis:

Attached hereto is an Agency Amendment for 810 KAR 7:040: Kentucky Standardbred Development Fund and Kentucky Standardbred Breeders' Incentive Fund.

Sincerely,

Jennifer Wolsing  
General Counsel

1 PUBLIC PROTECTION CABINET

2 KENTUCKY HORSE RACING COMMISSION

3 (Amendment)

4 810 KAR 7:040.

5 Kentucky Standardbred Development Fund and Kentucky Standardbred Breeders' Incentive Fund.

6 RELATES TO: KRS 230.215, 230.260, 230.770, 230.802

7 STATUTORY AUTHORITY: KRS 230.215(2), 230.260(8), 230.770(1), (6), (7), 230.802(2)(b)

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) and 230.260(8) authorize the

9 Kentucky Horse Racing Commission to promulgate administrative regulations prescribing the

10 conditions under which horse racing shall be conducted in Kentucky and to fix and regulate the

11 minimum amount of purses, stakes, or awards to be offered for the conduct of any horse race

12 meeting. KRS 230.770(1) establishes the Kentucky standardbred development fund. KRS

13 230.770(6) and (7) authorize the commission to promulgate administrative regulations

14 establishing the eligibility of horses participating in races for which a portion of the purse is

15 provided by the Kentucky Standardbred Development Fund and the conditions, class, and quality

16 of the races. KRS 230.802(1) establishes the Kentucky standardbred breeders' incentive fund. KRS

17 230.802(2)(b) requires the commission to promulgate administrative regulations

1 establishing the conditions and criteria for the distribution of moneys from the fund. This  
2 administrative regulation establishes eligibility standards, administrative practices to enforce the  
3 standards, criteria for the distribution of moneys from these funds, mandatory criteria for races,  
4 and the administration of purses and payments in these races.

5 Section 1. Definitions.

6 (1) "Commission" means the Kentucky Horse Racing Commission.

7 (2) "Consolation" means the race following a series of preliminary legs for the next preferred  
8 horses, as established in Section 6 of this administrative regulation, which did not qualify for the  
9 finals of each racing division of the Kentucky Sire Stakes program.

10 (3) "Final" means the race following a series of preliminary legs established to determine the  
11 divisional champion of each racing division of the Sire Stakes Program.

12 (4) "Kentucky-bred" means a standardbred horse that is:

13 (a) Foaled out of a standardbred mare that is registered with the commission [~~and meets the~~  
14 ~~requirements of this administrative regulation~~]; or

15 (b) Sired by a standardbred stallion standing [~~residing~~] in Kentucky that is registered with the  
16 commission [~~that meets the requirements of this administrative regulation~~].

17 (5) "Kentucky Sire Stakes" means the series of races held annually in Kentucky for two (2) and  
18 three (3) year old Kentucky-bred fillies and colts, both trotting and pacing, and funded in whole  
19 or in part by the Kentucky Standardbred Development Fund or the Kentucky Standardbred  
20 Breeders' Incentive Fund.

21 (6) "KSBI" means the Kentucky Standardbred Breeders' Incentive Fund as established in KRS  
22 230.802.

1 (7) "KSDF" means the Kentucky Standardbred Development Fund as established in KRS 230.770.

2 (8) "Stallion standing [~~residing~~] in Kentucky" means a stallion physically located and standing in  
3 Kentucky for 180 days of the calendar year in which the stallion is registered with the  
4 commission that[,] ~~does not service mares in any other state[, jurisdiction, or country]~~ outside  
5 Kentucky during the calendar year in which the stallion is registered.

6 (9) "USTA" means the United States Trotting Association.

7 Section 2. Domicile Requirements.

8 (1)

9 (a) An owner, lessee, stallion manager, or syndicate manager of a standardbred stallion residing  
10 in Kentucky who desires to use the stallion to breed and to have his progeny eligible for the  
11 KSDF or KSBIF shall register the stallion with the commission by December 31st of the year of  
12 conception of the horse sought to be eligible by submitting a completed "KSDF/KSBIF Stallion  
13 Certificate of Eligibility Form", KHRC 7-040-2.

14 (b) Standardbred stallions not residing in Kentucky are not required to register with the  
15 commission. The progeny of a standardbred stallion not residing in Kentucky is not eligible for  
16 the KSDF or KSBIF unless the progeny is that of a standardbred mare registered under and  
17 meeting the requirements of this administrative regulation.

18 (c) All standardbred stallions shall be registered with the USTA, Standardbred Canada, or other  
19 appropriate international harness racing governing agency whether residing in Kentucky or  
20 not.

21 (2)

1 (a) An owner, lessee, manager, or syndicate manager of a standardbred mare who desires to  
2 use the mare for breeding purposes and to have her progeny eligible for the KSDF or KSBIF  
3 shall register the mare by December 31st of the year of conception of the horse sought to be  
4 eligible by submitting a completed "KSDF/KSBIF Mare Certificate of Eligibility Form", KHRC 7-  
5 040-3.

6 (b) To be eligible for registration, the mare shall:

7 1. Be registered with the USTA, Standardbred Canada, or other appropriate international  
8 harness racing governing agency; and

9 2. Have resided in Kentucky for a period of not less than 180 days in the calendar year of  
10 conception of the horse sought to be eligible.

11 (c) If a horse is conceived by embryo and ovum transplant (ET), both the donor mare and  
12 recipient mare shall be registered during the year of conception, and the recipient mare shall  
13 reside in Kentucky for a period of not less than 180 days in the calendar year of conception of  
14 the horse sought to be eligible.

15 (3) Registrations shall be received by the commission by the close of business or postmarked on  
16 the deadline established in this section in order to be eligible.

17 (4) An owner, lessee, stallion manager, manager, or syndicate manager of a stallion or mare  
18 eligible for the KSDF and KSBIF shall be responsible for:

19 (a) The registrations and records of the farm where the stallion stands or the mare resides; and

20 (b) Complying with all applicable requirements of this administrative regulation.

21 Section 3. Eligibility.

1 (1) In order to qualify for the Kentucky Sire Stakes, a foal shall be a two (2) or three (3) year old  
2 Kentucky-bred and shall maintain eligibility for the KSDF and KSBIF as established in Sections 16,  
3 19, and 20 of this regulation.

4 (2) Notwithstanding the foregoing, semen from a stallion standing in Kentucky may be shipped  
5 to mares in any jurisdiction outside of Kentucky at any time during the calendar year in which  
6 the stallion is registered. Additionally, a registered stallion may shuttle to countries in the  
7 Southern Hemisphere to service mares, provided the stallion meets all other standing  
8 requirements. But, a registered stallion shall not service mares in any country, other than the  
9 United States or countries in the Southern Hemisphere by way of shuttle. Also, a registered  
10 stallion shall not shuttle to any state or jurisdiction in North America, other than Kentucky, in  
11 order to service mares. The changes in this subsection are effective starting with the 2020  
12 breeding season and in subsequent years.

13 (3)

14 (a) Except as provided by paragraph (b) of this subsection, only a foal that is the first born to a  
15 mare (donor or recipient) in each calendar year produced by any method, including embryo  
16 and ovum transplant (ET), shall be eligible for the Kentucky Sire Stakes.

17 (b) Natural birth twins produced from the same pregnancy and foaling by the natural,  
18 nonrecipient mare shall also be eligible.

19 (3) Any future offspring of foals ineligible for racing under this section shall be ineligible for the  
20 Kentucky Sire Stakes.

21 Section 4. Distance. Each Kentucky Sire Stakes race shall be a one (1) mile dash.

1 Section 5. Post Positions. Post positions for the final, consolation, and all preliminary legs of the  
2 Kentucky Sire Stakes race shall be an open draw with two (2) horses drawn for the final and  
3 consolation races that are designated as "also eligibles" under Section 6(7) of this administrative  
4 regulation.

5 Section 6. Eligibility for the Final and Consolation Races.

6 (1) Beginning with the 2018 Kentucky Sire Stakes races, consolation races may be eligible for  
7 funding.

8 (2) A horse that does not start in at least one (1) of the preliminary legs scheduled shall not be  
9 eligible for the final or consolation.

10 (a) All horses earning points may enter in the final with:

11 1. The top eight (8) point earners, if the horses raced on a half (1/2) mile track or five-eighths  
12 (5/8) mile track; or

13 2. Top ten (10) point earners, if the horses raced on a one (1) mile track, to be declared  
14 eligible.

15 (b) On a half (1/2) mile track or five-eighths (5/8) mile track, the top eight (8) point earners  
16 shall not be eligible for the consolation. On a one (1) mile track, the top ten (10) point earners  
17 shall not be eligible for the consolation.

18 (c) A horse that is eligible to race in the final shall only be eligible to race in the final, unless  
19 the horse is qualified as an also eligible.

20 (d) A horse that is eligible to race in the consolation shall only be eligible to race in the  
21 consolation, unless qualified in the final as an also eligible.

22 (e) A horse that scratches from the final shall not race in the consolation.

- 1 (f) A horse that has qualified for the final or consolation shall remain eligible for the final or  
2 consolation.
- 3 (g) At least seven (7) eligible horses shall be declared for a consolation race to be contested.
- 4 (h) A horse that is automatically eligible to race in the final race shall not start in the  
5 consolation race.
- 6 (3) A horse that enters a preliminary leg that does not fill and is not raced shall receive credit  
7 toward fulfilling the minimum starting requirements established in subsection (2) of this section  
8 and toward determining tiebreaker status as established in subsection (6)(b) of this section.
- 9 (4) A horse that has been scratched from an event that is raced shall not receive credit toward  
10 meeting the starting requirements established in subsection (2) of this section.
- 11 (5) A horse, in order to start in the final or consolation, shall be declared at the host track where  
12 the race is being held on or before the time posted on the track condition sheet.
- 13 (6)
- 14 (a) If the number of horses eligible and declared into any final or consolation event exceeds  
15 the maximum number specified by the KSDF or KSBIF or the number of positions on the  
16 starting gate, the following point system as applied to KSDF preliminary legs shall determine  
17 preference for the final:
- 18 1. 1st place - fifty (50) points;
- 19 2. 2nd place - twenty-five (25) points;
- 20 3. 3rd place - twelve (12) points;
- 21 4. 4th place - eight (8) points;
- 22 5. 5th place - five (5) points;



1           6. 6th place and all other starters - one (1) point; and

2           7. A horse finishing in a dead heat for any position in a preliminary leg shall be awarded an  
3           equal share of the total number of points awarded for that position.

4           (b) If there is a tie among horses after the awarding of points pursuant to paragraph (a) of this  
5           subsection, there shall be a drawing by lot among those horses tied in total points to determine  
6           which horses shall be included in the final field.

7           (c) If a horse that is qualified for the final or consolation is not declared, the horse with the  
8           next highest point total, pursuant to paragraph (a) of this subsection, that is declared shall be  
9           eligible for the final or consolation.

10          (7) Also eligibles.

11          (a) The two (2) horses accumulating the highest point total, pursuant to subsection (6) of this  
12          section, that are declared into the final or consolation, but do not qualify for the final or  
13          consolation, shall be designated "also eligible". The horse with the highest point total from the  
14          preliminary legs shall be designated as the "first also eligible" and the horse with the next  
15          highest point total shall be designated as the "second also eligible".

16          (b) A horse that is scratched in the final or consolation shall be replaced by the "first also  
17          eligible" and then the "second also eligible", if necessary.

18           1. If post positions have not been drawn at the time of the scratch, the "also eligible" shall  
19           take the place of the horse that has been scratched and shall participate in the normal draw.

20           2. If post positions have been drawn at the time of the scratch, the "also eligible" shall assume  
21           the post position of the horse that has been scratched.

1           **3. A horse shall not be moved into the final or consolation as a replacement after the official**  
2           **scratch time deadline that is in effect at the host track.**

3           **Section 7. Final Order of Finish. The judges' "official order of finish" shall be used in determining**  
4           **eligibility to the final exclusive of all appeals yet to be decided at the time of closing of the entry**  
5           **box for final events.**

6           **Section 8. Detention. All starters shall be subject to the detention policy of the racetrack.**

7           **Section 9. Number of Starters.**

8           **(1) There shall not be more than:**

9           **(a) Ten (10) starters in each final race on a one (1) mile track; and**

10          **(b) Eight (8) horses on a one-half (1/2) or five-eighths (5/8) mile track.**

11          **(2) All horses shall be on the gate for the final race.**

12          **Section 10. Declaration Fees.**

13          **(1) For each horse declared to race in a preliminary leg, there shall be a declaration fee of one-**  
14          **half of one percent (0.5%) of the total purses distributed or to be distributed for each race in**  
15          **which the horse is declared.**

16          **(2) The declaration fee shall be due to the racing association at the time of declaration and**  
17          **payable one (1) hour prior to post time of the race.**

18          **(3) Purses for the KSDF and KSBIF shall consist of money from:**

19          **(a) Nominating fees;**

20          **(b) Sustaining fees;**

21          **(c) Declaration fees; and**

22          **(d) Added money from the Commonwealth of Kentucky.**

1 (4)

2 (a) Distribution of revenue for Kentucky Sire Stakes races shall be reviewed and addressed  
3 annually, not later than December 15 of each calendar year, by an advisory panel appointed  
4 by the Chairman of the commission and consisting of one (1) representative from each of the  
5 following:

- 6 1. The commission, who shall serve as the chairman of the panel;
- 7 2. The Kentucky Harness Horseman's Association;
- 8 3. The Kentucky Harness Association;
- 9 4. The host racetrack; and
- 10 5. One (1) participant in the fund nominated by the chairman of the commission from a group  
11 of up to four (4) nominees recommended by each of the above four (4) members having one  
12 (1) nomination each.

13 (b) Each member of the panel shall serve from July 1 through June 30 of the following year and  
14 shall be a resident of Kentucky.

15 (c) The final determination regarding distribution of revenue shall be made by the commission.

16 Section 11. Divisions of Preliminary Legs.

17 (1) The total number of horses entered shall determine the number of divisions of the  
18 preliminary legs that shall be required.

19 (2) Preliminary legs shall be split into divisions as follows:

20 (a) One (1) mile track:

- 21 1. Twelve (12) horses or less entered - one (1) division race.
- 22 2. Thirteen (13) to twenty (20) horses entered - two (2) divisions.

1        3. Twenty-one (21) to thirty (30) horses entered - three (3) divisions.

2        4. Thirty-one (31) to forty (40) horses entered - four (4) divisions.

3        5. Forty-one (41) to fifty (50) horses entered - five (5) divisions.

4        6. Fifty-one (51) to sixty (60) horses entered - six (6) divisions.

5        (b) One-half (1/2) and five-eighths (5/8) mile track:

6        1. Nine (9) to ten (10) horses entered - one (1) division.

7        2. Eleven (11) to sixteen (16) horses entered - two (2) divisions.

8        3. Seventeen (17) to twenty-four (24) horses entered - three (3) divisions.

9        4. Twenty-five (25) to thirty-two (32) horses entered - four (4) divisions.

10       5. Thirty-three (33) to forty (40) horses entered - five (5) divisions.

11       6. Forty-one (41) to forty-eight (48) horses entered - six (6) divisions.

12       (c) If the need exists for seven (7) or more divisions, eligibility to the final shall be determined

13       in a manner consistent with the published conditions.

14       Section 12. Gait.

15       (1) Gait shall be specified by the owner of the horse on or before the first two (2) year old  
16       payment.

17       (2)

18       (a) Change of gait may be made at the time of declaration at the track.

19       (b) Sustaining payments shall remain in the funds of the original gait specified.

20       (3) A horse shall not race on both gaits in the same year.

21       Section 13. Divisions. A race shall be raced in separate divisions as follows:

22       (1) Colt, gelding, ridgeling divisions; and

1 (2) Filly divisions.

2 Section 14. Purse Distributions.

3 (1) The purses awarded for all races shall be distributed on the following percentage basis:

4 (a) Five (5) starters - fifty (50) percent, twenty-five (25) percent, twelve (12) percent, eight (8)  
5 percent, and five (5) percent;

6 (b) Four (4) starters - fifty (50) percent, twenty-five (25) percent, twelve (12) percent, eight (8)  
7 percent, and the remaining five (5) percent reverts back to the fund;

8 (c) Three (3) starters - fifty (50) percent, twenty-five (25) percent, twelve (12) percent, and the  
9 remaining thirteen (13) percent reverts back to the fund;

10 (d) Two (2) starters - fifty (50) percent, and twenty-five (25) percent, and the remaining twenty-  
11 five (25) percent reverts back to the fund; and

12 (e) One (1) starter - fifty (50) percent, and the remaining fifty (50) percent reverts back to the  
13 fund.

14 (2) The percentage basis established by subsection (1) of this section shall apply at each of the  
15 Kentucky pari-mutuel tracks.

16 Section 15. Cancellations.

17 (1) If circumstances prevent the racing of an event and the race is not drawn, all funds allocated  
18 to the division in each of the preliminary legs or the final shall be refunded and prorated to the  
19 owners of the horses eligible at the time of cancellation.

20 (2) The eligible horses shall include only horses that made the payments required by Section 20  
21 of this administrative regulation.

1 (3) The added monies provided by the Commonwealth of Kentucky for use in the KSDF and KSBIF  
2 shall be disbursed by December 15 of each calendar year in accordance with the formula created  
3 by the panel as set out in Section 10(4) of this administrative regulation.

4 Section 16. Qualifying.

5 (1) Any horse declared into a Kentucky Sires Stakes race shall:

6 (a) Show at least one (1) charted race line with no breaks within forty-five (45) days prior to  
7 the day of the race; and

8 (b) Have satisfied the following time requirements:

9 1. On a track larger than five-eighths (5/8) of a mile:

10 a. A two (2) year old trotter shall have been timed in two minutes and six seconds (2:06) or  
11 faster;

12 b. A two (2) year old pacer shall have been timed in two minutes and four seconds (2:04)  
13 or faster;

14 c. A three (3) year old trotter shall have been timed in two minutes and two seconds (2:02)  
15 or faster; and

16 d. A three (3) year old pacer shall have been timed in two minutes and zero seconds (2:00)  
17 or faster.

18 2. On a five-eighths (5/8) mile track:

19 a. A two (2) year old trotter shall have been timed in two minutes and seven seconds (2:07)  
20 or faster;

21 b. A two (2) year old pacer shall have been timed in two minutes and five seconds (2:05) or  
22 faster;

1 c. A three (3) year old trotter shall have been timed in two minutes and three seconds (2:03)  
2 or faster; and

3 d. A three (3) year old pacer shall have been timed in two minutes and one second (2:01)  
4 or faster.

5 3. On a one-half (1/2) mile track:

6 a. A two (2) year old trotter shall have been timed in two minutes and eight seconds (2:08)  
7 or faster;

8 b. A two (2) year old pacer shall have been timed in two minutes and six seconds (2:06) or  
9 faster;

10 c. A three (3) year old trotter shall have been timed in two minutes and four seconds (2:04)  
11 or faster; and

12 d. A three (3) year old pacer shall have been timed in two minutes and two seconds (2:02)  
13 or faster.

14 (2) A horse shall be scratched from a race if the person declaring the horse has failed to advise  
15 the race secretary of a start that is not reflected on the electronic eligibilities.

16 (3) The requirements of this section shall apply both to wagering and nonwagering races.

17 Section 17. Purse Allocations.

18 (1) At a scheduled meeting of the commission, the commission shall:

19 (a) Establish the distribution of funds for stakes races for the upcoming year; and

20 (b) Authorize expenditures at a time it designates.

21 (2) The racing dates for KSDF and KSBIF stakes shall be issued after the track has established its  
22 race dates.

1 Section 18. Promotions. The KSDF or KSBIF may provide a trophy for each event, and the program  
2 that provides the trophy shall purchase the trophy out of its fund.

3 Section 19. Nomination Fees.

4 (1) After payment of the mare or stallion nomination fee, foals shall remain eligible for events  
5 each year by making the required sustaining and declaration payments for that year, as set forth  
6 in Section 20. The "KSDF/KSBIF Kentucky Sire Stakes (KYSS) Nomination Form," KHRC 7-040-1,  
7 shall be filed with the commission along with the nomination and sustaining fees.

8 (2) After payment of the yearling nomination fee, foals shall remain eligible for events each year  
9 by making the required sustaining and declaration payments for that year, as set forth in Section  
10 20. The "KSDF/KSBIF Kentucky Sire Stakes (KYSS) Nomination Form," KHRC 7-040-1, shall be filed  
11 with the commission along with the nomination and sustaining fees.

12 (3) The two (2) year old March 15 payment shall be made to remain eligible to the KSDF and  
13 KSBIF as a three (3) year old without penalty, except as provided in Section 20.

14 (4) Nomination and sustaining payments shall be made to the KSDF and KSBIF in U.S. funds by a  
15 money order or a check drawn on a U.S. bank account.

16 Section 20. Nomination Schedule.

17 (1) Mares or Stallions shall be nominated by December 31 of the year of conception of the horse  
18 sought to be eligible by submitting a completed "KSDF/KSBF Stallion Certificate of Eligibility  
19 Form," KHRC 7-040-2, or "KSDF/KSBF Mare Certificate of Eligibility Form," KHRC 7-040-3. The  
20 nomination fee shall be set forth in KHRC 7-040-2 or 7-040-3, except as provided in subsection

21 (4) of this section.



1 (2) For yearlings sired by a standardbred stallion or mare that resided in Kentucky during the  
2 year of conception for a period no less than 180 days and registered with the KSDF and KSBIF,  
3 the nomination fee shall be set forth in the "KSDF/KSBIF Kentucky Sire Stakes (KYSS) Nomination  
4 Form," KHRC 7-040-1, except as provided in subsection (5) of this section.

5 (3) Nominated horses shall be registered with the USTA, Standardbred Canada, or other  
6 appropriate international harness racing governing agency and shall be properly identified to  
7 the satisfaction of the commission at the time of the nomination. Identification shall be  
8 determined by the official registration maintained by the USTA, Standardbred Canada, or other  
9 appropriate international harness racing governing agency.

10 (4) If a mare is not nominated to the KSDF and KSBIF by December 31 of the year of conception,  
11 the mare shall be nominated by submitting a KSDF/KSBIF Application for Late Mare Registration,  
12 KHRC 7-040-4, and paying a penalty as set forth in KHRC 7-040-4.

13 (5) If a horse sired by a standardbred stallion or mare that resided in Kentucky during the year  
14 of conception, for a period no less than 180 days, and registered with the KSDF and KSBIF is not  
15 nominated during its yearling year, the horse may be nominated by March 15 of its two (2) year  
16 old year by submitting the "KSDF/KSBIF Kentucky Sire Stakes (KYSS) Nomination Form," KHRC 7-  
17 040-1, and paying a penalty as set forth in KHRC 7-040-1.

18 (6) For three (3) year old horses that fail to make the mandatory March 15 two (2) year old  
19 sustaining payment, the horse may be nominated by February 15 of its three (3) year old year  
20 by submitting a KHRC 7-040-1 and paying a penalty as set forth in KHRC 7-040-1.

21 Section 21. Early Closing Events. The commission may provide for separate early closing events  
22 for Kentucky-bred horses.

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1 Section 22. Stallion and Breeder Awards. The commission may provide for stallion and breeder  
2 awards for Kentucky-bred horses.

3 Section 23. Incorporation by Reference.

4 (1) The following material is incorporated by reference:

5 (a) "KSDF/KSBIF Kentucky Sire Stakes (KYSS) Nomination Form", KHRC 7-040-1, 2023;

6 (b) "KSDF/KSBIF Stallion Certificate of Eligibility Form", KHRC 7-040-2, 2023;

7 (c) "KSDF/KSBIF Mare Certificate of Eligibility Form", KHRC 7-040-3, 2023; and


8 (d) "KSDF/KSBIF Application for Late Mare Registration", KHRC 7-040-4, 2023.

9 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at  
10 the Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Building B, Lexington,  
11 Kentucky 40511, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available at  
12 [https://khrc.ky.gov/new\\_docs.aspx?cat=32](https://khrc.ky.gov/new_docs.aspx?cat=32).

13 (45 Ky.R. 1984; 3158; eff. 5-31-2019; 46 Ky.R. 2537; 47 Ky.R. 79; eff. 7-30-2020; 49 Ky.R. 2011; 50  
14 Ky.R. 45; eff. 10-3-2023.)

810 KAR 7:040

READ AND APPROVED

  
\_\_\_\_\_  
Jonathan Rabinowitz  
Chair, Kentucky Horse Racing Commission

Date 2/27/2024

  
\_\_\_\_\_  
Ray Perry  
Secretary, Public Protection Cabinet

Date 3-13-2024

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### **PUBLIC HEARING AND PUBLIC COMMENT PERIOD**

A public hearing on this administrative regulation shall be held on May 21, 2024, at 9:00 a.m. Eastern, at the Kentucky Horse Racing Commission, 4047 Iron Works Parkway, Lexington, KY 40511. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on May 31, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

**Contact Person: Jennifer Wolsing**

**Title: General Counsel**

**Address: Kentucky Horse Racing Commission, 4047 Iron Works Parkway, Lexington, Kentucky 40511**

**Phone: (859) 246-2040**

**Fax: (859) 246-2039**

**Email: [jennifer.wolsing@ky.gov](mailto:jennifer.wolsing@ky.gov)**

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

810 KAR 7:040

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Phone: (859) 246-2040

Email: [jennifer.wolsing@ky.gov](mailto:jennifer.wolsing@ky.gov)

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation prescribes the conditions under which standardbred racing shall be conducted in Kentucky. Specifically, KRS 230.770(6) authorizes the commission to promulgate regulations establishing the eligibility requirements for horses participating in races for which a portion of the purse is provided by the Kentucky Standardbred Development Fund and Kentucky Standardbred Breeders' Incentive Fund ("KSDF/KSBIF"). This particular regulation establishes the eligibility requirements to receive funds from KSDF/KSBIF.

(b) The necessity of this administrative regulation: This regulation is necessary to exercise the statutory authority of the KHRC to "promulgate administrative regulations prescribing conditions under which all legitimate standardbred horse racing and wagering thereon is conducted in the Commonwealth of Kentucky" KRS 230.215(2). This regulation is also necessary to exercise the KHRC's statutory authority to establish the eligibility requirements for those desiring to receive distributions from the KSDF/KSBIF. KRS 230.240(1).

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation conforms to the statutory authority granted to the Kentucky Horse Racing Commission by KRS 230.215(2), 230.260(8), 230.770(1), (6), (7), and KRS 230.802(2)(b).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by outlining the qualifications a horse owner and breeder need to follow to be eligible to receive KSDF/KSBIF monies.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The proposed amendments to this regulation make the following changes:

- Section 1: amend the definition of "Kentucky-bred" and amend the definition of "stallion residing in Kentucky"; and
- Section 3: clarify a foal's eligibility requirements for the Sire Stakes and clarify the Panel and the Commission's intent that participating stallions may ship semen and

shuttle to South America. These changes are effective starting in the 2020 breeding season; i.e., the beginning of the program.

(b) The necessity of the amendment to this administrative regulation: These proposed amendments are necessary to modernize definitions, clarify eligibility requirements, and allow participating stallions to ship semen and shuttle to South America.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 230.770(6) authorizes the commission to promulgate regulations establishing the eligibility requirements for horses participating in races for which a portion of the purse is provided by the Kentucky Standardbred Development Fund and Kentucky Standardbred Breeders' Incentive. This regulation updates and clarifies eligibility requirements for participating stallions.

(d) How the amendment will assist in the effective administration of the statutes: These amendments will provide incentives for stallion owners to stand their horses in Kentucky.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect standardbred breeders; owners; boarding farm owners and employees; Kentucky veterinarians and equine healthcare facilities; horse transportation companies; farriers; farmers and suppliers of hay, feed and grain; equine supply companies; daily maintenance care and tack; Kentucky Standardbred sale companies; retail stores and maintenance services; and state and local payroll tax.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Stallion owners may, if they choose, ship semen or shuttle their stallion to South America for live cover, provided all other program requirements are met.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No additional cost is anticipated as a result of compliance.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): If stallion owners participate in the program, they will have the options to ship semen or shuttle their stallions to South America for live cover.

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**(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:**

**(a) Initially:** There is no initial cost to implement the proposed amendments in the first year.

**(b) On a continuing basis:** There is no continuing cost to implement the proposed amendments on a continuing basis.

**(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:** The nomination fees are used for the implementation and enforcement of this regulation.

**(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:** An increase of fees or funding is not necessary to implement these proposed amendments.

**(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:** There are no fee changes in the proposed amendments to this regulation.

**(9) TIERING:** Is tiering applied? (Explain why or why not) Tiering was not applied because this administrative regulation will apply to all similarly situated entities in an equal manner.

FISCAL NOTE

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(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Horse Racing Commission will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. The statutory authority for this administrative regulation is found in KRS 230.215(2), 230.260(8), 230.770(1), (6), (7), 230.802(2)(b).

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? The amendments to this regulation may generate additional revenue for the KHRC. Clarifying that the KHRC allows participating stallion owners to ship semen and shuttle their stallions to South America may incentivize more program participation. It is unclear how many additional owners may participate in the first year as a result of this clarification.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? The amendments to this regulation may generate additional revenue for the KHRC. Clarifying that the KHRC allows participating stallion owners to ship semen and shuttle their stallions to South America may incentivize more program participation. It is unclear how many additional owners may participate in subsequent years as a result of this clarification.

(c) How much will it cost to administer this program for the first year? Because the infrastructure for administering the program is already in place, it is anticipated that there will be no additional net cost to administer this program for the first year.



(d) How much will it cost to administer this program for subsequent years? Because the infrastructure for administering the program is already in place, it is anticipated that there will be no additional net cost to administer this program in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): Unknown potential increase

Expenditures (+/-): Neutral

Other Explanation: It is unclear how many additional owners may participate in the program as a result of these proposed amendments and clarifications.

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? This regulation is not anticipated to generate cost savings in the first year.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? This regulation is not anticipated to generate cost savings in subsequent years.

(c) How much will it cost the regulated entities for the first year? This regulation is not anticipated to generate additional costs in the first year.

(d) How much will it cost the regulated entities for subsequent years? This regulation is not anticipated to generate additional costs in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-): Neutral

Expenditures (+/-): Neutral

Other Explanation: N/A

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. *"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)]* This regulation is not anticipated to have a major economic impact, as established in the responses to the above questions.