

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

810 KAR 2:070

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(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes requirements for thoroughbred and other flat racing associations. This includes requirements, such as, maintenance of the facilities, video and communication systems, horsemen's accounts, and purse minimums.

(b) The necessity of this administrative regulation: This regulation is necessary to provide minimum requirements for thoroughbred and flat racing associations in Kentucky and promotes the welfare, safety, and integrity of horse racing.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The Kentucky Horse Racing and Gaming Corporation is vested with forceful control of horse racing in the Commonwealth. KRS 230.215(2)(a). The KHRGC is vested with jurisdiction and supervision over all live horse racing and pari-mutuel wagering in the state and over all associations and persons on association grounds. KRS 230.260(1). The KHRGC shall have full authority to prescribe necessary and reasonable administrative regulations under which horse racing at a horse race meeting shall be conducted in Kentucky. KRS 230.260(8). This regulation provides necessary requirements for associations conducting thoroughbred and other flat racing in Kentucky.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists with the effective administration of the statutes by providing important requirements for associations in Kentucky conducting thoroughbred and other flat racing.

(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: This amendment removes the requirement that barns and stalls must be constructed with fire-resistant material, allows associations to staff first aid facilities with a registered nurse or a board-certified athletic trainer, permits ambulances on the grounds to arrange for transportation of an injured individual to a hospital emergency room rather than transport the individual, and removes language requiring

associations to program at least four, two-year-old races in the condition book each week beginning March 1.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to remove ambiguous language about material used to construct barns and stalls, remove an unnecessary and obsolete requirement to program a certain number of two-year-old races beginning March 1, gives flexibility to associations on the staffing of their first aid facilities, and allows ambulances at the association's facility to remain on the grounds and arrange for transportation of an injured individual as opposed to transporting the individual personally.

(c) How the amendment conforms to the content of the authorizing statutes: The Kentucky Horse Racing and Gaming Corporation is vested with forceful control of horse racing in the Commonwealth. KRS 230.215(2)(a). The KHRGC is vested with jurisdiction and supervision over all live horse racing and pari-mutuel wagering in the state and over all associations and persons on association grounds. KRS 230.260(1). The KHRGC shall have full authority to prescribe necessary and reasonable administrative regulations under which horse racing at a horse race meeting shall be conducted in Kentucky. KRS 230.260(8). These amendments provide necessary changes to the regulations setting requirements for thoroughbred and other flat racing associations in Kentucky.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administration of the statutes by making necessary changes to the regulation setting requirements for associations conducting thoroughbred and other flat racing 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 most directly impacts the six licensed associations conducting thoroughbred and other flat racing in Kentucky. The regulation also impacts horsemen, first responders, and healthcare professionals.

(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: The amendment to the administrative regulation does not add any requirements or restrictions to entities identified in (3), but rather it removes certain requirements and grants flexibility.

(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.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Associations will have more flexibility in staffing first aid facilities and programming races and will have ambiguous language regarding the constructing of barns and stalls removed, which adds clarity to the regulation.

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

(a) Initially: There is no anticipated additional cost to implement the amendments to this administrative regulation.

(b) On a continuing basis: There is no anticipated continuing cost to administer the amendments to this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: There is no additional funding needed to implement and enforce the amendments to this administrative 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: No increase in fees or funding is necessary to implement the amendments to this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The amendments to this administrative regulation do not establish or increase any fees.

(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 and individuals in the same manner.