IDAPA 11 – IDAHO STATE POLICE
RACING COMMISSION

DOCKET NO. 11-0400-1900F

NOTICE OF OMNIBUS RULEMAKING – TEMPORARY AND PROPOSED FEE RULEMAKING

EFFECTIVE DATE: The effective date of the temporary rules listed in the descriptive summary of this notice is June 30, 2019.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 54-2506, 54-2507, 54-2508, 54-2509, 54-2512, 54-2513, and 54-2514, Idaho Code.

PUBLIC HEARING SCHEDULE: Oral comment concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This temporary and proposed rulemaking adopts and re-publishes the following existing and previously approved and codified chapters under IDAPA 11, rules of the Idaho State Police, Idaho State Racing Commission:

IDAPA 11

- 11.04.02, *Rules Governing Simulcasting*
  - except for Subsections 010.06 and 010.13, Sections 047, 049 through 057
- 11.04.03, *Rules Governing Licensing and Fees*
- 11.04.05, *Rules Governing Advanced Deposit Wagering*
- 11.04.07, *Rules Governing Racing Associations*
- 11.04.11, *Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances and Drug Testing of Horses*
- 11.04.15, *Rules Governing Controlled Substance and Alcohol Testing of Licensees, Employees, and Applicants*

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1) and 67-5226(2), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These previously approved and codified rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules. Specifically, the expiration of these rules on June 30, 2019 would occur during the middle of the already underway 2019 racing season, which is currently slated to end in September 2019. As such, expiration of these rules would immediately and effectively remove regulatory safeguards for the integrity of imminent horse races, the safety of horses and personnel involved in races, and the prevention of monetary fraud upon racing industry members and the public. Also, the expiration of these rules on June 30, 2019 would create inconsistent enforcement for the season, resulting in further injustice to the racing industry and the public.

The fee or charge imposed by the rules is necessary to avoid immediate danger. The fees or charges reauthorized in this rulemaking are currently existing and have been previously promulgated by the agency and reviewed and approved by the Legislature. These fees and charges are part of the dedicated fund portion of the state budget, which makes up a material portion of the FY2020 budget. The FY2020 budget has already been set by the Legislature and passed into law. That budget relies upon the existence of these fees and charges to meet the state's obligations and provide necessary state services. Failing to reauthorize these fee rules would create immediate danger to the state budget, immediate danger to necessary state functions and services, and immediate danger of a violation of Idaho's constitutional requirement that it balance its budget.

Per Section 54-2515, Idaho Code, payment of salaries, travel, operating costs and any other expenses necessary for the Racing Commission to carry out the provisions of this act are to come from the licensees (save office accommodations furnished by the state), and no salary, wages, expenses or compensation of any kind shall be paid by

the state of Idaho for, or in connection with, the work of the Racing Commission in carrying out the provisions of the Idaho Racing Act. Because of this prohibition on state funding, the lost revenue from the expiration of fee rules cannot be absorbed by state funds. This inability to absorb will, in turn, immediately result in the failure of the Racing Commission to meet not only its general overhead costs, but also its expenses directly and necessarily incurred for specific incidences of enforcing the provisions of the Idaho Racing Act. In addition to the general foregoing, the following are specific findings as to each chapter imposing a fee:

IDAPA CHAPTER 11.04.02 "Rules Governing Simulcasting"
Daily simulcast license fees are generally mandated by Sections 54-2508 and 54-2506, Idaho Code. Part of those fees are used to supplement the Idaho Public School Fund, and expiration of those fees will also result in a loss of revenue thereto.

IDAPA CHAPTER 11.04.03 "Rules Governing Licensing and Fees"
Section 54-2506, Idaho Code, mandates that the Racing Commission shall determine which persons are required to be licensed and that the Racing Commission shall set fees for such licensure. Moreover, the supplemental hair testing fee in IDAPA 11.04.03.330.05 is necessary to absorb the increased costs incurred by testing hair.

Hair testing rules were adopted in 2018 by the Racing Commission at the specific behest of the racing industry to further protect the integrity of horse racing. Expiration of this fee would result in no hair testing for subsequent races, would remove that requested safeguard, and, per the industry, would then discourage compliant owners and trainers from entering their horses into races.

IDAPA CHAPTER 11.04.05 "Rules Governing Advanced Deposit Racing"
Section 54-2512(10), Idaho Code, specifically mandates the source market fee as set forth in IDAPA 11.04.05.060.

IDAPA CHAPTER 11.04.07 "Rules Governing Racing Associations"
The $25.00 Racing Association fee is generally mandated by Section 54-2508, Idaho Code.

IDAPA CHAPTER 11.04.11 "Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances and Drug Testing of Horses"
IDAPA 11.04.11.160 affords a trainer or owner an additional due process procedure when a test returns positive for non-permitted substances in the horse by allowing them to request a second testing of a split sample collected from the horse at the same time as the sample first tested. The fee rule in Subsection 160.03 of this rule is necessary to reimburse the veterinarian for shipping costs and the Racing Commission for additional laboratory testing costs. Because of this due process mechanism, expiration of the fee rule portion would require the Racing Commission to bear those additional costs and would create a shortfall in meeting the Racing Commission's other financial and regulatory obligations.

IDAPA CHAPTER 11.04.15 "Rules Governing Controlled Substance and Alcohol Testing of Licensees, Employees, and Applicants"
IDAPA 11.04.15.150.02 similarly affords a due process retesting procedure for licensees, employees, or applicants who initially test positive for alcohol or unauthorized controlled substances. The fee rule portion of this subsection is necessary to reimburse the Racing Commission for the additional testing costs. Because of this due process mechanism, expiration of the fee rule portion would require the Racing Commission to bear those additional costs and would create a shortfall in meeting the Racing Commission's other financial and regulatory obligations.

IDAPA 11.04.15.300 delineates what testing and treatment costs are born between the Racing Commission and tested individuals. Expiration of this rule would create uncertainty and potential litigation over financial responsibility for those costs.

FEE SUMMARY: The preceding section and the attached rules provide a specific description of the fee or charge imposed or increased by this rulemaking. This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously approved and codified in the prior rules.

11.04.02.015.03	Daily Simulcast License Fee
11.04.02.015.03a	Daily Simulcast License Fee

11.04.02.015.03b	Daily Simulcast License Fee
11.04.02.015.03c	Daily Simulcast License Fee
11.04.03.050.01	Applicant License (fingerprint fee)
11.04.03.050.03	Applicant License (fingerprint fee)
11.04.03.095	Applicant License Add-on Fees
11.04.03.095.01	Applicant License Add-on Fees
11.04.03.095.02	Applicant License Add-on Fees
11.04.03.330.05	Supplemental Hair Testing Fee
11.04.03.600	General Licensing Fee Schedule
11.04.05.010.19	Source Market Fee Definition
11.04.05.060	Source Market Fee
11.04.07.110	Racing Association License Fees
11.04.11.160.03	Shipping and Testing Fees For Split Samples
11.04.15.150.02	Costs Associated With Retesting of the Sample
11.04.15.300	Alcohol/Drug Testing Expense

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars ($10,000) during the fiscal year: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2020 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because of the need to adopt the rules as temporary, and because these existing chapters of IDAPA are being re-published and re-authorized. Negotiated rulemaking also is not feasible because of the need to implement these rules before they expire; the rules form the regulatory framework of the laws of this state and have been previously promulgated and reviewed by the legislature pursuant to the Idaho Administrative Procedures Act, Chapter 52, Title 67, Idaho Code; and because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the temporary and proposed rules attached hereto.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Ardie Noyes at phone (208) 884-7080, Fax (208) 884-7098, or e-mail **ardie.noyes@isp.idaho.gov**.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

Dated this 10th day of May, 2019.

Charlie Spencer
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Rules Review Officer
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IDAPA 11
TITLE 04
CHAPTER 02

IDAHO STATE RACING COMMISSION

11.04.02 – RULES GOVERNING SIMULCASTING

000. LEGAL AUTHORITY.
This chapter is adopted pursuant to the legal authority of Title 54, Chapter 25, Idaho Code. (4-9-09)

001. TITLE AND SCOPE.

01. Title. These rules are titled IDAPA 11.04.02, "Rules Governing Simulcasting," of the Idaho State Racing Commission. (4-9-09)

02. Scope. These rules regulate simulcasting within Idaho and all aspects of simulcasting. (4-9-09)

002. WRITTEN INTERPRETATIONS.
There are no written interpretations for these rules. (4-9-09)

003. ADMINISTRATIVE APPEALS.
Persons may be entitled to appeal Racing Commission actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (4-9-09)

004. INCORPORATION BY REFERENCE.
No documents are incorporated by reference into these rules. (4-9-09)

005. OFFICE – OFFICE HOURS – STREET ADDRESS – MAILING ADDRESS – TELEPHONE – WEBSITE.

01. Physical Address. The central office of the Idaho State Racing Commission is located at 700 S. Stratford Drive, Meridian, Idaho 83680. (4-9-09)

02. Office Hours. The central office is open 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (4-9-09)

03. Telephone Number. The telephone of the office is (208) 884-7080. (4-9-09)

04. Fax Number. The facsimile number of the office is (208) 884-7098. (4-9-09)

05. Website. The Racing Commission website is: http://isp.idaho.gov/racing/index.html. (4-9-09)

006. PUBLIC RECORDS AVAILABILITY.
All rules contained in this chapter are subject to and in compliance with the Idaho Public Records Act (Title 74, Chapter 1, Idaho Code). (4-9-09)

007. -- 009. (RESERVED)

010. DEFINITIONS.

01. Association Which Accepts the Wager. The guest association to which the bettor contributes his money to the pari-mutuel pool and receives a pari-mutuel ticket. (4-9-09)

02. Authorized User. A person authorized by the Racing Commission to receive, decode, and use for legal purposes the encrypted simulcast signal of pari-mutuel events. (4-9-09)

03. **Breakage**. The odd cents rounded down to the lowest multiple of ten cents ($.10) in a positive pool and down to the lowest multiple of five cents ($.05) in a minus pool. (4-9-09)

04. **Combined Pools**. The pari-mutuel wagers at one (1) or more guest associations being contributed into the pari-mutuel pools of a host association. (4-9-09)

05. **Decoder**. A device or means to convert encrypted audio-visual signals or data into a form recognizable as the original content of the signals. (4-9-09)

06. **Downlink**. A receiving antenna coupled with an audio-visual signal receiver that is compatible with and capable of receiving simultaneous audio-visual signals or data emanating from a host association. This includes the electronic transfer of received signals from the receiving antenna to TV monitors within the satellite facility. (4-9-09)

07. **Enclosure, Enclosure-Public**. Includes all enclosed areas of the simulcast wagering facility. (4-9-09)

08. **Encryption**. The scrambling or other manipulation of the audio-visual signals to mask the original content of the signal and so cause such signals to be indecipherable and unrecognizable to any person receiving such signal. (4-9-09)

09. **Foreign Jurisdiction**. A jurisdiction of a foreign country or political subdivision thereof. (4-9-09)

10. **Guest, Guest Association or Simulcast Operator**. A simulcast licensee authorized by the Racing Commission to offer, sell, cash, redeem or exchange pari-mutuel tickets on races being run at a host association. (4-9-09)

11. **Handle or Gross Handle**. Total amount of money wagered on a race less refunds and cancels. (4-9-09)

12. **Horse**. Includes filly, mare, colt, horse or gelding in general; when referring to sex, filly becomes a mare when five (5) years old; a horse is an intact male when five (5) years old or older. (4-9-09)

13. **Host or Host Association**. The racing association conducting a licensed horse racing meeting when it is authorized by the Racing Commission to simulcast its racing program. It may also be considered the sending track which means any track from which simulcast signals originate. (4-9-09)

14. **Hub**. A facility that acts as an intermediary between pari-mutuel wagering facilities for the transmission of wagering data and that is responsible for generating all reports necessary for the reconciliation of payments. (4-9-09)

15. **Interstate Simulcast Wagering**. (4-9-09)

a. Wagering conducted by a betting system outside the state of Idaho on the results of one (1) or more races being run at an Idaho host association; or (4-9-09)

b. Wagering conducted by a betting system within the state of Idaho on the results of one (1) or more races being run at a host association outside the state of Idaho. (4-9-09)

16. **Intrastate Simulcasting Wagering**. Pari-mutuel wagering at an Idaho guest association on Idaho horse racing events run at an Idaho host association. (4-9-09)

17. **Racing Association**. Any person licensed by the Racing Commission to conduct a race meet and pari-mutuel wagering. (4-9-09)

18. **Racing Commission**. Three (3) member Idaho State Racing Commission created by Section 54-2503, Idaho Code, or its designee. (4-9-09)

19. **Simulcast**. The telecast or other transmission of live audio and visual signals of a race, transmitted from a sending track to a receiving location, for the purpose of wagering conducted on the race at the receiving location. (4-9-09)

20. **Simulcast Facility**. The physical premises, structure and equipment utilized by a guest or host association for conducting pari-mutuel wagering on horse racing events and permitted pari-mutuel events. Such facility must be a part of the license granted to the guest or host association. (4-9-09)

21. **Simulcast Service Supplier**. (4-9-09)

a. A person engaged in providing service, supplies or equipment necessary to the operation of intrastate, interstate or out-of-state simulcast wagering for use by a host association, guest association, simulcast operator, or authorized user, including pari-mutuel wagering terminals, uplink, downlink, television receivers and related equipment. (4-9-09)

b. It does not include persons authorized by the Federal Communications Commission to provide telephone service or space segment time on satellite transponders. (4-9-09)

22. **Satellite Transponder, Transponder**. Leased space segment time of an earth-orbit communication satellite. (4-9-09)

23. **Take or Takeout**. Money deducted from mutuel pools that is shared by the track and local and state governing bodies in the form of a tax. (4-9-09)

24. **Terminal**. The device connected to the pari-mutuel system used to place wagers. (3-20-14)

25. **Totalizator**. A computer that, directly or indirectly through one (1) or more other totalizators, receives pari-mutuel wagering information, calculates pay-offs for winning tickets and generates reports with respect to such information, and may refer to the linked computers of the hub and the track. (4-9-09)

26. **Uplink**. An earth station broadcasting facility, whether mobile or fixed, which is used to transmit audio-visual signals or data on Federal Communication Commission-controlled frequencies, and includes any electronic transfer of the audio-visual signals from within the racing enclosure to the location of the transmitter at the uplink. (4-9-09)

011. -- 014. (RESERVED)

015. REQUIREMENTS FOR LICENSURE OF A SIMULCAST FACILITY.

01. **General**. Any racing association or simulcast operator authorized under these rules to conduct pari-mutuel wagering who desires to display the simulcast of pari-mutuel events on which pari-mutuel betting will be permitted, in the manner and subject to the conditions provided for under these rules, may apply to the Racing Commission for a license. (4-9-09)

02. **Application for License**. The application for a license must be in such form as may be prescribed by the Racing Commission and contain such information or other material or evidence as the Racing Commission may require. (4-9-09)

03. **Daily Simulcast License Fee**. The fee for such license is based upon the weekly handle. (4-9-09)

a. If the handle is greater than thirty thousand dollars ($30,000), the fee will be one hundred dollars ($100) per day of simulcast operation payable by the licensee to the Racing Commission. Seventy-five dollars ($75) of this fee will be paid to the Idaho State Racing Commission and twenty-five ($25) will be deposited in the Public School Income Fund. (4-9-09)

b. If the weekly handle is at least fifteen thousand dollars ($15,000), but less than thirty thousand

dollars ($30,000), the fee will be fifty dollars ($50) per day of simulcast operation payable by the licensee to the Racing Commission. Twenty-five dollars ($25) of this fee will be deposited in the Public School Income Fund and twenty-five dollars ($25) will be paid to the Idaho State Racing Commission. (4-9-09)

c. If the weekly handle is less than fifteen thousand dollars ($15,000), the fee will be twenty-five dollars ($25) which will be deposited in the Public School Income Fund. (4-9-09)

04. Review and Approve. Before the Racing Commission grants such license, it will review and approve a plan of operation submitted with a license application including, but not limited to, the following information: (4-9-09)

a. A feasibility study denoting the revenue earnings expected from the simulcast facility and the costs expected to operate such a facility. The feasibility study includes: (4-9-09)

i. The number of simulcast races to be displayed; (4-9-09)

ii. The types of wagering to be offered; (4-9-09)

iii. The level of attendance expected and the area from which such attendance will be drawn; (4-9-09)

iv. The level of anticipated wagering activity; (4-9-09)

v. The source and amount of revenues expected from other than pari-mutuel wagering; (4-9-09)

vi. The cost of operating the simulcast facility and the identification of costs to be amortized and the method of amortization of such costs; and (4-9-09)

vii. The probable impact of the proposed operation on revenues to local government. (4-9-09)

b. The security measures to be employed to protect the facility, to control crowds, to safeguard the transmission of wagering data to effectuate common wagering pools. (4-9-09)

c. The type of data processing, communication and transmission equipment to be utilized. (4-9-09)

d. The description of the management groups responsible for the operation of the simulcast facility. (4-9-09)

e. The system of accounts to maintain a separate record of revenues collected by the simulcast facility, the distribution of such revenues and the accounting of costs relative to the simulcast operation. (4-9-09)

f. The location of the facility and a written confirmation from appropriate local officials that the location of such facility and the number of patrons expected to occupy such facility are in compliance with all applicable local ordinances, along with approval by appropriate county or city officials. (4-9-09)

016. CRITERIA FOR APPROVAL OF APPLICATION FOR SIMULCAST OPERATOR.
The Racing Commission uses the following decisional criteria in the approval or disapproval of an application for simulcast operator. (4-9-09)

01. General Benefit to the State. The operator's general benefit to the state of Idaho. (4-9-09)

02. General Benefit to Horse Racing Industry. The operator's general benefit to the state of Idaho's horse racing industry. (4-9-09)

03. Operator's Integrity. The operator's integrity, including: (4-9-09)

a. Individual and corporate conduct; (4-9-09)

b. Criminal history; and (4-9-09)

c. Betting and gaming industry conduct. (4-9-09)

04. Operator's Credibility. The operator's credibility, including: (4-9-09)

a. Accuracy of a feasibility study; and (4-9-09)

b. Experience and expertise of the operator in the simulcast industry. (4-9-09)

05. Financial Stability. The operator's financial stability. (4-9-09)

017. -- 025. (RESERVED)

026. HOST ASSOCIATION.

01. Contract. Subject to Racing Commission approval of a simulcast contract, a host association licensed by the Racing Commission may simulcast its horse races to intrastate, interstate and out-of-state authorized users for the purpose of pari-mutuel wagering. (4-9-09)

02. Content. A racing association is responsible for the content of its simulcast and must use all reasonable effort to present a simulcast that offers the viewers an exemplary depiction of its racing program, a periodic display of wagering information, and continuity programming between horse racing events. (4-9-09)

03. Video. Unless otherwise permitted by the Racing Commission, every simulcast must contain in its video content a digital display of the actual time of day, the name of the host facility from where it emanates, the number of the horse race being displayed, and the minutes to post. (4-9-09)

04. Security Controls. As a condition of contract approval, or when deemed necessary by the Racing Commission, the host association may be required to provide and maintain security controls, including encryption over its uplink and communications systems. (4-9-09)

027. GUEST ASSOCIATIONS.

01. Contract Approval. Guest racing associations that are licensed by the Racing Commission and subject to contract approval by the Racing Commission may receive simulcast races for the purpose of pari-mutuel wagering from one (1) or more host associations. (4-9-09)

02. Plan for Testing. A plan that is subject to approval by the Racing Commission must be submitted by a guest racing association for testing the transmission, encryption and decoding, and data communication to assure proper system function prior to the commencement of each simulcast program or race from a host association. (4-9-09)

028. INTERSTATE COMMON POOL WAGERING.
Subject to contract approval by the Racing Commission, a racing association may participate in common pool wagering by accepting wagers placed in other jurisdictions or by offering wagers on races run in other jurisdictions. Contract approval requirements include, but may not be limited to, the following: (4-9-09)

01. Licensing Requirement. A contract to participate in interstate common pool wagering must include evidence that the authorized user in the other jurisdiction is licensed or otherwise authorized or approved by the pari-mutuel authority or equivalent in that jurisdiction. (4-9-09)

02. Pari-Mutuel Systems Requirement. A contract to participate in interstate common pool wagering must: (4-9-09)

a. Include evidence that the authorized user in the other jurisdiction utilizes a pari-mutuel wagering system fully compliant with requirements for totalizator systems used by licensed racing associations in Idaho; (4-9-09)

b. Specify the regulatory authority responsible for granting a license to the racing association serving as host for purposes of aggregation of common pool wagering; (4-9-09)

c. Specify the name and location of the racing association that is the host for the common pool, and the individuals and contact information for matters relating to the contract and common pool wagering; and (4-9-09)

d. Specify the name of the totalizator company, location of the totalizator facility utilized to receive wagers and aggregate pools for the purpose of common pool wagering and the individuals and contact information for matters relating to the contract and common pool wagering. (4-9-09)

03. Access to Reports and Wagering Information Requirement. A contract to participate in interstate common pool wagering must include evidence that the authorized user in the other jurisdiction will provide full and prompt access to, and cooperation in providing, all reports and information that may be requested by the Racing Commission. This includes wagering transaction data in either a hard copy report or a standard electronic data format acceptable to the Racing Commission. Such requirement apply to all wagering on races run in Idaho and all wagering pools that accept wagers placed from Idaho. (4-9-09)

04. Breakage. The contract must include provisions specifying the distribution of breakage consistent with the requirement for wagers placed in Idaho. (4-9-09)

029. NET POOL PRICING.

01. Takeout Rates. If takeout rates are not the same for all jurisdictions and net pool pricing is utilized, the contract must specify net pool pricing. (4-9-09)

a. Individual wagering transactions are deemed to be made at the point of sale in the state where placed unless otherwise specified by statute or court ruling. (4-9-09)

b. Any surcharges or withholdings in addition to the takeout must only be applied in the jurisdiction otherwise imposing such surcharges or withholdings. (4-9-09)

c. In determining whether to approve an interstate common pool which does not include the host track or which includes races from more than one racing association, the Racing Commission will consider and may approve use of a bet type which is not utilized at the host association, application of a takeout rate not in effect at the live event track, or other factors which are presented to the Racing Commission. (4-9-09)

d. The content and format of the visual display of racing and wagering information at facilities in other jurisdictions where wagering is permitted in the interstate common pool need not be identical to the similar information permitted or required to be displayed under these rules. (4-9-09)

02. Guest Participation in Interstate Common Pools. (4-9-09)

a. The Racing Commission may approve a takeout from the pari-mutuel pools identical to that of other jurisdictions participating in a merged pool. (4-9-09)

b. Rules, either Live or Historic, as established in the host state will apply to the merged pool. (3-20-14)

c. The simulcast operator must designate which one of the following procedures it will use if it becomes impossible to successfully merge the corresponding pools into the interstate common pool, and must publish their designated procedure in the printed program: (4-9-09)

i. Compute payouts in accordance with payout prices that would have been in effect if prices for the pool of bets were calculated without regard to wagers placed elsewhere; or (4-9-09)

ii. With permission of the Racing Commission, pay winning tickets at the payout prices at the host

track; or (4-9-09)

iii. Declare such accepted bets void and make refunds in accordance with the applicable rules.(4-9-09)

030. HOST PARTICIPATING IN INTERSTATE COMMON POOLS.

01. Rules of Racing Established. Rules of racing established for races held in Idaho will also apply to interstate common pools unless the Racing Commission has specifically determined otherwise. (4-9-09)

02. When Impossible to Merge Pools. Any contract for interstate common pools must contain a provision that states that if, for any reason, it becomes impossible to successfully accept placed wagers or to merge corresponding pools into the interstate common pool formed by the pari-mutuel pool host and the Racing Commission's or the pari-mutuel pool host's representative determines that accepting wagers or attempting to effect transfer of pool data from the guest association may endanger the integrity of the pool or the timely processing of payouts, the pari-mutuel pool host will have no liability for guest's wagers or corresponding pools not being accepted into the host pool. (4-9-09)

031. -- 034. (RESERVED)

035. LICENSES FOR SIMULCAST OPERATORS.

01. License. Every person acting as a simulcast operator within Idaho must procure a license from the Racing Commission and no person will act in the capacity of a simulcast operator without a valid license. Such license may be renewed annually unless the application is denied for any cause that justifies the suspension or revocation of the license for violation of these rules. (4-9-09)

02. Responsibilities of Applicant. Each applicant must: (4-9-09)

a. Submit a financial statement as required by the Idaho State Racing Commission; (4-9-09)

b. Post with the Racing Commission a surety, in the amount and in such form as the Racing Commission may require, that is sufficient to ensure payment of distributable amounts of pari-mutuel pools pursuant to statute, operational costs, salaries, wages, benefits, and related financial obligations; and (4-9-09)

c. Demonstrate experience or adequate knowledge of the conduct of simulcast wagering or pari-mutuel wagering operations. (4-9-09)

03. Simulcast License Application. The simulcast operator intending to conduct wagering on an out-of-state race must file with the Racing Commission a completed simulcast application. The application will be provided and approved by the Racing Commission. At a minimum the application will require the applicant to provide the following information: (4-9-09)

a. The number of live races projected in the current year; (4-9-09)

b. The number of live races run in the preceding year; (4-9-09)

c. Documentation that the required bond has been posted; (4-9-09)

d. Documentation that the appropriate public liability insurance has been obtained; (4-9-09)

e. Evidence of approval from the appropriate county or city officials; (4-9-09)

f. A signed contract from a local horsemen's group. The horsemen's group must be one that meets the definition of a horsemen's group as defined in Section 54-2502, Idaho Code. The contract must not conflict with any of the provisions of Sections 3001 through 3007 of Title 15 of the United States Code or any other federal laws; (4-9-09)

g. A statement setting forth the date and time it intends to commence accepting wagers on out-of-state race or races; and (4-9-09)

h. Any other written or oral approvals required by the Racing Commission. (4-9-09)

04. Restrictions. (4-9-09)

a. No license will be granted to any person or entity that has failed, refused or neglected to comply with any rule, condition of license, or order of the Racing Commission or its stewards that is reasonably related to its conduct as a simulcast operator. (4-9-09)

b. No license will be granted to any person or entity that has engaged in any activity that is grounds for denial, suspension or revocation of license pursuant to the rules of the Racing Commission or whose general partners, officers, directors, or employees have engaged in any unlawful activity determined to be conduct detrimental to the best interest of horseracing. (4-9-09)

c. Additionally, no license will be granted to a person or entity that has failed, refused or neglected to enter into an agreement with a horsemen's group as defined in Section 54-2502, Idaho Code. (4-9-09)

05. No Limitation. There will be no limitation as to the number of days a licensee may operate except as may otherwise be provided for within these rules or the Idaho Code. (4-9-09)

036. SIMULCAST PURSE MONEY COLLECTION AND DISTRIBUTION.

01. Designated Purse Monies. Each simulcast operator licensed by the Racing Commission must remit to the Racing Commission those monies designated by the horsemen's agreement as purse monies. Payment must be made on a timely basis as provided in said agreement which will in no event be greater than thirty (30) days after accrual to the simulcast facility. (4-9-09)

02. Dual Signature Insured Account. Each horsemen's group signatory to a horsemen's agreement authorizing simulcasting must open and maintain a dual signature insured account, hereinafter called a "purse accumulation account." (4-9-09)

03. Deposit into Appropriate Account. Prior to commencement of the live race meet, the Racing Commission will annually deposit into the appropriate purse accumulation account those funds paid to the Racing Commission by the respective simulcast operator(s). The Racing Commission has the authority to approve more frequent payments, if requested by said horseman's group. (4-9-09)

04. Sanctions. In addition to all available sanctions, any person or licensee who receives monies designated as purse monies as described in these rules, and who violates these rules, can be ordered to pay a monetary penalty as set forth in Section 54-2509(4), Idaho Code, and daily interest accrued thereupon at the rate set by the Idaho State Treasurer. (4-9-09)

037. -- 039. (RESERVED)

040. DUTIES OF SIMULCAST OPERATOR.

01. General. A simulcast operator conducts and operates a pari-mutuel wagering system at one (1) or more guest associations on the results of horse races being held or conducted and simulcast from the enclosures of one (1) or more host associations pursuant to its agreement with such guest and host association and with the approval of the Racing Commission. (4-9-09)

02. Provisions. A simulcast operator must provide: (4-9-09)

a. Adequate transmitting or receiving equipment that does not interfere with the closed circuit TV system of the host association. All equipment must be of acceptable broadcast quality and meet applicable Federal Communications Commission and Racing Commission rules and orders. Said equipment may include approved

microwave transmitters, with appropriate safeguards, as approved by the Racing Commission. (4-9-09)

b. Pari-mutuel terminals, pari-mutuel odds display, modems or switching units enabling pari-mutuel data transmissions, and data communication between the sending and the receiving racing associations. (4-9-09)

03. Pari-Mutuel Inspector. The Racing Commission will appoint at least one (1) state pari-mutuel inspector to monitor all approved simulcast facilities and may require additional pari-mutuel inspectors as is reasonably necessary for the protection of the public interest. The state pari-mutuel inspector, as well as a member or members of the Racing Commission, must: (4-9-09)

a. Be given free access to all of the books, papers and records of the simulcast operator's simulcast operations during normal business hours. (4-9-09)

b. Be empowered to direct the simulcast operator to adopt such rules and to install such methods and systems of operating the mutuel department as may be deemed reasonably necessary so as to ensure compliance with the law and the rules of the Racing Commission. (4-9-09)

c. The state pari-mutuel inspector must report to the Racing Commission any failure of the licensee to comply with the provision hereof or any violation of the law or any of the rules of the Racing Commission which may come to his attention, including in his reports, recommendations with respect to the revocation of the licenses of any employee of the simulcast operator for failure to comply with the rules of the Racing Commission, or for fraud, dishonesty, or incompetency. (4-9-09)

04. Video Record. Upon the request of the Racing Commission the simulcast operator must make its best effort to provide the Racing Commission with a copy of the simulcast race requested. (4-9-09)

05. Test Program. Not less than thirty (30) minutes prior to the commencement of transmission of the racing program for each day or night, the simulcast operator must initiate a test program of its transmitter, encryption and decoding, and data communication to assure proper operation of the system. (4-9-09)

06. Locations Listing. At the request of any representative of the Racing Commission the Racing Association must provide a listing of all locations within this state enabled to receive the simulcast in decoded forms. Failure to do so is grounds for immediate summary suspension of license and immediate cessation of simulcasting activities. (4-9-09)

07. Security. The Racing Association must maintain such security controls over its uplink and communications system as directed by the Racing Commission. (4-9-09)

08. Filing. Every simulcast operator at the request of the Racing Commission must file an annual report of its simulcast operations, and an audited balance sheet and income statement prepared according to Generally Accepted Accounting Principles. (4-9-09)

09. Compliance. The simulcast operator must comply with Section 54-2512, Idaho Code. (4-9-09)

041. PROHIBITION OF SIMULCAST SIGNAL.
Pertaining to the simulcasting of greyhound racing, should substantial, competent evidence of cruelty to or misconduct in the treatment of greyhounds occur at a site under the jurisdiction of another state regulatory agency, the Racing Commission will prohibit the retransmission of any and all simulcast signals until appropriate action has been taken by the other state regulatory agency. (4-9-09)

042. -- 044. (RESERVED)

045. DISTRIBUTION OF DEPOSITS.
The Racing Commission will distribute deposits generated by simulcast races in accordance with the provisions of Section 54-2507 and 54-2513, Idaho Code, as applicable. (4-9-09)

046. CONFLICT OF LAWS.

In the event of a conflict between the laws of the host track and the laws or rules of the state of Idaho, the laws or rules of the state of Idaho will apply. (4-9-09)

047. TOTALIZATOR OR OTHER APPROVED EQUIPMENT REQUIRED.
Pari-mutuel wagering on live horse races shall only be conducted through the use of a totalizator or other similar mechanical equipment approved by the Commission. (3-20-14)

048. -- 999. (RESERVED)

IDAPA 11
TITLE 04
CHAPTER 03

11.04.03 – RULES GOVERNING LICENSING AND FEES

000. LEGAL AUTHORITY.
This chapter is adopted pursuant to the legal authority of Title 54, Chapter 25, of the Idaho Code. (4-9-09)

001. TITLE AND SCOPE.

01. Title. These rules are titled IDAPA 11.04.03, "Rules Governing Licensing and Fees," of the Idaho State Racing Commission. (4-9-09)

02. Scope. These rules govern licensing procedures and the fees charged for licenses by the Idaho State Racing Commission. (4-9-09)

002. WRITTEN INTERPRETATIONS.
There are no written interpretations of this rule. (4-9-09)

003. ADMINISTRATIVE APPEALS.
Persons may be entitled to appeal Racing Commission actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (4-9-09)

004. OFFICE – OFFICE HOURS – STREET ADDRESS – MAILING ADDRESS – TELEPHONE – WEBSITE.

01. Physical Address. The central office of the Idaho State Racing Commission is located at 700 S. Stratford Drive, Meridian, Idaho 83680. (4-9-09)

02. Office Hours. The central office is open 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (4-9-09)

03. Telephone Number. The telephone of the office is (208) 884-7080. (4-9-09)

04. Fax Number. The facsimile number of the office is (208) 884-7098. (4-9-09)

05. Website. The Racing Commission website at http://www.isp.idaho.gov/race. (4-9-09)

005. PUBLIC RECORDS COMPLIANCE AND AVAILABILITY.
All rules contained in this chapter are subject to and in compliance with the Idaho Public Records Act (Title 74, Chapter 1, Idaho Code). (4-9-09)

006. -- 009. (RESERVED)

010. DEFINITIONS.

01. Add-on. When a person adds an additional license category to an existing license. (4-9-09)

02. Admissions. A racing association employee who collects admission money for entrance to the racetrack. (4-9-09)

03. Authorized Agent. A person appointed by a written instrument signed and acknowledged before a notary public empowered to transact the business of a stable owner or horse breeder. (4-9-09)

04. Apprentice Jockey. A jockey who has not ridden a certain number of winners within a specified period of time. (4-9-09)

05. **Announcer**. A person employed by a racing association to announce during the running of the races. (4-9-09)

06. **Assistant Starter**. The employee of a racing association who, under direct supervision of the starter, helps place the starting gate for a race, leads horses into the gate, helps jockeys and handles horses while in the gate until the start. (4-9-09)

07. **Chart Person**. An official who compiles the statistical "picture" of a race which shows the position and margin of each horse at designated points of call during the race and other data. (4-9-09)

08. **Clerk of Scales**. The employee of a racing association responsible for sequestering all jockeys each racing day, weighing all jockeys out and in from races, checking their assigned riding weights versus their actual weights, and reporting all changes. (4-9-09)

09. **Clocker**. A person who times workouts and races. (4-9-09)

10. **Concessionaire**. A person that offers goods or services for sale to the public at a racetrack. (4-9-09)

11. **Concession Employee**. An employee of a concessionaire or a racing association employee offering goods or services for sale to the public. (4-9-09)

12. **Duplicate**. Replacement license for a license that has been lost or destroyed. (4-9-09)

13. **Emergency Medical Technician**. An emergency responder trained and certified to provide emergency medical services to the critically ill and injured person. (4-9-09)

14. **Exercise Person**. A rider who exercises horses at a racetrack. (4-9-09)

15. **Groom**. A person hired by a trainer who cares for a horse at a racetrack. (4-9-09)

16. **Horsemen's Bookkeeper**. A bonded racing association employee who manages the horsemen's accounts which covers all monies due horseman in regards to purses, stakes, rewards, claims and deposits. (4-9-09)

17. **Identifier**. The employee of a racing association who checks the lip tattoo, other identification, and markings of each horse as it enters the paddock to make sure the correct horses are running in the race. (4-9-09)

18. **Jockey**. A professional rider licensed to ride in races. (4-9-09)

19. **Jockey Agent**. A person who helps a jockey obtain mounts in return for a portion of the jockey's earnings. (4-9-09)

20. **Jocks Room Custodian**. A racing association employee authorized to regulate the conduct of the jockeys, ensure good order is maintained, and monitors the jockeys. (4-9-09)

21. **Maintenance**. A racing association employee hired to maintain the grounds and facility of the racetrack. (4-9-09)

22. **Medical Professional**. A doctor, physician's assistant, or emergency medical technician licensed or certified in the state of Idaho. (4-9-09)

23. **Mutuel Employee**. A racing association employee that accepts the patrons' money and issues the betting ticket. (4-9-09)

24. **Office Personnel**. A racing association employee who works in the office of the racetrack. (4-9-09)

25. **Official**. Persons licensed by the state to ensure the rules of racing are enforced. (4-9-09)

26. **Outrider**. The employee of a racing association who leads the post parade at a racetrack and gets the horses and jockeys to the starting gates on time. (4-9-09)

27. **Owner**. The person that has legal title to, or has financial control of, a horse utilized for racing in Idaho. However, an interest in the winnings of a horse does not itself constitute ownership. (4-9-09)

28. **Owner/Trainer**. An owner who conditions and prepares his own horse for racing, with the absolute responsibility to ensure the physical condition and eligibility of the race horse. (4-9-09)

29. **Paddock Judge**. The employee of a racing association responsible for getting jockeys and horses in order to go to the starting gate; also checks the equipment used by each horse and supervises the saddling of the horses. (4-9-09)

30. **Person**. Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, or any legal entity, which is recognized by law as the subject of rights and duties. (4-9-09)

31. **Photographer**. A person who takes photographs of the winning horses in the winner's circle. (4-9-09)

32. **Plater**. A blacksmith who shoes horses at a racetrack. (4-9-09)

33. **Pony Person**. A person on horseback who accompanies a horse and jockey to the starting gate. (4-9-09)

34. **Racetrack**. The grounds and enclosures of any racing association where horse racing or pari-mutuel betting occurs under the authority and supervision of the Racing Commission. (4-9-09)

35. **Racing Association**. Any person licensed by the Racing Commission to conduct a race meet and pari-mutuel wagering. (4-9-09)

36. **Racing Commission**. Three (3) member Idaho State Racing Commission created by Section 54-2503, Idaho Code, or its designee. (4-9-09)

37. **Racing Secretary**. The employee of a racing association, who writes the conditions for the races, assigns the weights for handicap races, receives entries, conducts the draw, and is responsible for the operation and organization of the race office. (4-9-09)

38. **Stable Name**. An assumed business name used by a person for his horse racing operation. (4-9-09)

39. **Stall Superintendent**. A racing association employee hired to assign applicants such stabling as deemed proper to be occupied by horses in preparation for racing and determines all conflicting claims to stable space. (4-9-09)

40. **Starter**. The employee of a racing association responsible for dispatching the horses for a race. (4-9-09)

41. **State Veterinarian**. A veterinarian employed by the Racing Commission to serve as professional adviser and consultant to the Racing Commission on veterinary matters including all regulatory aspects of the application and practice of veterinary medicine at racetracks. (4-9-09)

42. **Steward**. A horse racing official who presides over a race meeting, has jurisdiction over all racing officials, rules on protests and claims of foul, and imposes fines and suspensions. (4-9-09)

43. **Tote Employee**. An employee of a company providing the automated pari-mutuel system that

dispenses and records betting tickets, calculates and displays odds and payoffs, and provides the mechanism for cashing winning tickets. (4-9-09)

44. **Track Superintendent**. The employee of a racing association responsible for maintaining acceptable racing and training track conditions during a race meet. (4-9-09)

45. **Track Security**. A person responsible to provide security at a racetrack. (4-9-09)

46. **Trainer**. The person who conditions and prepares a race horse for racing, with the absolute responsibility to ensure the physical condition and eligibility of the race horse. (4-9-09)

47. **Valet**. A person who attends riders and keeps their wardrobe and equipment in order. (4-9-09)

48. **Veterinarian**. A private veterinary practitioner employed by owners or trainers on an individual case or contract basis. (4-9-09)

49. **Vet Assistant**. A person who assists a state veterinarian. (4-9-09)

50. **Video Employee**. An employee hired by a photo/video provider to operate the equipment during the running of horse races for the benefit of the stewards and racetracks. (4-9-09)

011. -- 019. (RESERVED)

020. APPLICABILITY.
Pursuant to Section 54-2506, Idaho Code, these rules apply to any person that participates, directly or indirectly, in any race meet. (4-9-09)

021. -- 029. (RESERVED)

030. REFUSAL TO ISSUE LICENSE.
The Racing Commission may refuse to issue a license and may revoke any license already issued to any person: (4-9-09)

01. **Convicted**. Who has been convicted of any felony and whose civil rights have not yet been restored pursuant to Section 18-310(2), Idaho Code. (4-9-09)

02. **Felony Probation**. Who is on probation, or parole for a conviction or withheld judgment for any felony. (4-9-09)

03. **Misrepresentation**. Who has made any material misrepresentation or false statement to the Racing Commission or its agents in his application for license or otherwise, or who fails to answer any material question on any application for a license. (4-9-09)

04. **Unqualified**. Who is unqualified by age, skill, knowledge or ability to engage in the activities for which a license is required. (4-9-09)

05. **Ownership**. Who fails to disclose the true ownership or interest in any or all horses as required by any application. (4-9-09)

06. **Ejection**. Who is subject to exclusion or ejection from the racing enclosure or is within the classes of persons prohibited from participating in pari-mutuel wagering. (4-9-09)

07. **Conduct**. Who has committed an act or acts demonstrating financial instability, intemperate habits or has a bad reputation for truth, honesty and integrity, or other similar conduct contrary to the best interest of racing. (4-9-09)

08. **Narcotics**. Who has been convicted of possession, use, or sale of any narcotic, dangerous drug, or

marijuana if such conviction was a misdemeanor, within two (2) years prior to the date of making application for any license. (4-9-09)

09. Drug Probation. Who is on probation or parole for a conviction or withheld judgment for misdemeanor possession, use, or sale of any narcotic, dangerous drug, or marijuana. (4-9-09)

10. Not Permitted. Who is not permitted by law or statute to engage in the occupation for which the license is sought. (4-9-09)

11. Violated Rules. Who has violated or who aids or abets or conspires with any person to violate any provision of the Racing Commission rules or of Sections 54-2501 through 54-2516, Idaho Code. (4-9-09)

12. Age. No person under sixteen (16) years of age may be issued a license by the Racing Commission with the exception that a person under sixteen (16) years of age may be licensed as a co-owner with a parent or guardian if the person under sixteen (16) years of age submits an Assumption of Liability form signed by the parent or guardian and notarized by a notary public. This co-ownership is not intended to allow an underage person access to any areas of the track facility. (4-9-09)

13. Deny or Revoke. The Racing Commission may deny a license to, or revoke the license of, any person who has had a license revoked or denied by any recognized racing jurisdiction. (4-9-09)

031. -- 039. (RESERVED)

040. CRUELTY TO ANIMALS.
No licensee may violate Title 25, Chapter 35, Idaho Code, "Cruelty to Animal," while on the grounds of a racing association. The stewards will be the sole judges of whether or not a violation of Title 25, Chapter 35, Idaho Code, has occurred on racing association grounds. The penalty for a first offense may include a fine or a suspension or both. A second violation within a calendar year will include a mandatory suspension, the length of which will be at the discretion of the stewards. (4-9-09)

041. -- 049. (RESERVED)

050. FINGERPRINTS.
All persons between the ages of eighteen (18) and sixty-nine (69) applying for licensing pursuant to this chapter are required to submit information and fingerprints necessary to obtain criminal history information from the Idaho State Police Bureau of Criminal Identification and the Federal Bureau of Investigation. The Idaho State Racing Commission (ISRC) may receive criminal history information from the Idaho State Police Bureau of Criminal Identification and from the Federal Bureau of Investigation for the purpose of evaluating the fitness of applicants pursuant to Section 54-2508, Idaho Code. Pursuant to state and federal law, further dissemination or other use of the criminal history information is prohibited. (3-24-17)

01. License Applicants. Any person that applies for a license from the Racing Commission who has not been fingerprinted within the past five (5) years must be fingerprinted prior to a license being issued. Pursuant to Section 67-3008, Idaho Code, the ISRC shall submit a set of fingerprints obtained from the applicant and the required fees to the Idaho State Police Bureau of Criminal Identification for a criminal records check of state and national databases. (3-24-17)

02. Existing Licensees. Any person that currently holds a valid license from the ISRC must be re-fingerprinted at least every five (5) years in accordance with the procedures outlined in Subsection 050.01 of these rules. (3-24-17)

03. Fees. The cost of taking and processing such fingerprints shall be the responsibility of the applicant. Fees for taking and processing fingerprints are in accordance with the amount(s) charged by the Idaho State Police Bureau of Criminal Identification pursuant to Section 67-3010, Idaho Code. (3-24-17)

051. -- 089. (RESERVED)

090. APPLICATIONS.
All application forms must be filled out completely and legibly. (4-9-09)

01. Application Forms. All applications must be submitted to the Racing Commission on forms obtained from the Racing Commission. (4-9-09)

02. Other Forms. All other forms required to be submitted to the Racing Commission by this chapter must be of a type approved by the Racing Commission. (4-9-09)

03. Age. Applicants between sixteen (16) and eighteen (18) years of age are required to submit an Assumption of Liability Form signed by their guardian and notarized by a notary public. (4-9-09)

091. -- 094. (RESERVED)

095. ADD-ON.
Any qualified person may add an additional license category to an existing license by paying the add-on fee unless: (4-9-09)

01. Higher Fee. The fee for the category added is higher than the fee for the existing license category. (4-9-09)

02. Additional License. If the fee for the license category that is requested is higher than the fee for the existing license category, the person must pay the Racing Commission the higher fee. (4-9-09)

096. DUPLICATE LICENSE.
The Racing Commission may issue a duplicate license in the event an existing license has been lost or destroyed. (4-9-09)

097. -- 099. (RESERVED)

100. ADMISSIONS LICENSE.
All persons applying for an admissions license must submit a completed application signed by a racing association. (4-9-09)

101. -- 109. (RESERVED)

110. APPRENTICE JOCKEY LICENSE.
All persons applying for an apprentice jockey license must submit a completed application signed by a steward and an apprentice jockey certificate signed by a licensed starter, two (2) licensed jockeys, a licensed outrider, and a steward. (4-9-09)

111. -- 119. (RESERVED)

120. ANNOUNCER LICENSE.
All persons applying for an announcer license must submit a completed application signed by a racing association. (4-9-09)

121. -- 129. (RESERVED)

130. ASSISTANT STARTER LICENSE.
All persons applying for an assistant starter license must submit a completed application signed by a licensed starter. (4-9-09)

131. -- 139. (RESERVED)

140. AUTHORIZED AGENT LICENSE.
All persons applying for an authorized agent license must submit a completed application and a notarized authorized agent form. (4-9-09)

01. Each Owner Represented. A separate authorized agent form must be filed for each owner represented. (4-9-09)

02. Written Instrument. A written instrument signed by the owner must accompany the application and must clearly set forth the delegated powers of the authorized agent. The owner's signature on the written instrument must be acknowledged before a notary public. (4-9-09)

03. Power of Attorney. If the written instrument is a power of attorney, it must be filed with the Racing Commission and attached to the regular application form. (4-9-09)

04. Changes. Any changes must be made in writing and filed with the Racing Commission as described in Subsection 140.02 of these rules. (4-9-09)

05. Termination. The authorized agent's appointment may be terminated by the owner, in writing, acknowledged before a notary public and filed with the Racing Commission whereupon the license is no longer valid. (4-9-09)

141. -- 144. (RESERVED)

145. BAD CHECKS.
Any licensee who make, draw, order or deliver a check, draft or order for the payment of money to another Idaho licensee, Racing Association, Racing Commission or employee of said Association, Racing Association or Racing Commission, which check, draft or order for the payment of money is invalid on its face or non-negotiable, or there are not sufficient funds on deposit for full payment of such check, draft or order, may be subject to suspension or disciplinary action, or both, by the Racing Commission. (4-9-09)

146. - 149. (RESERVED)

150. CHART PERSON LICENSE.
All persons applying for a chart person license must submit a completed application. (4-9-09)

151. -- 159. (RESERVED)

160. CONCESSIONAIRE LICENSE.
All persons applying for a concessionaire license must submit a completed application, and: (4-9-09)

01. Names of Owners. The names and addresses of all of the principal owners. (4-9-09)

02. Proof of Financial Stability. A financial statement of assets and liabilities. (4-9-09)

03. Type of Business. The type of business generally engaged in by the applicant. (4-9-09)

161. -- 165. (RESERVED)

166. CONCESSION EMPLOYEE LICENSE.
All persons applying for a concession employee license must submit a completed application signed by a licensed concessionaire. (4-9-09)

167. -- 169. (RESERVED)

170. CLOCKER LICENSE.
All persons applying for a clocker license must submit a completed application that is signed by a racing association. (4-9-09)

171. -- 179. (RESERVED)

180. CLERK OF SCALES LICENSE.
All persons applying for a clerk of scales license must submit a completed application signed by a racing association. (4-9-09)

181. -- 189. (RESERVED)

190. EMERGENCY MEDICAL TECHNICIAN LICENSE.
All persons applying for an emergency medical technician license must submit a completed application signed by a racing association and a copy of Emergency Medical Technician Certification. (4-9-09)

191. -- 199. (RESERVED)

200. EXERCISE PERSON LICENSE.
All persons applying for an exercise person license must submit a completed application. For a first time licensee the application must be signed by a Steward. (4-9-09)

201. -- 209. (RESERVED)

210. GROOM LICENSE.
All persons applying for a groom license must submit a completed application signed by a licensed trainer. (4-9-09)

211. -- 219. (RESERVED)

220. HORSEMEN'S BOOKKEEPER LICENSE.
All persons applying for a horsemen's bookkeeper license must submit a completed application signed by a racing association. (4-9-09)

221. -- 229. (RESERVED)

230. IDENTIFIER LICENSE.
All persons applying for an identifier license must submit a completed application signed by a racing association. (4-9-09)

231. -- 239. (RESERVED)

240. JOCKEY LICENSE.

01. Application for License. All persons applying for a jockey license must submit a completed application and a current physical evaluation from a medical professional. (4-9-09)

02. First Time Licensed. The application for a person that has not been previously licensed as a jockey in Idaho must be signed by a steward. (4-9-09)

241. -- 249. (RESERVED)

250. JOCKEY AGENT LICENSE.
All persons applying for a jockey agent license must submit a completed application and a list of licensed jockeys represented. Each jockey agent may represent no more than two (2) jockeys and one (1) apprentice jockey. (4-9-09)

251. -- 259. (RESERVED)

260. JOCKS ROOM CUSTODIAN LICENSE.
All persons applying for a jocks room custodian license must submit a completed application signed by a racing association. (4-9-09)

261. -- 269. (RESERVED)

270. MAINTENANCE LICENSE.
All persons applying for a maintenance license must submit a completed application signed by a racing association. (4-9-09)

271. -- 279. (RESERVED)

280. MUTUEL EMPLOYEE LICENSE.
All persons applying for a mutuel employee license must submit a completed application signed by a racing association and be at least eighteen (18) years of age. (4-9-09)

281. -- 289. (RESERVED)

290. OFFICE PERSONNEL LICENSE.
All persons applying for an office personnel license must submit a completed application signed by a racing association. (4-9-09)

291. -- 299. (RESERVED)

300. OFFICIAL LICENSE.
All persons applying for an official license must submit a completed application signed by a racing association or Racing Commission. (4-9-09)

301. -- 309. (RESERVED)

310. OWNER/TRAINER LICENSE.
All persons applying for an owner/trainer license must submit a completed application. (4-9-09)

311. -- 319. (RESERVED)

320. OUTRIDER LICENSE.
All persons applying for an outrider license must submit a completed application signed by a racing association. (4-9-09)

321. -- 329. (RESERVED)

330. OWNER LICENSE.
All persons applying for an owner license must submit a completed application. All persons listed on the registration papers must obtain an owners license. (4-9-09)

01. Financial Responsibility. If the Racing Commission 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. (4-9-09)

02. Transfer of Horse Prohibited. The Racing Commission 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 Racing 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 Racing Commission rule or ruling is prohibited. (4-9-09)

03. Multiple Owners. If the legal owner of any horse is a partnership, corporation, limited liability company, syndicate or other racing association or entity, each shareholder, member or partner must be licensed as an owner. (4-9-09)

04. Lease Agreements. A horse may be raced under lease provided a completed breed registry or other lease form acceptable to the Racing Commission is attached to the certificate of registration and on file with the Racing Commission. The lessee must be licensed as a horse owner. (4-9-09)

05. Supplemental License Fee. When submitting a horse for hair testing as required in IDAPA 11.04.11, "Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances and Drug Testing of Horses," the owner(s) must pay a supplemental license fee of two hundred twenty-five dollars ($225) per hair test. The Racing Commission, its Executive Director, or its Business Operations Manager are authorized to, and shall designate the individual(s) responsible for collecting the supplemental fee. The owner or trainer must submit payment to said designated individual prior to testing. (9-17-18)T

331. -- 339. (RESERVED)

340. PADDOCK JUDGE LICENSE.
All persons applying for a paddock judge license must submit a completed application signed by a racing association. (4-9-09)

341. -- 349. (RESERVED)

350. PHOTOGRAPHER LICENSE.
All persons applying for a photographer license must submit a completed application. (4-9-09)

351. -- 359. (RESERVED)

360. PLATER LICENSE.
All persons applying for a plater license must submit a completed application. Applications for a first time plater license must be accompanied by a letter of recommendation from an owner or trainer. (4-9-09)

361. -- 369. (RESERVED)

370. PONY PERSON LICENSE.
All persons applying for a pony person license must submit a completed application. If the application is for a first time pony person license, the application must be signed by a steward. (4-9-09)

371. -- 379. (RESERVED)

380. RACING SECRETARY LICENSE.
All persons applying for a racing secretary license must submit a completed application signed by a racing association. (4-9-09)

381. -- 389. (RESERVED)

390. STABLE NAME LICENSE.
All persons applying for a stable name license must submit a completed application which includes the identity or identities of the ownership interests involved in the horse racing operation. (4-9-09)

01. Changes of Ownership. Any change in ownership of the horse racing stable must be reported immediately to and approved by the Racing Commission. (4-9-09)

02. Trainer. A trainer who is licensed as an owner or part owner may use a stable name as owner or part owner. However, no trainer may be licensed as a trainer other than in his legal name. (4-9-09)

391. STABLE NAME CHANGE.

01. Cancellation. Any person who has been granted a stable name license may at anytime cancel the stable name license if written notice has been submitted to the Racing Commission and the Racing Commission approves the cancellation. (4-9-09)

02. Name Change. A stable name may be changed at anytime by canceling the existing stable name and submitting a new stable name application with the appropriate fee. (4-9-09)

392. STABLE NAMES PROHIBITED.
No stable name may be: (4-9-09)

01. Registered. Registered by any other person with a racing association conducting a recognized meeting, or the Jockey Club (N.Y.) or with another racing authority; (4-9-09)

02. Real Name. The real name of any owner of race horses nor the real or assumed name of any prominent person not owning race horses; (4-9-09)

03. Misleading. Misleading to the public or unbecoming to the sport; (4-9-09)

04. Distinguishable. All stable names must be plainly distinguishable from all other licensed stable names. (4-9-09)

05. One Name. No individual may license more than one (1) stable name. (4-9-09)

393. -- 399. (RESERVED)

400. STALL SUPERINTENDENT LICENSE.
All persons applying for a stall superintendent license must submit a completed application signed by a racing association. (4-9-09)

401. -- 409. (RESERVED)

410. STARTER LICENSE.
All persons applying for a starter license must submit a completed application signed by a racing association. (4-9-09)

411. -- 419. (RESERVED)

420. STATE VETERINARIAN LICENSE.
All persons applying for a state veterinarian license must submit a completed application and have a signed contract on file in the Racing Commission office. (4-9-09)

421. -- 429. (RESERVED)

430. STEWARD LICENSE.
All persons applying for a steward license must meet the Stewards Qualifications, as set down in IDAPA 11.04.06, "Rules Governing Racing Officials," Section 050, and must submit a completed license application signed by the Racing Commission. (4-9-09)

431. -- 439. (RESERVED)

440. TOTE EMPLOYEE LICENSE.
All persons applying for a tote employee license must submit a completed application. (4-9-09)

441. -- 449. (RESERVED)

450. TRACK SUPERINTENDENT LICENSE.
All persons applying for a track superintendent license must submit a completed application signed by a racing association. (4-9-09)

451. -- 459. (RESERVED)

460. TRACK SECURITY LICENSE.
All persons applying for a track security license must submit a completed application signed by their employer. (4-9-09)

461. -- 469. (RESERVED)

470. TRAINER LICENSE.
All persons applying for a trainer license must submit a completed application. (4-9-09)

01. First Time Licensed. All persons applying for a trainer license for the first time in Idaho must pass the trainer's test and have their application signed by a steward; or (4-9-09)

02. Valid License. Have a current valid trainers license from another recognized jurisdiction. (4-9-09)

471. -- 479. (RESERVED)

480. VALET LICENSE.
All persons applying for a valet license must submit a completed application signed by a racing association. (4-9-09)

481. -- 489. (RESERVED)

490. VETERINARIAN LICENSE.
All persons applying for a veterinarian license must submit a completed application and have a current valid license to practice veterinary medicine from the state of Idaho. (4-9-09)

491. -- 499. (RESERVED)

500. VET ASSISTANT LICENSE.
All persons applying for a vet assistant license must submit a completed application signed by a state veterinarian. (4-9-09)

501. -- 509. (RESERVED)

510. VIDEO EMPLOYEE LICENSE.
All persons applying for a video employee license must submit a completed application. (4-9-09)

511. -- 599. (RESERVED)

600. LICENSE FEES.
All persons applying for licenses pursuant to this chapter must pay the Racing Commission the fee associated with the type of license being sought before any license will be issued.

LICENSE		FEE		LICENSE		FEE
Add-ons	-	$10		Official	-	$50
Admission	-	$15		Outrider	-	$25
Announcer	-	$25		Owner	-	$50
Apprentice Jockey	-	$50		Owner/Trainer	-	$65
Assistant Starter	-	$25		Paddock Judge	-	$25
Authorized Agent	-	$50		Photographer	-	$25
Chart Person	-	$25		Plater	-	$50
Clerk of Scales	-	$25		Pony Person	-	$25
Clocker	-	$25		Racing Secretary	-	$35
Concession Employee	-	$15		Stable Registration	-	$50

LICENSE		FEE		LICENSE		FEE
Concessionaire	-	$50		Stall Superintendent	-	$25
Duplicate	-	$10		Starter	-	$25
EMT	-	$25		State Veterinarian	-	$0
Exercise Person	-	$25		Steward	-	$50
Groom	-	$25		Tote Employee	-	$15
Horsemen's Bookkeeper	-	$35		Track Security	-	$25
Identifier	-	$25		Track Superintendent	-	$25
Jockey	-	$50		Trainer	-	$50
Jockey Agent	-	$50		Valet	-	$10
Jocks Room Custodian	-	$25		Veterinarian	-	$50
Maintenance		$15		Vet Assistant	-	$15
Mutuel Employee	-	$15		Video Employee	-	$15
Office Personnel	-	$15			-	

(4-9-09)

601. -- 989. (RESERVED)

990. PENALTIES.
Any person violating any of the provisions of this chapter is subject to the penalties provided for in Title 54, Chapter 25, Idaho Code. (4-9-09)

991. -- 998. (RESERVED)

999. MINOR VIOLATIONS.
Nothing in this chapter may be construed as requiring the Racing Commission to begin enforcement proceedings on minor violations when the Racing Commission believes that the public interest will be best served by suitable warnings or other administrative action. (4-9-09)

IDAPA 11
TITLE 04
CHAPTER 05

11.04.05 – RULES GOVERNING ADVANCED DEPOSIT WAGERING

000. LEGAL AUTHORITY.
This chapter is adopted pursuant to the legal authority of Title 54, Chapter 25, of the Idaho Code. (3-29-10)

001. TITLE AND SCOPE.

01. Title. These rules are titled IDAPA 11.04.05, "Rules Governing Advanced Deposit Wagering." (3-29-10)

02. Scope. These rules govern advanced deposit wagering in Idaho. (3-29-10)

002. WRITTEN INTERPRETATIONS.
There are no written interpretations for these rules. (3-29-10)

003. ADMINISTRATIVE APPEALS.
Persons may be entitled to appeal Racing Commission actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (3-29-10)

004. INCORPORATION BY REFERENCE.
No documents are incorporated by reference into these rules. (3-29-10)

005. OFFICE -- OFFICE HOURS -- STREET ADDRESS -- MAILING ADDRESS -- TELEPHONE -- WEBSITE.

01. Physical Address. The central office of the Idaho State Racing Commission is located at 700 S. Stratford Drive, Meridian, Idaho 83680. (3-29-10)

02. Office Hours. The central office is open 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (3-29-10)

03. Telephone Number. The telephone of the office is (208) 884-7080. (3-29-10)

04. Fax Number. The facsimile number of the office is (208) 884-7098. (3-29-10)

05. Website. The Racing Commission's website at http://www.idaho.gov/race. (3-29-10)

006. PUBLIC RECORDS COMPLIANCE AND AVAILABILITY.
All rules contained in this chapter are subject to and in compliance with the Idaho Public Records Act (Title 74, Chapter 1, Idaho Code). (3-29-10)

007. -- 009. (RESERVED)

010. DEFINITIONS.

01. Account. An account for advanced deposit wagering with a specific identifiable record of credits, debits, deposits, wagers, and withdrawals established by an account holder and managed by the advanced deposit wagering operator. (3-29-10)

02. Account Holder. A natural person who successfully completed an application and for whom the advance deposit wagering operator has opened an account. (3-29-10)

03. Advance Deposit Wagering. A form of pari-mutuel wagering in which a natural person may deposit money in an account with an advance deposit wagering operator and then use the current balance to pay for

pari-mutuel wagering. (3-29-10)

04. **Advance Deposit Wagering Facility**. An actual location, equipment, and staff of an advance deposit wagering operator involved in the management, servicing and operation of advance deposit wagering. (3-29-10)

05. **Advance Deposit Wagering Operator**. Those persons or entities licensed by the Idaho State Racing Commission with the authority to accept deposits and wagers, issue a receipt or other confirmation to the account holder evidencing such deposits and wagers, and transfer credits and debits to and from accounts. (3-29-10)

06. **Applicant**. A natural person who has submitted an application to establish an account. (3-29-10)

07. **Application**. The form or forms and other required submissions received from an applicant with the intent of opening an account. (3-29-10)

08. **Confidential Information**. Confidential information includes: (3-29-10)

a. The amount of money credited to, debited from, withdrawn from, or present in any particular account holder's account; (3-29-10)

b. The amount of money wagered by a particular account holder on any race or series of races; (3-29-10)

c. The account number and secure personal identification code of a particular account holder; (3-29-10)

d. The identities of particular entries on which the account holder is wagering or has wagered; (3-29-10)

e. Unless otherwise authorized by the account holder, the name, address, and other information in the possession of the advance deposit wagering operator that would identify the account holder to anyone other than the Racing Commission. (3-29-10)

09. **Corporation**. A body that is granted a charter recognizing it as a separate legal entity distinct from its members. (3-29-10)

10. **Credits**. All positive inflow of money to an account. (3-29-10)

11. **Debits**. All negative outflow of money from an account. (3-29-10)

12. **Deposit**. A payment of money by cash, check, money order, credit card, debit card, or electronic funds transfer made by an account holder to the account holder's account. (3-29-10)

13. **Natural Person**. Any person at least eighteen (18) years of age, but does not include any corporation, partnership, limited liability company, trust, or estate. (3-29-10)

14. **Partnership**. A relationship between individuals for the achievement of a specific goal. (3-29-10)

15. **Principal Residence Address**. That place where the natural person submitting an application for an account resides at least fifty percent (50%) of the time during the calendar year. (3-29-10)

16. **Proper Identification**. A form of identification accepted in the normal course of business to establish that the person making a transaction is the account holder. (3-29-10)

17. **Racing Commission**. Three (3) member Idaho State Racing Commission created by Section 54-2503, Idaho Code, or its designee. (3-29-10)

18. **Secure Personal Identification Code**. An alpha-numeric character code chosen by an account holder as a means by which the advance deposit wagering operator may verify a wager or account transaction as authorized by the account holder. (3-29-10)

19. **Source Market Fee**. That part of a wager, made outside of the state by an Idaho resident, that is returned to the Racing Commission. (3-29-10)

20. **Withdrawal**. A payment of money from an account by the advance deposit wagering operator to the account holder when property requested by the account holder. (3-29-10)

21. **Withdrawal Slip**. A form provided by the advance deposit wagering operator for use by an account holder in withdrawing funds from an account. (3-29-10)

011. -- 014. (RESERVED)

015. LICENSING FOR ADVANCED DEPOSIT WAGERING.
No person may conduct advanced deposit wagering activities within Idaho prior to receiving an advance deposit wagering license from the Racing Commission. (3-29-10)

016. -- 019 (RESERVED)

020. ADVANCED DEPOSIT WAGERING LICENSE.
Any person may request a license from the Racing Commission to conduct advanced deposit wagering in accordance with Section 54-2512(5), Idaho Code, and these rules. As part of the request, such person must submit a detailed plan of how its proposed advance deposit wagering system would operate. The Racing Commission may require changes in a proposed plan of operations as a condition of granting a request. No subsequent changes in the system's operation may occur unless ordered by the Racing Commission or until approval is obtained from the Racing Commission after it receives a written request. (3-29-10)

021. -- 024. (RESERVED)

025. ADVANCE DEPOSIT WAGERING LICENSE APPLICATION.
An applicant for an advance deposit wagering operator license must provide the following information as part of the application: (3-29-10)

01. **Legal Name**. The legal name of the person seeking the license. (3-29-10)

02. **Corporation**. If the person seeking a license is a corporation: the names, addresses of all directors and officers, the date of incorporation and the place of incorporation;. (3-29-10)

03. **Partnership**. If the person seeking a license is a partnership: the names, addresses of all partners. If a partner is a corporation the date of incorporation, the place of incorporation and the names and addresses of all directors and officers. (3-29-10)

04. **Race Tracks**. The names of the race tracks the advance deposit wagering operator has contracts with that allow the applicant to provide wagering on the product. (3-29-10)

05. **Financial Information**. Financial information that demonstrates the financial resources to operate. (3-29-10)

06. **Budget**. A detailed budget showing anticipated revenue, expenditures and cash flows by month during the license period. (3-29-10)

07. **Number of Days**. The number of days of planned operation during the fiscal year in which they are seeking to be licensed. (3-29-10)

026. DETAILED PLAN OF OPERATION FOR ADVANCED DEPOSIT WAGERING.

01. Detailed Plan of Operation. The detailed plan of operation for an advanced deposit wagering license must include, but is not limited to, the following information: (3-29-10)

a. The manner in which the wagering system will operate; (3-29-10)

b. Programs for responsible wagering; and (3-29-10)

c. Mitigation for the effects of advance deposit wagering on the source market in which the account holder resides. (3-29-10)

02. Requirements for Accounts Established and Operated for Persons Whose Principal Residence is Outside of the State of Idaho. The Racing Commission may require changes in a proposed plan of operations as a condition of granting a license. No subsequent changes in the system's operation may occur unless ordered by the Racing Commission or until approval is obtained from the Racing Commission after it receives a written request. (3-29-10)

027. -- 029. (RESERVED)

030. INVESTIGATIONS OR INSPECTIONS.
The Racing Commission may conduct investigations and inspections and request additional information from the advanced deposit wagerer as it deems appropriate. (3-29-10)

031. -- 039. (RESERVED)

040. CLAIMS OF NON-PAYMENT.

01. Claim of Non-Payment. An account holder, who is claiming that non-payment has occurred, must make a claim of non-payment to the Racing Commission. (3-29-10)

02. Investigation of Claim. The Racing Commission will investigate the claim and provide the advance deposit wagering operator with an opportunity to respond thereto and submit any supporting documents or evidence it needs to defend the claim. (3-29-10)

03. Commission Determination. If the Racing Commission determines that the account holder is entitled to restitution, the advance deposit wagering operator has ten (10) days to pay the amount determined by the Racing Commission. (3-29-10)

041. -- 049. (RESERVED)

050. PROMOTE AND ADVERTISE.
An applicant licensed under these rules may enter into such agreements, for what it deems good and sufficient reasons, that are necessary to promote, advertise, and further the sport of racing, or that may be necessary for the effective operation of interstate account wagering, including, without limitation, television production and telecommunications services. Such agreements are reviewed by the Racing Commission and may be denied. (3-29-10)

051. -- 059. (RESERVED)

060. OUT-OF-STATE PROVIDERS.
Any advance deposit wagering by an account holder with a provider outside of the State by telephone or other electronic means is illegal, unless that provider is licensed by the Racing Commission and provides a source market fee of not less than ten percent (10%) of the handle forwarded monthly to the Racing Commission. (3-29-10)

061. -- 069. (RESERVED)

070. RESIDENCE OUTSIDE THE STATE OF IDAHO.

Requirements for the establishment and operation of accounts for individuals whose principle residence is outside of the state of Idaho must be set forth in the operation plan as stated in these rules. (3-29-10)

071. -- 079. (RESERVED)

080. ESTABLISHING AN ACCOUNT.

01. Establishing an Account. The application for establishing the account must be authorized in a manner acceptable to the Racing Commission and must include the applicant's: (3-29-10)

a. Full legal name; (3-29-10)

b. Principal residence address; (3-29-10)

c. Telephone number of their permanent residence; (3-29-10)

d. Social security number; and (3-29-10)

e. Proper identification or certification demonstrating that the applicant is at least eighteen (18) years of age. (3-29-10)

02. Other Information. As needed, any other information required by the Racing Commission or the advance deposit operator must be included. (3-29-10)

081. ACCOUNT INFORMATION.
Each application for an advance deposit wagering account may be subject to verification. (3-29-10)

082. IDENTIFYING AN ACCOUNT NUMBER.
Each account must have a unique identifying account number. The identifying account number may be changed at any time by the advance deposit wagering operator provided the advance deposit wagering operator informs the account holder in writing prior to the change. (3-29-10)

01. Secure Personal Identification Code. The applicant must supply the advance deposit wagering operator with an alpha-numeric code to be used as a secure personal identification code when the account holder is placing an account wager. The account holder has the right to change this code at any time. (3-29-10)

02. Principle Residence. The principal residence address will be established by reliance on the information submitted on the application form provided and certified by the applicant. (3-29-10)

03. Upon Approval Account Holder Receives. The account holder will receive, at the time the account is approved: (3-29-10)

a. A unique account identification number; (3-29-10)

b. A copy of the advance deposit wagering rules and such other information and material that is pertinent to the operation of the account; and (3-29-10)

c. Such other information as the advance deposit wagering operator or Racing Commission may deem appropriate. (3-29-10)

04. Name of Natural Persons. The advance deposit wagering operator will accept accounts in the name of a natural person only. (3-29-10)

05. Nontransferable. The account is nontransferable between natural persons. (3-29-10)

083. -- 089. (RESERVED)

090. CLOSE OR REFUSE TO OPEN AN ACCOUNT.
The advance deposit wagering operator may close or refuse to open an account, for what it deems good and sufficient reason, and will order an account closed if it is determined that information that was used to open an account was false, or that the account has been used in violation of these rules. (3-29-10)

091. -- 094. (RESERVED)

095. ACCOUNT HOLDER RESPONSIBILITIES.

01. Personal Use Only. Accounts are for the personal use of the account holder. (3-29-10)

02. Security. The account holder is responsible for maintaining the secrecy of the account number and secure personal identification code. (3-29-10)

03. Account Losses. Except where the advance deposit wagering center or its employees or agents act without good faith or fail to exercise ordinary care, the advance deposit wagering center is not be responsible for any loss arising from the use by any other person or persons of an account holder's account. (3-29-10)

04. Notification of Account Security Breach. The account holder must immediately notify the advance deposit wagering center of a breach of the account's security. (3-29-10)

096. -- 099. (RESERVED)

100. OPERATION OF AN ACCOUNT.

01. Operator May Refuse Deposits. The advance deposit wagering operator may refuse deposits to an account for what it deems good and sufficient reason. (3-29-10)

02. Operator May Suspend or Close Account. The advance deposit wagering operator may suspend or close any account at any time provided that within five (5) business days of closing the account the advance deposit wagering operator returns to the account holder all monies then on deposit by sending it to the principal residence address as listed on the application. (3-29-10)

101. -- 104. (RESERVED)

105. CREDITS TO AN ACCOUNT.
After the initial establishment of an account, credits to an account may be made as follows: (3-29-10)

01. Deposits. Deposits to an account by an account holder must be made in the following forms: (3-29-10)

a. Cash given to the staff of an advance deposit wagering operator; (3-29-10)

b. Personal or cashier check, or money order given or sent to an advance deposit wagering operator; (3-29-10)

c. Charges made to an account holder's credit card or debit card upon the direct and personal instruction of the account holder. Such instructions may be given by telephone or any electronic device to the advance deposit wagering facility by the account holder if the use of the card has been approved by the advance deposit wagering operator; or (3-29-10)

d. Transfer by means of an electronic funds transfer from a monetary account controlled by an account holder to his account. The account holder is liable for any charges imposed by the transmitting or receiving entity with such charges to be deducted from the account. (3-29-10)

02. Credit for Winnings. Credit for winnings from wagers placed with funds in an account and credit for account wagers on entries that are scratched will be posted to the account by the advance deposit wagering

operator. (3-29-10)

03. Accordance with Financial Institution. Checks, money orders and other negotiable instruments will be posted to the credit of the account holder in accordance with financial institution funds availability schedules. (3-29-10)

106. DEBITS TO AN ACCOUNT.

01. Debits to an Account. Debits to an account are made as follows: (3-29-10)

a. Upon receipt by the advance deposit wagering operator of an account wager, the advance deposit wagering center debits the account in the amount of the wager; or (3-29-10)

b. For fees for service or other transaction-related charges by the advance deposit wagering operator. (3-29-10)

02. Account Withdrawals. An advance deposit wagering operator may authorize a withdrawal from an account when one (1) of the following exists: (3-29-10)

a. The account holder of an account appears personally at the advance deposit wagering operators location and provides the following: (3-29-10)

i. Proper identification; (3-29-10)

ii. The correct secure personal identification code; and (3-29-10)

iii. A properly completed and signed withdrawal slip. (3-29-10)

b. The account holder sends to the advance deposit wagering operator a properly completed and signed withdrawal slip by any means, electronic or otherwise. (3-29-10)

i. Upon receipt of a properly completed and signed withdrawal slip, and if there are sufficient funds in the account to cover the withdrawal, the advance deposit wagering operator must, within five (5) business days of its receipt, send a check to the account holder. The check must be payable to the holder of the account and in the amount of the requested withdrawal. (3-29-10)

ii. If funds are not sufficient to cover the withdrawal, the account holder will be notified in writing and those funds in the account will be withdrawn and sent to the account holder within the five (5) business day time period. Electronic funds transfers may be used for withdrawals in lieu of a check at the discretion of the account holder and the advance deposit wagering operator subject to the same conditions described for electronic funds transfer credits. (3-29-10)

c. The advance deposit wagering operator may close accounts in which there has been no activity for at least six (6) months, returning funds remaining therein to the account holder at his principal residence address. (3-29-10)

d. In the event an account holder is deceased, funds accrued in the account will be released to the decedent's legal representative upon receipt of a copy of a valid death certificate, tax releases or waivers, probate court authorizations or other documents required by applicable laws. (3-29-10)

107. WAGERS IN EXCESS OF ACCOUNT BALANCE.
The advance deposit wagering operator will not accept wagers from an account holder in an amount in excess of the account balance. (3-29-10)

108. ACCOUNTS WILL NOT BEAR ANY INTEREST.
Monies deposited with the advance deposit wagering operator for advance deposit wagering must not bear any interest to the account holder. (3-29-10)

109. PAYMENTS ON WINNING PARI-MUTUEL WAGERS.
Payments on winning pari-mutuel wagers and credits for account wagers on entries which are scratched must be posted to the credit of the account holder as soon as practicable after the race is declared official. (3-29-10)

110. MAILING ADDRESS.
The principal residence address, provided in writing by the account holder at the time of application, is deemed to be the proper address for the purposes of mailing checks, statements of account, account withdrawals, notices, or other appropriate correspondence. The mailing of checks or other correspondence to the address given by the account holder is at the sole risk of the account holder. (3-29-10)

111. -- 119. (RESERVED)

120. POWERS OF THE RACING COMMISSION TO REVIEW AND AUDIT RECORDS.
The Racing Commission or its staff will be given access to all records and financial information of the advance deposit wagering operator for review and audit. The Racing Commission may require that the advance deposit wagering operator annually submit to the Racing Commission audited financial statements of the advance deposit wagering system. (3-29-10)

121. -- 124. (RESERVED)

125. CONFIDENTIAL INFORMATION.
No confidential information related to the placing of any wager or to the operation of the advance deposit wagering center may be divulged by any employee or agent of the advance deposit wagering center, except, as required by these rules, to the account holder or the Racing Commission, or as otherwise required by state or federal law or regulation or rules of the Racing Commission. (3-29-10)

126. -- 129. (RESERVED)

130. APPLICABLE LAWS, RULES, AND REGULATIONS.
All advance deposit wagering operators must adhere to all applicable state and federal laws, rules, and regulations. (3-29-10)

131. -- 989. (RESERVED)

990. PENALTIES.
Any person violating any of the provisions of these rules is subject to the penalties provided for in Title 54, Chapter 25, Idaho Code and any of the Racing Commission rules. (3-29-10)

991. -- 998. (RESERVED)

999. MINOR VIOLATIONS.
Nothing in these rules may be construed as requiring the Racing Commission to report minor violations when the Racing Commission believes that the public interest will be best served by suitable warnings or other administrative action. (3-29-10)

IDAPA 11
TITLE 04
CHAPTER 07

11.04.07 – RULES GOVERNING RACING ASSOCIATIONS

000. LEGAL AUTHORITY.
This chapter is adopted pursuant to the legal authority of Title 54, Chapter 25, of the Idaho Code. (3-29-10)

001. TITLE AND SCOPE.

01. Title. These rules are titled IDAPA 11.04.07, "Rules Governing Racing Associations." (3-29-10)

02. Scope. This rule governs conduct and licensing of racing associations. (3-29-10)

002. WRITTEN INTERPRETATIONS.
There are no written interpretations of these rules. (3-29-10)

003. ADMINISTRATIVE APPEALS.
Persons may be entitled to appeal racing commission actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (3-29-10)

004. INCORPORATION BY REFERENCE.
No documents are incorporated by reference into these rules. (3-29-10)

005. OFFICE -- OFFICE HOURS -- STREET ADDRESS -- MAILING ADDRESS -- TELEPHONE -- WEBSITE.

01. Physical Address. The central office of the Idaho State Racing Commission is located at 700 S. Stratford Drive, Meridian, Idaho 83680. (3-29-10)

02. Office Hours. The central office is open 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (3-29-10)

03. Telephone Number. The telephone of the office is (208) 884-7080. (3-29-10)

04. Fax Number. The facsimile number of the office is (208) 884-7098. (3-29-10)

05. Website. The Racing Commission's website at http://www.isp.idaho.gov/race. (3-29-10)

006. PUBLIC RECORDS COMPLIANCE AND AVAILABILITY.
All rules contained in this chapter are subject to and in compliance with the Idaho Public Records Act (Title 74, Chapter 1, Idaho Code). (3-29-10)

007. -- 009. (RESERVED)

010. DEFINITIONS.

01. Bookmaker. A person who makes a business of accepting the bets of others on the outcome of any sports contest including horse racing. (3-29-10)

02. Breed Association. A group organized under Idaho law to receive breeder awards. (3-29-10)

03. Breeder. Breeder of a horse is determined by the definition of breeder used by the registry of the particular breed of that horse. (3-29-10)

04. Calendar Day. Twenty-four (24) hours ending at midnight. (3-29-10)

05. **Chemical**. A substance composed of chemical elements or obtained by chemical processes. (3-29-10)

06. **Claiming Race**. A race in which any horse entered therein may be claimed in conformity with the rules. (3-29-10)

07. **Conditions**. Qualifications and requirements set by the Racing Association which determine a horse's eligibility to be entered in a race. (3-29-10)

08. **Drug**. Any chemical compound or any noninfectious biological substance not used for its mechanical properties, which may be administered to or used on or for patients, either human or animal, as an aid in diagnosis, treatment or prevention of disease or other abnormal condition, for the relief of pain or suffering, or to control or improve any physiological or pathological condition. See Subsection 010.22 for Prescription Drug definition. (3-29-10)

09. **Entry**. Means, according to the requirements of the text: (3-29-10)

a. A horse made eligible to run a race. (3-29-10)

b. Two (2) or more horses that are entered or run in a race and are coupled because of common ties or ownership. Where two (2) or more horses owned by separate owners but trained by the same Trainer are entered in the same race, the horses may run as separate betting interests. (3-29-10)

10. **Forfeit**. Money due because of an error fault, neglect of duty, breach of contract or a penalty. (3-29-10)

11. **Grounds**. Any area owned or leased by any licensed Association, Corporation, or Race Track which is operated for the purpose of conducting pari-mutuel racing. (3-29-10)

12. **Handbook**. A method of soliciting and recording wagers on the outcome of a sports contest including a horse race. (3-29-10)

13. **Horse**. Includes filly, mare, colt, horse and gelding in general; when referring to sex, a filly becomes a mare when five (5) years old; a horse is an entire male when five (5) years old or older. (3-29-10)

14. **Horsemen's Agreement**. An agreement approved by the Racing Commission between the Racing Association and the authorized horsemen's group. (3-29-10)

15. **Idaho Bred**. A foal dropped by a mare in Idaho. (3-29-10)

16. **Jockey**. A race rider, whether a licensed Jockey, apprentice, or amateur. (3-29-10)

17. **Meet**. The entire consecutive period for which a license to race has been granted to any one (1) association by the Racing Commission. (3-29-10)

18. **Month**. A calendar month. (3-29-10)

19. **Owner**. Includes the owner, part owner and lessee of any horse. An interest only in the earnings of a horse does not constitute ownership. In case of husband and wife, it is presumed that joint ownership exists. (3-29-10)

20. **Person**. Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, or any legal entity, which is recognized by law as the subject of rights and duties. (3-29-10)

21. **Place**. Means first, second or third and in that order is called "Win," "Place," and "Show." (3-29-10)

22. Prescription Drug. (3-29-10)

a. A drug which under federal law is required prior to being dispensed or delivered to be labeled with either of the following statements: (3-29-10)

i. "Caution: Federal law prohibits dispensing without a prescription"; or (3-29-10)

ii. "Caution: Federal law restricts this drug to be used by or on the order of a licensed Veterinarian." (3-29-10)

b. Or a drug which is required by any applicable federal or state law or regulation to be dispensed on prescription only or is restricted to use by practitioner only. (3-29-10)

23. Purse Race. A race for money or any other prize to which the owners of the horses do not contribute. (3-29-10)

24. Racing Association. Any person licensed by the Racing Commission to conduct live or simulcast pari-mutuel wagering. (3-29-10)

25. Racing Commission. Three (3) member Idaho State Racing Commission created by Section 54-2503, Idaho Code, or its designee. (3-29-10)

26. Racing Dates. The number of racing dates authorized by the Racing Commission in a Racing Association license. (3-29-10)

27. Ruled Off. An action by the racing stewards, under these rules, to suspend a license for a violation of these rules. (3-29-10)

28. Rules. The "Rules Governing Horse Racing" herein and any amendments or additions thereto. (3-29-10)

29. Starter. (3-29-10)

a. The individual approved to dispatch the horses in a race. (3-29-10)

b. The horse is a "starter" for a race when the stall doors of the starting gate open in front of it at the time the starter dispatches the horses. (3-29-10)

30. Stewards. The Stewards of the meet or their duly appointed deputies. (3-29-10)

31. Winner. Winner of a single race of a certain sum or value unless otherwise expressed in the conditions. (3-29-10)

32. Year. A calendar year. (3-29-10)

011. -- 019. (RESERVED)

020. ENTER, SEARCH AND INSPECT.
Every Racing Association, the Racing Commission, the Stewards or trained and qualified agents of the Idaho State Police, have the right to enter, search and inspect the buildings, stables, rooms and other places where horses which are eligible to race are kept, or where property and effects of the licensee are kept within the grounds of the Racing Association. Any licensee accepting a license is deemed to have consented to such search and to the seizure of any non-approved or prohibited materials, chemicals, drugs or devices and anything apparently intended to be used in connection therewith. (3-29-10)

021. -- 039. (RESERVED)

040. RACING COMMISSION.

01. Visit and Inspection. The Racing Commission or designated representatives will visit and inspect the race meets. Each Racing Association conducting a race meet must make available to the Racing Commission a box of four (4) seats for each day of the race meet. The private cars of Racing Commissioners or designated representatives will have access to the restricted parking area of all tracks. (3-29-10)

02. Association Office. Each Racing Association must furnish and provide an adequate office for the use of the Racing Commission or its designated representatives. (3-29-10)

041. -- 049. (RESERVED)

050. EMPLOYEES.

01. Licenses. Any Racing Association that employs any person in a capacity that is required to be licensed by the Racing Commission prior to the Racing Commission granting such a license may be subject to suspension or a fine, or both. (3-29-10)

02. Suspension or Fine. The extent of said suspension or fine, or both, is determined by the Board of Stewards. (3-29-10)

03. Report to Stewards. Any licensee who harbors anyone not licensed by the Racing Commission will be immediately reported to the Stewards of the race meet so that they may make investigation thereof and report the fact to the Racing Commission. (3-29-10)

051. -- 054. (RESERVED)

055. DISTURBING THE PEACE.
No person will in any manner or at any time disturb the peace or behave in a disorderly manner on the grounds of a Racing Association; nor will any person interfere with the performance of the duties of a racing official or any employee or representative of the Racing Commission. (3-29-10)

056. -- 059. (RESERVED)

060. RULED OFF.

01. Admittance to Grounds. No person or horse ruled off, or under suspension by any recognized racing authority, will be admitted to or allowed to remain upon the grounds of any Racing Association. (3-29-10)

02. Persons Ruled Off a Track Ineligible. When a person is ruled off a course or suspended, every horse owned in whole or part by him, or under his care, management, training or superintendence, is ineligible to enter or to start in any race until the rescinding of said person's penalty, or by the placement of the horse or horses in the hands of a licensed Trainer approved by the Stewards. (3-29-10)

061. -- 069. (RESERVED)

070. PROHIBITED PRINTED MATERIAL.
No unauthorized tip sheet, pamphlet or other printed matter, other than official programs, the Daily Racing Form and general newspapers, are to be sold on the Racing Association grounds. (3-29-10)

01. Copies. Copies of all such materials offered for sale in the parking area or elsewhere on or off the grounds of the Racing Association must be furnished daily to the Presiding State Steward, not later than two (2) hours before first post. (3-29-10)

02. Publishers. All tip sheet publishers and vendors must be licensed by the Racing Commission. (3-29-10)

071. -- 074. (RESERVED)

075. HANDBOOKS.
No person may make a handbook or a foreign book, or solicit a bet with a handbook or a foreign book on the grounds of a Racing Association. (3-29-10)

076. -- 079. (RESERVED)

080. BOOKMAKERS.

01. Entry Prohibited. The following persons will not be allowed entry into or remain upon the premises of any Racing Association: (3-29-10)

a. A person who is a bookmaker or who is known or reputed to be a bookmaker; (3-29-10)

b. A person who is a vagrant within the meaning of the laws of Idaho; (3-29-10)

c. A person who is a fugitive from justice; (3-29-10)

d. A person whose conduct now or heretofore has been improper, obnoxious, unbecoming or detrimental to the best interest of racing. (3-29-10)

02. Ejection. Upon discovery or recognition, all such persons described in Subsection 080.01 of these rules will be ejected by the Racing Association or representatives and agents of the Racing Commission. (3-29-10)

03. License Revocation. Associating with a person or persons such as described in Subsection 080.01 of these rules may be grounds for the revocation of any license. (3-29-10)

081. -- 089. (RESERVED)

090. IDAHO BRED RACES.
At least one (1) race each day at each race meet must be limited to Idaho bred horses. If a sufficient class of horses is not available to fill the race, said race may be opened to Idaho bred preferred. (3-29-10)

01. Number of Races. The Racing Secretary must alternate among breeds according to the applicable horsemen's agreement. (3-29-10)

02. Certificate of Registration. The owners' certificate of registration is proof that horses entered in such races were bred in Idaho. (3-29-10)

091. BREEDER AWARDS.
A sum equal to ten percent (10%) of the first place purse money won by an Idaho bred horse must be paid by the Racing Association to the breeder of such horse. All purse moneys derived from pari-mutuel racing and all purse enhancement moneys from the Idaho State Racing Commission are included in the calculation of these breeder payments. All nominating and sustaining fees, and any moneys from outside sponsors are excluded from the calculation of these breeder payments. (3-29-10)

092. -- 094. (RESERVED)

095. BREED ASSOCIATIONS.
Pursuant to Section 54-2513, Idaho Code, on or before December 15 of each year, representatives of each breed which received money the preceding year must file a financial report showing disposition of any funds thus received. (3-29-10)

01. Failure to File. Failure to file such report is grounds for the Racing Commission to deny approval of any future disbursement to that breed. (3-29-10)

02. Representatives. "Lawfully constituted representatives of each breed" is the designated representative of the one (1) recognized breed organization for each breed racing in Idaho that has established itself as the traditional breed acknowledged by the Racing Commission. (3-29-10)

096. -- 099. (RESERVED)

100. RACING ASSOCIATION LICENSE.
No person may conduct a live race meet unless they possess a valid Racing Association license issued by the Racing Commission. (3-29-10)

101. -- 109. (RESERVED)

110. RACING ASSOCIATION LICENSE FEES.
Every Racing Association conducting a race meet in Idaho must pay a fee of twenty-five dollars ($25) for each day of racing, except as otherwise provided in Title 54, Chapter 25, Idaho Code. (3-29-10)

111. -- 119. (RESERVED)

120. RACING ASSOCIATION LICENSE APPLICATIONS.
Applications for Racing Association licenses must be made on forms approved by the Racing Commission. The Racing Commission sets the application date. (3-29-10)

121. -- 129. (RESERVED)

130. APPLICATIONS FOR SUCCEEDING SEASONS.
Applications for a license to conduct a race meet during the next succeeding season must be filed with the Racing Commission over the signature of an executive officer of the Racing Association. The Racing Commission sets the application date. (3-29-10)

131. -- 139. (RESERVED)

140. HORSEMEN'S AGREEMENT.
Every Racing Association must have in effect a signed Horsemen's Agreement. (3-29-10)

141. -- 149. (RESERVED)

150. RACING ASSOCIATIONS OPERATION.

01. Requirements. The scope of the Racing Associations operation and plant facilities will determine the Racing Commission's requirements for the following: (3-29-10)

a. Proof of financial stability; (3-29-10)

b. Names of stockholders; (3-29-10)

c. Medical and veterinary facilities; (3-29-10)

d. Lodging facilities; and (3-29-10)

e. Protective facilities. (3-29-10)

02. Additional Information. The Racing Commission or Idaho State Police may require additional background information of applicants or licensees. (3-29-10)

151. -- 159. (RESERVED)

160. REPORT OF FUNDS.
Pursuant to Section 54-2513, Idaho Code, prior to or at the time of making application for licensing Racing Associations which received money the preceding year must file a financial report with the Racing Commission showing disposition of any funds thus received. (3-29-10)

161. -- 169. (RESERVED)

170. APPROVAL OF RACING ASSOCIATION LICENSES.
The Racing Commission will consider each application for a Racing Association license individually and decide whether to grant the license or not on a case by case basis. (3-29-10)

171. -- 179. (RESERVED)

180. LICENSE GRANTED UPON CONDITIONS.
Every Racing Association license is granted upon the condition that the licensee accept, observe and enforce the Racing Commission rules. (3-29-10)

01. Duty. It is the duty of each and every officer to observe and enforce the Racing Commission rules. (3-29-10)

02. Investigations. The Racing Commission may require background investigations, fingerprints and photographs of Racing Association officers, stockholders or employees. (3-29-10)

181. -- 189. (RESERVED)

190. REFUSAL TO ISSUE LICENSE.
The Racing Commission may refuse to issue a Racing Association license when such refusal appears to be for the best interest of racing and of the public. The Racing Commission will, in deciding upon applications for Racing Association licenses, consider the following matters: (3-29-10)

01. Properly Develop. The opportunity for the sport to properly develop. (3-29-10)

02. Competition. The avoidance of competition with established tracks in Idaho. (3-29-10)

03. Community Support. The extent of community support for the promotion and continuance of the tracks. (3-29-10)

04. Reputation. The character and reputation of the persons identified with the Racing Association. (3-29-10)

05. Safety. The general conditions and safety of the Racing Association facilities. (3-29-10)

191. -- 199. (RESERVED)

200. FINGERPRINTS -- PHOTOGRAPH.
Every person holding a Racing Association license in Idaho, and every person that holds such a license who is an officer or director of a Racing Association that is in any capacity connected to any extent with the pari-mutuel wagering business in this State, must, on demand, furnish his fingerprints and photograph to the Racing Commission for its files. Fingerprints and photograph are to be taken at such time and place and in such manner as the Racing Commission may from time to time direct and prescribe. (3-29-10)

201. -- 209. (RESERVED)

210. RACING DATES.
Application for racing dates must be made on forms approved by the Racing Commission. Application for racing dates does not commit the Racing Commission to the granting of a license to conduct race meets upon the dates requested. (3-29-10)

211. -- 219. (RESERVED)

220. LICENSE NOT TRANSFERABLE.
No Racing Association license or any part thereof is transferable or assignable without the consent of the Racing Commission and said license is not valid for any racing days other than those set out therein. (3-29-10)

221. -- 239. (RESERVED)

240. PROPOSED OFFICIALS.
Thirty (30) days prior to the first day of a race meet the Racing Association must submit in writing to the Racing Commission all names and personal data of proposed officials for processing for licensing. No official may act until approved by the Racing Commission. A Racing Commission representative at the track will process substitutions. The required form will be provided by the Racing Commission. (3-29-10)

01. Hardship. To avoid undue hardship the Racing Commission may authorize Racing Associations to allow officials other than Stewards to act in dual capacities. (3-29-10)

241. -- 249. (RESERVED)

250. RACING ASSOCIATIONS: GENERAL RULES.

01. Laws and Rules. The laws of Idaho and the rules promulgated by the Racing Commission supersede the conditions of the race or the regulations of a race meet. (3-29-10)

02. Racing Hours. Each Racing Association may conduct horse racing only between the hours of 12:00 noon and 12:00 midnight, unless otherwise specifically authorized by the Racing Commission. (3-29-10)

03. Conditions of Races. Each Racing Association must file with the Racing Commission the conditions of races it proposes to hold together with the stakes, purse or rewards. (3-29-10)

04. Open Market. Owners and stables participating in race meets operating under license of the Racing Commission may purchase feed and supplies on the open market. No Racing Association may grant exclusive concessions which will interfere with this right. (3-29-10)

05. Toilets and Other Facilities. Each Racing Association must on every racing day provide and maintain adequate toilet facilities and facilities for furnishing drinking water for its patrons and persons having business at the track. (3-29-10)

06. Tampering. Each Racing Association must provide protection facilities to prevent tampering with horses or any other corrupt practices at licensed race meets. The Racing Commission may at any time require Racing Associations to expand their protective services. (3-29-10)

07. Fire Regulations Posted. Every Racing Association must post in the stable area of its premises the fire regulations applicable on its grounds and such posted notice must also state the location of the nearest fire alarm box and the telephone number of the fire department or other pertinent instructions as to the method for reporting a fire in the area. Such notices must be posted no more than one hundred (100) feet apart or as approved by the local fire authority. No Racing Association or other person may violate the posted fire regulations specified by the Racing Commission. (3-29-10)

08. Credentials. A full record of credentials issued by the Racing Association must be compiled and open to inspection at all times. All additions made to or changes in the list of employees of any Racing Association must be reported promptly to the Racing Commission in writing. (3-29-10)

09. Horse Ambulance. Racing Associations must furnish, maintain, and have available a horse ambulance, as required by the Racing Commission, for each day that the track is open for racing or exercising during the race meet. (3-29-10)

10. Human Emergency Medical Response Vehicle. Racing Associations must furnish and maintain a human emergency medical response vehicle, as required by the Racing Commission, for each day that the track is open for racing or exercising during the race meet. If the human emergency medical response vehicle is being used to transport an individual, the Racing Association may not conduct a race until the ambulance is replaced. (3-29-10)

11. Medical Professionals. Racing Associations must have a licensed physician, registered nurse, paramedic or licensed emergency medical technician on duty at the track on each day of racing and must also provide adequate first aid and medical facilities to protect patrons and participants at licensed race meets. (3-29-10)

12. Comfort and Safety. Racing Associations must at all times maintain the premises in good condition and properly secured, with special consideration for the comfort and safety of the public, of the horses and of all others present. (3-29-10)

13. Violators. Violators of any rules are subject to ejection from the grounds, fine, suspension, being ruled off or any combination of the preceding. (3-29-10)

14. Post Notices. Racing Associations must promptly post Racing Commission notices in places that can be easily viewed by licensees. (3-29-10)

251. -- 259. (RESERVED)

260. HORSEMEN'S ACCOUNT.
Unless otherwise authorized by the Racing Commission and consistent with the Horsemen's agreement pertaining to the Horsemen's account, each Racing Association must keep an account, to be known as the "Horsemen's Account," with sufficient funds at all times in such account to cover all monies due horsemen in regard to purses, stakes, rewards, claims and deposits. (3-29-10)

01. Subject to Review or Audit. The account is at all times be subject to review or audit by the Racing Commission. (3-29-10)

02. Bonded. The horsemen's bookkeeper is in charge of such an account and must be insured against crime or employee dishonesty in a manner approved by the Racing Commission. (3-29-10)

261. -- 269. (RESERVED)

270. PURSE MONEY.
Purse money must be made available to the winners promptly following release by the Racing Commission or its representative. (3-29-10)

01. Release. Release will be given when test results of the horse's urine, blood or other specimens have been reported to the Racing Commission. (3-29-10)

02. Breeder's Awards. Breeder's awards will be payable when the purse is cleared. (3-29-10)

03. Weekly Remittance. The one-half (1/2) of one percent (1%) to benefit owners or breeders is to be remitted weekly by the Racing Association to the Racing Commission for distribution quarterly to the representatives of each breed. (3-29-10)

271. -- 279. (RESERVED)

280. COMMUNICATION.

01. Communication System. Racing Associations must provide and maintain in good working order a communication system between racing officials and locations as determined by the Racing Commission. (3-29-10)

02. Public Address System. Racing Associations must provide and maintain a public address system

capable of clearly transmitting announcements to the patrons and to the stable area. (3-29-10)

281. -- 289. (RESERVED)

290. DOCUMENTS FILED WITH RACING COMMISSION.
Not less than thirty (30) days before opening a race meet each Racing Association must file with the Racing Commission the following: (3-29-10)

01. Bond. A bond signed by a surety company licensed to do business in this State in such form and in the sum as may be required by the Racing Commission, conditioned that the association will pay to the state of Idaho all money due under the provisions of Title 54, Chapter 25, Idaho Code. (3-29-10)

02. Liability Insurance. Proof of public liability insurance by a company licensed to do business in this State in such form and in the amount as may be required by the Racing Commission for the protection of the public, the exhibitors and visitors. (3-29-10)

03. Accident Insurance or Workmen's Compensation Insurance. Proof of an accident insurance policy or workmen's compensation insurance policy issued by a company licensed to do business in Idaho for the protection of Jockeys and exercise persons for injuries incurred in connection with race meets in such form and amount as may be required by the Racing Commission. (3-29-10)

291. -- 299. (RESERVED)

300. HORSE RACE TRACKS.

01. Track Width. A minimum of twenty (20) feet of track width must be allowed for the first two (2) horses in a race, with an additional five (5) feet for each added starter. (3-29-10)

02. Implements. Racing Associations must provide adequate equipment and personnel to maintain the track surface in a safe training and racing condition. The Racing Association must provide back-up equipment for maintaining the track surface. (3-29-10)

03. Limit on Number of Horses. No more than eight (8) horses may start in any race on a one-half (1/2) mile track. (3-29-10)

04. Racing Surface. The surface of a racetrack, including the cushion, subsurface and base, must be designed, constructed and maintained to provide for the safety of the jockeys and horses. (3-29-10)

05. Rails. Race tracks must have inside and outside rails, including gap rails, designed, constructed and maintained to provide for the safety of jockeys and horses. The design and construction of rails must be approved by the Racing Commission prior to the first race meet at the track. (3-29-10)

301. -- 309. (RESERVED)

310. JOCKEY ROOM.
Each Racing Association must provide a room reserved for jockeys to prepare for a race. (3-29-10)

311. -- 319. (RESERVED)

320. OFFICIALS' STANDS.
Racing Associations must provide adequate stands for officials to have a clear view of the racetrack. The location and design of the stands must be approved by the Racing Commission. (3-29-10)

321. -- 329. (RESERVED)

330. PHOTO FINISH DEVICES.
Racing Associations must provide two (2) electronic photo finish devices with mirror image to photograph the finish

of each race and record the time of each horse in at least hundredths of a second. (3-29-10)

01. Location. The location and operation of the photo finish devices must be approved by the Racing Commission before its first use in a race. (3-29-10)

02. Posting Photographs. The Racing Association must promptly post a photograph of each photo finish for win, place or show in an area accessible to the public. (3-29-10)

03. Devices Calibrated. The Racing Association must ensure that the photo finish devices are calibrated before the first day of each race meet and at other times as required by the Racing Commission. (3-29-10)

04. Print Provided. On request by the Racing Commission, the Racing Association must provide, without cost, a print of a photo finish to the Racing Commission. (3-29-10)

05. Records. Photo finish records of each race must be maintained by the Racing Association for not less than six (6) months after the end of the race meet, or such other period as may be requested by the stewards or the Racing Commission. (3-29-10)

331. -- 339. (RESERVED)

340. VIDEOTAPING SYSTEM.
Racing Associations must provide a videotaping system approved by the Racing Commission. Cameras must be located to provide clear panoramic and head-on views of each race. (3-29-10)

01. Monitors. Separate monitors that simultaneously display the images received from each camera and are capable of simultaneously displaying a synchronized view of the recordings of each race for review must be provided in the stewards' stand. (3-29-10)

02. Location. The location and construction of video towers must be approved by the Racing Commission. (3-29-10)

03. Stewards. The stewards may, at their discretion, direct the video camera operators to videotape the activities of any horses or persons handling horses prior to, during or following a race. (3-29-10)

04. Oval Track. Races run on an oval track must be recorded by at least three (3) video cameras. (3-29-10)

05. Straight Course. Races run on a straight course must be recorded by at least two (2) video cameras. (3-29-10)

06. Videotape Copy. Racing Associations must, upon request, provide to the Racing Commission, without cost, a copy of a videotape of a race. (3-29-10)

07. Videotapes Maintained. Videotapes recorded prior to, during and following each race must be maintained by the Racing Association for not less than six (6) months after the end of the race meet, or such other period as may be requested by the stewards or the Racing Commission. (3-29-10)

08. Objection. Following any race in which there is an inquiry or objection, the Racing Association must display to the public on designated monitors the videotaped replays of the incident in question which were utilized by the stewards in making their decision. (3-29-10)

341. -- 349. (RESERVED)

350. STARTING GATE.
All horse races must utilize a starting gate approved by the Racing Commission, except that with permission of the Stewards a race may be started with or without a gate. When the starting gate is used, it must be placed on the track at the direction of the Starter. (3-29-10)

01. **Training Hours**. Racing Associations must make at least one (1) starting gate and qualified starting gate personnel available for schooling during designated training hours. (3-29-10)

02. **Backup Equipment**. If a race is started at a place other than in a chute, the Racing Association must provide and maintain in good operating condition backup equipment for moving the starting gate. The backup equipment must be immediately available to replace the primary moving equipment in the event of failure. (3-29-10)

351. -- 359. (RESERVED)

360. DISTANCE MARKERS.
Racing Associations must provide starting point markers and distance poles in a size and position that is clearly seen from the stewards' stand. (3-29-10)

361. -- 369. (RESERVED)

370. BARNS.
Racing Associations must provide barns containing a sufficient number of stalls to accommodate all horses approved to race and all other horses approved to be on the grounds. The Racing Association's stable area configuration and facilities must be approved by the Racing Commission. (3-29-10)

01. **Good Repair**. Racing Associations must ensure that the barns are kept clean and in good repair. Each barn, including the receiving barn, must have a water supply available, be well-ventilated, have proper drainage and be constructed to be comfortable during the race meet. (3-29-10)

02. **Stall Size**. Racing Associations must ensure that each horse is stabled in an individual box stall with minimum dimensions of ten feet by ten feet (10' x 10'). (3-29-10)

371. -- 379. (RESERVED)

380. TEST AREA.
Racing Associations must provide a test area for taking specimens of urine, blood or other bodily substances or tissues for testing. The Racing Associations must limit access to the test area to persons authorized by the commission veterinarian. (3-29-10)

381. -- 389. (RESERVED)

390. ISOLATION AREA.
Racing Associations must provide an isolation area, approved by the Racing Commission, for the care and treatment of a horse that is ordered isolated by the commission veterinarian. (3-29-10)

391. -- 899. (RESERVED)

900. SECURITY.
Racing Associations conducting live race meets must maintain security controls over their grounds. Security controls are subject to the approval of the Racing Commission. (3-29-10)

01. **Restricted Areas**. Racing Associations must restrict access of licensees or their guests to certain areas of the grounds. Those restricted areas are the Paddock, Jockey Room, Veterinarian's Test Area, the Steward's Stand, the Mutuel Room, racing offices and any other area the Racing Association feels should be limited access. (3-29-10)

02. **Escort Guests**. Any licensee may escort an unlicensed guest through the enclosure of a Racing Association except restricted areas. The licensee and the guest must sign in and out and identify all such persons. The licensee by signing accepts full responsibility for the safety and actions of the guest while in the enclosure. (3-29-10)

03. **Passes**. Racing Associations may establish a system or method of issuing credentials or passes to

restrict access to its restricted areas or to ensure that all participants at its race meet are licensed as required by these rules. (3-29-10)

04. **Prevent Access**. Racing Associations must prevent access to and must remove or cause to be removed from its restricted areas any person who is unlicensed, or who has not been issued a visitor's pass or other identifying credential, or whose presence in such restricted area is unauthorized. (3-29-10)

05. **List of Security Personnel**. On request by the Racing Commission, a Racing Association must provide a list of the security personnel, including the name, qualifications, training, duties duty station and area supervised by each employee. (3-29-10)

06. **Daily Reports**. Each day, the chief of security for a Racing Association must deliver a written report to the stewards regarding occurrences on Racing Association grounds on the previous day. Not later than twenty-four (24) hours after an incident occurs requiring the attention of security personnel, the chief of security must deliver to the stewards a written report describing the incident. The report must include the name of each individual involved in the incident, the circumstances of the incident and any recommended charges against each individual involved. (3-29-10)

901. -- 909. (RESERVED)

910. COMPLAINTS.
Racing Associations must promptly notify the Racing Commission of any complaints regarding: (3-29-10)

01. **Violations**. Alleged violation of Section 54-2501, Idaho Code, ordinances or statutes, or a rule of the Racing Commission; (3-29-10)

02. **Accidents or Injuries**. (3-29-10)

03. **Unsafe Conditions**. Unsafe or unsanitary conditions for patrons, licensees or horses. (3-29-10)

911. -- 919. (RESERVED)

920. EXCLUSION AND EJECTION.
Racing Associations must immediately, upon notification by the Racing Commission, take steps to bar admittance to the racing grounds to any person who is subject to an exclusion order of the Racing Commission. (3-29-10)

01. **Lawful Reason**. Racing Associations may eject or exclude a person for any lawful reason. Racing Associations must immediately notify the stewards and the Racing Commission in writing of any person ejected or excluded by the Racing Association and the reasons for the ejection or exclusion. (3-29-10)

02. **Readmission**. Any person ejected from the grounds of a Racing Association will be denied readmission to said grounds until permission has been approved by the Racing Commission. (3-29-10)

921. -- 989. (RESERVED)

990. PENALTIES.
Any person violating any of the provisions of this chapter is subject to the penalties provided for in Title 54, Chapter 25, Idaho Code and any of the Racing Commission rules. (3-29-10)

991. -- 998. (RESERVED)

999. MINOR VIOLATIONS.
Nothing in this chapter may be construed as requiring the Racing Commission to report minor violations when the Racing Commission believes that the public interest will be best served by suitable warnings or other administrative action. (3-29-10)

IDAPA 11
TITLE 04
CHAPTER 11

11.04.11 – RULES GOVERNING EQUINE VETERINARY PRACTICES, PERMITTED MEDICATIONS, BANNED SUBSTANCES AND DRUG TESTING OF HORSES

000. LEGAL AUTHORITY.
This chapter is adopted pursuant to the legal authority of Title 54, Chapter 25, of the Idaho Code. (3-29-10)

001. TITLE AND SCOPE.

01. Title. These rules are cited as IDAPA 11.04.11, "Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances and Drug Testing of Horses." (3-29-10)

02. Scope. These rules governs the practices of veterinarians licensed by the Racing Commission, permitted medication of horses and drug testing of horses by the Idaho State Racing Commission. (3-29-10)

002. WRITTEN INTERPRETATIONS.
There are no written interpretations of these rules. (3-29-10)

003. ADMINISTRATIVE APPEALS.
Persons may be entitled to appeal racing commission actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (3-29-10)

004. INCORPORATION BY REFERENCE.

005. OFFICE – OFFICE HOURS – STREET ADDRESS – MAILING ADDRESS – TELEPHONE – WEBSITE.

01. Physical Address. The central office of the Idaho State Racing Commission is located at 700 S. Stratford Drive, Meridian, Idaho. (3-29-10)

02. Office Hours. The central office is open 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (3-29-10)

03. Telephone Number. The telephone of the office is (208) 884-7080. (3-29-10)

04. Fax Number. The facsimile number of the office is (208) 884-7098. (3-29-10)

05. Website. The Racing Commission's website at http://isp.idaho.gov/racing/index.html. (3-29-10)

006. PUBLIC RECORDS COMPLIANCE AND AVAILABILITY.
All rules contained in this chapter are subject to and in compliance with the Idaho Public Records Act (Title 74, Chapter 1, Idaho Code). (3-29-10)

007. -- 009. (RESERVED)

010. DEFINITIONS.

01. Bleeder List. A list maintained by the commission veterinarian with all horses that have demonstrated external evidence of exercise induced pulmonary hemorrhage from one (1) or both nostrils during or after a race or workout. (3-29-10)

02. Calendar Year. A calendar year beginning January 1 and ending December 31. (3-29-10)

03. Colt. An intact male horse under five (5) years of age. (3-29-10)

04. **Commission Veterinarian**. A Racing Commission appointed veterinarian having authority to enforce the Racing Commission's rules relating to veterinary practices. (3-29-10)

05. **Filly**. A female horse that has not reached five (5) years of age. (3-29-10)

06. **Gelding**. An altered male horse of any age. (3-29-10)

07. **Horse**. Includes filly, mare, colt, horse or gelding in general; when referring to sex, a horse is an intact male five (5) years old or older. (3-29-10)

08. **Hypodermics**. Any hypodermic instrument, hypodermic syringe or hypodermic hollow needle used for injection of substances into the body of a horse. (3-29-10)

09. **Inspection of Horses**. A veterinarian inspection to assess the racing condition of every horse entered in an official race. (3-29-10)

10. **Mare**. A female horse that has reached the age of five (5) years. (3-29-10)

11. **Medication Report Form**. A form signed by the treating veterinarian disclosing the identity of the horse, the permitted drug being used with dosage or procedure administered, the time administered and the name of the trainer. (3-29-10)

12. **Mitigating Circumstances**. An event that constitutes detail to support a penalty to be waived or less harsh. (3-29-10)

13. **Needle and Syringe**. See Hypodermics - Subsection 010.08 of this rule. (3-29-10)

14. **Owner**. The person that has legal title to, or has financial control of, a horse utilized for racing in Idaho. However, an interest in the winnings of a horse does not itself constitute ownership. (3-29-10)

15. **Paddock**. An enclosure in which horses scheduled to compete in a contest are saddled prior to racing. (3-29-10)

16. **Penalties**. For this chapter, a penalty issued against an individual(s) found guilty of medication and drug violations. (3-29-10)

17. **Primary Laboratory**. A laboratory approved by the Racing Commission to conduct testing and official analysis of post-race samples. (3-25-16)

18. **Prohibited Substances**. Medication and drugs that should not be administered to a horse. (3-29-10)

19. **Racing Association**. Any person licensed by the Racing Commission to conduct live or simulcast pari-mutuel wagering. (3-29-10)

20. **Racing Commission**. Three (3) member Idaho State Racing Commission created by Section 54-2503, Idaho Code, or its designee. (3-29-10)

21. **Racing Condition**. The physical ability to race of a horse determined by the commission veterinarian. (3-29-10)

22. **Referee Laboratory**. Laboratory approved by the Racing Commission to conduct split sample testing. (3-25-16)

23. **Sample**. A blood, urine, saliva, hair, or any other acceptable specimen taken from a horse at the direction of the commission veterinarian. (9-17-18)T

24. **Split Sample**. A blood, urine, saliva, hair, or any other acceptable specimen taken from a horse that is greater than the minimum sample requirement. (9-17-18)T

25. **Suspension**. Punishment for violation of the Racing Commission rules. The offender is denied privileges of the racing facilities for a specified period of time. (3-29-10)

26. **Test Area**. A secured testing area provided by a racing association used for taking samples of blood, urine, saliva, hair, or any other acceptable specimen for testing. (9-17-18)T

27. **Trainer**. The person who conditions and prepares a race horse for racing, with the absolute responsibility to ensure the physical condition and eligibility of the race horse. (3-29-10)

28. **Veterinarian's List**. A list of all horses which are ineligible to be entered in any race due to a physical condition. (3-29-10)

29. **Veterinarians' Reports**. The Medication Report Form completed by every veterinarian who treats a racehorse at any location under the jurisdiction of the Racing Commission. (3-29-10)

30. **Veterinarian**. Practicing Private practitioner employed by owners and trainers on an individual case or contract basis. (3-29-10)

011. ABBREVIATIONS.

01. **DMSO**. Dimethyl Sulfoxide. (3-29-10)

012. -- 019. (RESERVED)

020. ENTER, SEARCH AND INSPECT.
Every Racing Association, the Racing Commission, the Stewards or trained and qualified agents of the Idaho State Police, have the right to enter, search and inspect the buildings, stables, rooms and other places where horses which are eligible to race are kept, or where property and effects of the licensee are kept within the grounds of the Racing Association. Any licensee accepting a license is deemed to have consented to such search and to the seizure of any non-approved or prohibited materials, chemicals, drugs or devices and anything apparently intended to be used in connection therewith. (3-29-10)

021. AUTHORITY OF THE COMMISSION VETERINARIAN.
The Commission Veterinarian has the authority to supervise the actions of veterinarians licensed by the Racing Commission while they are practicing at any location under the jurisdiction of the Racing Commission. The commission veterinarian recommends to the Stewards or the Racing Commission disciplinary actions for any veterinarian who violates any Racing Commission rule. (3-29-10)

022. REPORT OF DISEASE.
All practicing veterinarians must promptly notify the commission veterinarian of any reportable disease and any unusual incidence of a communicable illness in any horse in his charge. (3-29-10)

023. RESTRICTIONS OF WAGERING.
A practicing veterinarian may not wager on the outcome of any race if the practicing veterinarian has treated a horse participating in the race within the past thirty (30) days. (3-29-10)

024. -- 029. (RESERVED)

030. TREATMENT RESTRICTIONS.
Except as otherwise provided by these rules, no person other than a veterinarian licensed to practice veterinary medicine in Idaho and licensed by the Racing Commission may administer a prescription or controlled medication, drug, chemical or other substance, including any medication, drug, chemical or other substance by injection, to a horse at any location under the jurisdiction of the Racing Commission. (3-29-10)

031. ADMINISTRATION OF NON-INJECTABLE SUBSTANCES.
These rules do not apply to the administration of the following substances in approved quantitative levels present in post-race samples, if any, or as they may interfere with post-race testing: (3-29-10)

01. Nutritional Supplement. A recognized non-injectable nutritional supplement or other substance approved by the commission veterinarian; (3-29-10)

02. Prescription. A non-injectable substance on the direction or by prescription of a licensed veterinarian; or (3-29-10)

03. Non-Prescription. A non-injectable non-prescription medication or substance. (3-29-10)

032. -- 034. (RESERVED)

035. HYPODERMIC NEEDLES.

01. Possession Prohibited. No person may possess a hypodermic needle, syringe or injectable of any kind on Racing Association grounds, unless approved by the Racing Commission. (3-29-10)

02. Disposable Needles. At any location under the jurisdiction of the Racing Commission, licensed veterinarians may use only one-time disposable needles, and must dispose of them in a manner approved by the Racing Commission. (3-29-10)

03. Medical Condition. If a person has a medical condition that makes it necessary to have a syringe at any location under the jurisdiction of the Racing Commission, that person must: (3-29-10)

a. Request permission of the Stewards or the Racing Commission in writing; (3-29-10)

b. Furnish a letter from a licensed physician explaining why it is necessary for the person to possess a syringe; and (3-29-10)

c. Comply with any conditions and restrictions set by the Stewards or the Racing Commission. (3-29-10)

036. -- 039. (RESERVED)

040. BANNED SUBSTANCES.

01. Banned Substances. Any medication, drug, chemical, narcotic, anesthetic, or analgesic that is not specifically permitted by these rules is banned from use in horses that are eligible to race in Idaho and are located on the grounds of a racing association. (3-29-10)

02. Administration by Veterinarians. All practicing veterinarians administering drugs, medications or other substances are responsible for ensuring that the drugs, medications or other substances and the veterinary treatment of horses are administered in accordance with these rules. (3-29-10)

041. -- 049. (RESERVED)

050. NON-PERMITTED MEDICATION.
If the Stewards find that any non-permitted medication, drug, chemical, narcotic, anesthetic, or analgesic has been administered to a horse in such a manner that it is present in a pre-race or post-race test sample, such presence constitutes prima facie evidence of a violation of these rules. (3-29-10)

051. -- 059. (RESERVED)

060. MEDICATIONS.

01. Taking Samples. The Commission Veterinarian, the Racing Commission, or any member of the Board of Stewards may take samples of any medicines or other materials suspected of containing improper medication, drugs or chemicals that would affect the racing condition of a horse in a race. (3-29-10)

02. Location. Any substances found in stables or elsewhere on the grounds of a racing association or in the possession of any person connected with racing are subject to sampling. (3-29-10)

03. Testing. Substances sampled must be delivered to a laboratory designated by the Racing Commission for testing. (3-29-10)

061. -- 069. (RESERVED)

070. ANTI-ULCER MEDICATIONS.
The following anti-ulcer medications are permitted to be administered, at the stated dosage, up to twenty-four (24) hours prior to the race in which the horse is entered: (3-29-10)

01. Cimetidine (Tagamet®). Dosage 8-20 mg/kg PO BID-TID. (3-29-10)

02. Omeprazole (Gastrogard®). Dosage 2.2 grams PO SID. (3-29-10)

03. Ranitidine (Zantac®). Dosage 8 mg/kg PO BID. (3-29-10)

071. -- 074. (RESERVED)

075. ENVIRONMENTAL CONTAMINANTS AND SUBSTANCES OF HUMAN USE.
The following substances can be environmental contaminants in that they are endogenous to the horse or that they can arise from plants traditionally grazed or harvested as equine feed or are present in equine feed because of contamination during the cultivation, processing, treatment, storage or transportation phases. (3-29-10)

01. Caffeine. Caffeine is recognized as a substance of human use and could be found in the horse due to its close association with humans. The regulatory threshold for caffeine is 100 nanograms of caffeine per milliliter of serum or plasma. (3-29-10)

02. Positive Test. If the preponderance of evidence presented in a hearing shows that a positive test is the result of environmental contamination or inadvertent exposure due to human drug use it should be considered as a mitigating factor in any disciplinary action taken against the affected trainer. (3-29-10)

076. -- 099. (RESERVED)

100. TESTING FACILITIES.
The Racing Commission may require the Racing Association to provide such facilities for medication, drug or other tests of a horse as may be required by the Racing Commission. (3-29-10)

101. -- 104. (RESERVED)

105. LABORATORY MINIMUM STANDARDS.
Laboratories conducting either primary or split post-race sample analysis must meet at least the following minimum standards: (3-29-10)

01. Lab Accreditation. A testing laboratory must be accredited by a recognized accrediting body to any standards set forth and required by the Racing Commission. (3-29-10)

02. Instrumentation for Screening. A testing laboratory must have, or have access to, LC/MS instrumentation for screening or confirmation purposes, or both. (3-29-10)

03. Standards of Detection. A testing laboratory must be able to meet minimum standards of detection, which is defined as the specific concentration at which a laboratory is expected to detect the presence of a

particular drug or metabolite, or both, or by the adoption of a regulatory threshold. (3-29-10)

106. -- 109. (RESERVED)

110. TESTING.

01. Testing. The official winning horse and any other horse ordered by the Racing Commission or the Stewards must be taken to the testing area to have a blood, urine, saliva, hair, or any other acceptable specimen taken at the direction of the Commission Veterinarian. (9-17-18)T

02. Examination. Examination of the race winner or other designated horses must be made by the Commission Veterinarian or his assistant. (3-29-10)

03. Specimens. All specimens must be collected by the Commission Veterinarian or his assistant. (3-29-10)

111. OUT-OF-COMPETITION TESTING.

01. Racing Commission Authority to Request Test. The Racing Commission may request an out-of-competition testing (OCT) sample be collected and screened for any violation of Section 600 of these rules. (9-17-18)T

02. Conditions for Racing Commission Request. The Racing Commission may request any owner or trainer currently licensed by the Racing Commission to allow for an OCT sample be collected under any of the following conditions: (9-17-18)T

a. The horse is stabled on the grounds of a licensed race meet. (9-17-18)T

b. The horse is nominated or eligible for a stake or handicap race. (9-17-18)T

c. The registration certificate of the horse is currently on file with the racing association. If the horse selected is not currently stabled on the grounds, the owner or trainer shall present the horse to the test barn at a time designated by the commission. (9-17-18)T

03. Horse Selection. Horses will be selected for OCT by a Racing Commission veterinarian, steward, or executive secretary. (9-17-18)T

04. Sample Collection and Split Samples. Sample collection and split samples will be done in accordance with Sections 110 through 180 of these rules. (9-17-18)T

05. Refusal to Submit. Refusal to submit to an OCT sample request will result in penalties consistent with Sections 501, 990, and 995 of these rules. (9-17-18)T

06. Qualified Horse. If a horse that qualifies under Subsection 111.02 of this rule is selected for testing and is not stabled at a race meet licensed by the Racing Commission, the Racing Commission may approve a regulatory veterinarian from another jurisdiction to collect and submit the sample providing the process complies with Sections 110 through 180 of these rules. (9-17-18)T

07. Penalties. Penalties for a report of a positive laboratory finding in violation of this Section 111 will be consistent with Sections 501, 990, and 995 of these rules. (9-17-18)T

112. -- 114. (RESERVED)

115. RANDOM OR EXTRA TESTING.
Random or extra testing may be required by the Stewards or the Racing Commission at any time on any horse on Racing Association grounds. Unless otherwise directed by the Stewards or the Commission Veterinarian, a horse that is selected for testing must be taken directly to the testing area. (3-29-10)

116. -- 119. (RESERVED)

120. TRAINER PRESENT.

01. Present During Testing. The Trainer, or his authorized representative, must be present in the testing area when a blood, urine, saliva, hair, or any other acceptable specimen is taken from a horse. (9-17-18)T

02. Tag Signed. The sample tag must be signed by the Trainer or his representative, as witness to the taking of the specimen. (3-29-10)

03. Refusal. Willful failure to be present at or a refusal to allow the taking of such specimen, or any act or threat to impede or prevent or otherwise interfere therewith, subjects the person or persons doing so to immediate suspension by the Stewards and the matter will be referred to the Racing Commission for such further penalty as may be determined. (3-29-10)

121. -- 129. (RESERVED)

130. SPECIMENS.

01. Delivery to Approved Laboratory. All specimens taken by or under direction of the Commission Veterinarian, or other authorized representative of the Racing Commission, must be delivered to the laboratory approved by the Racing Commission for official analysis. (3-29-10)

02. Number and Date. Each specimen must be marked by number and date and may also bear such information as may be essential to its proper analysis. (3-29-10)

03. Identity. The identity of the horse from which the specimen was taken or the identity of its Owner, Trainer, Jockey, or stable must not be revealed to the laboratory. (3-29-10)

04. Container. The container of each specimen must be sealed as soon as the specimen is placed therein and must bear the name of the Racing Commission. (3-29-10)

131. -- 139. (RESERVED)

140. DETERMINATION OF SAMPLE.

01. Minimum Sample. The commission veterinarian will determine a minimum sample requirement for the primary testing laboratory. (3-29-10)

02. Less Than The Minimum. If the specimen obtained from a horse is less than the minimum sample requirement, the entire specimen must be sent to the primary testing laboratory. (3-29-10)

03. More Than The Minimum. If a specimen obtained is greater than the minimum sample requirement, the portion of the sample that is greater than the minimum sample requirement may be secured as the split sample if proper storage capabilities exist. (3-25-16)

141. -- 149. (RESERVED)

150. STORAGE AND SHIPMENT OF SPLIT SAMPLES.
Split samples obtained in accordance with Subsection 140.03 of these rules, must be secured and made available for further testing in accordance with the following procedures: (3-29-10)

01. Secured. A split sample must be secured under the same manner as the portion of the specimen acquired for shipment to a primary laboratory until such time as specimens are packed and secured for shipment to the primary laboratory. (3-29-10)

02. Transfer of Samples. Split samples must then be transferred to a freezer or other approved storage container, at a secure location approved by the Racing Commission. (9-17-18)T

151. -- 159. (RESERVED)

160. TESTING SPLIT SAMPLES.
After having been notified that a written report from a primary laboratory stating that a prohibited substance has been identified in a specimen obtained pursuant to these rules, a trainer or owner of a horse may request that a split sample, corresponding to the portion of the specimen tested by the primary laboratory, be sent to another laboratory approved by the Racing Commission. (3-25-16)

01. Submission of Testing Request. A formal request for split sample testing must be made in writing and delivered to the Stewards not later than three (3) business days after the trainer of the horse receives written notice of the findings of the primary laboratory. The request must include the requesting trainer or owner's top three (3) referee laboratory choices. Any request for split sample testing not received by the specified deadline, and/or without all the required information, shall be considered invalid. (3-25-16)

02. Lab's Willingness to Test. Upon receipt of the written request for split sample testing, the Racing Commission shall confirm the referee laboratory has agreed to accommodate the request and provide official test results to the Racing Commission. The Racing Commission shall identify the confirmed referee laboratory to the requesting owner or trainer to arrange for payment of shipping costs and testing services costs. (3-25-16)

03. Shipping and Testing Fees. The requesting owner or trainer is entirely responsible for all costs and fees associated with sample shipment and testing services. Payment for sample shipment must be made to the Commission Veterinarian, or his authorized designee, prior to shipment of the split sample. Once the Racing Commission has received confirmation of payment of necessary fees required for split sample testing, the requested split samples shall be shipped to the referee laboratory within ten (10) business days. Shipments are mailed only on Monday, Tuesday or Wednesday to avoid the samples sitting in a warehouse unrefrigerated over a weekend if there is a problem in transit. (3-25-16)

04. Unforeseen Circumstances. (3-25-16)

a. If the Racing Commission is unable to secure the services of a referee laboratory, the Racing Commission shall have the option to request the primary laboratory to conduct the split sample testing. The owner and trainer affected will be notified by the Racing Commission. (3-25-16)

b. If the Racing Commission is unable to contact the affected trainer or owner by telephone or last known location, the Racing Commission may proceed with split sample testing by the primary laboratory. (3-25-16)

c. If an Act of God, power failure, accident, strike, or other action that is beyond the control of the Racing Commission prevents a split sample from being tested, the test results of the primary laboratory shall be accepted as prima facie evidence. (3-25-16)

05. Split Sample Test Results. The referee laboratory shall send the results of the split sample test to the Racing Commission and the Racing Commission shall forward those results simultaneously to the requesting owner or trainer as quickly as possible. (3-25-16)

a. If the split sample testing confirms the findings of the primary laboratory, it shall be considered a prima facie violation of the applicable provisions of this chapter. (3-25-16)

b. If the split sample testing does not substantially confirm the findings of the primary laboratory, it shall not constitute a prima facie violation of this chapter and no penalty will be imposed by the Racing Commission. (3-25-16)

161. -- 179. (RESERVED)

180. CHAIN OF CUSTODY.

The Racing Commission will provide a split sample chain of custody verification form. (3-29-10)

181. -- 199. (RESERVED)

200. NON-STEROIDAL ANTI-INFLAMMATORY DRUGS.

01. Exception. No horses may be entered into a race utilizing a Non-Steroidal Anti-Inflammatory Drug, except DMSO, unless: (3-29-10)

a. The Trainer and Veterinarian of the horse submit to the Commission Veterinarian the Non-Steroidal Anti-Inflammatory Drug Request Form; and (3-29-10)

b. The Commission Veterinarian has granted written approval for the use. (3-29-10)

02. Procedures. The Commission Veterinarian must establish and publish reasonable procedures pertaining to use of the Non-Steroidal Anti-Inflammatory Drug Request Form. (3-29-10)

03. Posted. A copy of the established procedures must be posted in the office of the Racing Secretary. (3-29-10)

201. -- 209. (RESERVED)

210. NON-STEROIDAL ANTI-INFLAMMATORY DRUG REQUEST FORM.
The Non-Steroidal Anti-Inflammatory Drug Request Form submitted to the Commission Veterinarian must include and be processed as follows: (3-29-10)

01. Name of Horse. The name, age, sex and breed of the horse; (3-29-10)

02. Name of Trainer and Veterinarian. The name of the licensed Trainer and veterinarian; (3-29-10)

03. Nature of Injury. The nature of the horse's injury or disease as determined by an examination by a qualified and duly licensed veterinarian; (3-29-10)

04. Name of Drug Requested. The name of the Non-Steroidal Anti-Inflammatory drug requested and the proposed time and method of administration; (3-29-10)

05. Signature. Signature of Trainer and veterinarian attending the horse and the Commission Veterinarian. (3-29-10)

06. Filing. The trainer or veterinarian attending the horse must file the completed request form with the racing secretary. (3-29-10)

211. -- 219. (RESERVED)

220. APPROVAL OF NON-STEROIDAL ANTI-INFLAMMATORY DRUG REQUEST.
The Commission Veterinarian will approve the Non-Steroidal Anti-Inflammatory Drug request only if: (3-29-10)

01. Professional Judgment. In the exercise of his professional judgment, a need for the use of the Non-Steroidal Anti-Inflammatory Drug for the particular horse's injury or disease has been satisfactorily demonstrated. (3-29-10)

02. Professional Diagnosis. In arriving at the decision, the Commission Veterinarian may take into account or rely upon the written professional diagnosis made by a qualified and duly licensed veterinarian. (3-29-10)

221. -- 229. (RESERVED)

230. EXPIRATION OF APPROVAL.

Approved medication may be discontinued with permission of the Commission Veterinarian. (3-29-10)

231. -- 239. (RESERVED)

240. PERMITTED NON-STEROIDAL ANTI-INFLAMMATORY DRUGS.
The only Non-Steroidal Anti-Inflammatory Drugs permitted by these rules are: (3-29-10)

01. Phenylbutazone (Butazoladin); (3-29-10)

02. Mechlofenamic Acid (Arquel); (3-29-10)

03. Flunixin (Banamine); and (3-29-10)

04. Ketoprofen (Ketofen). (3-29-10)

241. -- 249. (RESERVED)

250. DAILY RACING PROGRAM.
Horses that are on a Non-Steroidal Anti-Inflammatory Drug must be indicated on the daily racing programs or any other publications and a list of horses on a Non-Steroidal Anti-Inflammatory Drug will be posted at a location designated by the Racing Commission. (3-29-10)

251. -- 259. (RESERVED)

260. NON-STEROIDAL ANTI-INFLAMATORY DRUG ADMINISTRATION.
No Non-Steroidal Anti-Inflammatory Drug may be administered to the horse later than twenty-four (24) hours prior to the time the horse is scheduled to race. Only one (1) Non-Steroidal Anti-Inflammatory Drug may be in a horse's system on race day. (3-29-10)

261. -- 264. (RESERVED)

265. BLEEDER TREATMENT.

01. Written Approval Needed. Epistaxis treatment for bleeders is permitted as a race day medication provided that written approval of the Commission Veterinarian is obtained prior to race day treatment on the Medication Request Form. (3-29-10)

02. Bleeders. Bleeders that have been running under Epistaxis treatment must obtain written approval of the Commission Veterinarian prior to entry in any race before running without similar treatment. (3-29-10)

03. Premarin. Premarin is a permissible Epistaxis treatment and may be used up to two (2) hours before post time. (3-29-10)

04. Lasix. Lasix is a permissible Epistaxis treatment. (3-29-10)

266. -- 269. (RESERVED)

270. IDAHO BLEEDER LIST.
Any horse which exhibits symptoms of Epistaxis or respiratory tract hemorrhage is eligible for placement on the Idaho Bleeder List and for treatment on race days with approved medication to prevent or limit bleeding during racing. (3-29-10)

01. Placed on Idaho Bleeder List. To be placed on the Idaho Bleeders List a horse must be found to have shed free blood from one (1) or both nostrils or bled internally in the respiratory tract during or immediately following a race or workout. The Commission Veterinarian, following his personal examination of a horse or after consulting with the horses' private veterinarian, may certify a horse as a bleeder. (3-29-10)

02. Bleeder. (3-29-10)

a. Any horse that bleeds a second time in Idaho will not be able to race for a period of thirty (30) days from the date of the second bleeding offense. (3-29-10)

b. Any horse that bleeds a third time in Idaho, and each time thereafter, will be suspended from racing for a period of one (1) year from the date of each bleeding offense. (3-29-10)

03. Bleeder from Another Jurisdiction. A bleeder horse shipped into Idaho from another racing jurisdiction must comply with Racing Commission rules. Any horse on a bleeder list in another racing jurisdiction may be placed on the Idaho Bleeder List provided a current certificate from the jurisdiction where it was confirmed on the bleeder list, or a letter from the horses private veterinarian, who is currently licensed by the racing jurisdiction, is presented to the Commission Veterinarian for his approval. (3-29-10)

04. Removal from Bleeder List. The Commission Veterinarian may remove a horse from the Idaho Bleeder List, provided the proper paperwork is complete and it is the recommendation of the licensed veterinarian treating the horse, or after an examination by the Commission Veterinarian, it is determined that the horse is not a bleeder and is no longer eligible for the Bleeder List. (3-29-10)

271. -- 279. (RESERVED)

280. URINE SAMPLES.

01. Phenylbutazone. No urine sample taken from a horse authorized to use phenylbutazone may exceed one hundred sixty-five (165) micrograms total of phenylbutazone or its metabolites per milliliter of urine. (3-29-10)

02. Lasix. Any horse whose post-race urine creatinine is less than forty (40) milligrams creatinine per one hundred (100) milliliters urine, and the ratio of urine furosemide to urine creatinine does not exceed fifteen hundredths (.15), with urine furosemide being measured in micrograms per milliliter of urine will be said to be positive for Lasix overage. (3-29-10)

281. -- 289. (RESERVED)

290. BLOOD SAMPLES.
No blood sample taken from a horse authorized to use the following substances may exceed these limits: (3-29-10)

01. Phenylbutazone. May not exceed five (5) micrograms of phenylbutazone or oxyphenbutazone per milliliter of plasma; (3-29-10)

02. Flunixin (Banamine). May not exceed twenty (20) nanograms per milliliter of plasma. (3-29-10)

03. Mechlofenamic Acid (Arquel). May not exceed one (1) microgram per milliliter of plasma. (3-29-10)

04. Ketoprofen (Ketofen). May not exceed ten (10) nanograms per milliliter of plasma. (3-29-10)

05. Lasix (Furosemide) May not exceed one hundred (100) nanograms of furosemide per milliliter of plasma. (3-29-10)

291. HAIR TESTING.
No hair sample taken from a horse shall contain any prohibited drug or other non-approved medication. (9-17-18)T

01. Racing Commission Authority. The Racing Commission is authorized to collect and submit hair samples for testing in quarter horses and mixed breed races. Hair samples shall be collected consistent with Section 111 of these rules. (9-17-18)T

02. Presence of Prohibited Substances. The presence of any prohibited substances that appears in a pre or post-race sample including, but not limited to, Clenbuterol, Zilpaterol, and Ractopamine in Quarter Horse and mixed breed races will constitute a violation. Any report of prohibited or non-permitted medication in a hair sample will result in the horse being placed on a stewards list for sixty (60) days. A horse must provide a negative hair test prior to removal from list. (9-17-18)T

03. Positive Finding for Prohibited Substance. Samples collected for out-of-competition testing in Quarter Horses and mixed breed horses that result in a positive finding for a prohibited substance as listed in Section 600 of these rules will be reported to the Board of Stewards and considered a violation. The presence of Clenbuterol in an out-of-competition test in a Quarter Horse will result in the horse being placed on the official veterinarians list for a minimum of sixty (60) days or until a sample is submitted and is reported as negative for the presence of Clenbuterol. If, at the owner's request, a sample is submitted for screening for removal from the official veterinarians list, the owner is responsible for the cost of the testing. (9-17-18)T

04. Hair Sample. If a horse is selected for hair testing and the mane is less than four and one-half inches (4 1/2") in length, the Racing Commission may elect to collect a hair sample using the tail. (9-17-18)T

292. -- 299. (RESERVED)

300. LASIX ADMINISTRATION.

01. Time of Treatment. Horses on the Bleeder List must be treated at least four (4) hours prior to post time with the bleeder medication furosemide (ie. Lasix). (3-29-10)

02. Dosage. Bleeder medication must be administered in the manner and at a dose level approved by the Commission Veterinarian, such dosage not to exceed two hundred fifty (250) mg. (3-29-10)

03. Witness. At his request, the Commission Veterinarian or his designee may witness the administration of Lasix by the trainer's private licensed veterinarian. (3-29-10)

04. Reporting. Administration of Lasix must be reported in writing, on the form designated by the Racing Commission, to the Commission Veterinarian no later than three (3) hours prior to the scheduled post time of the last live race of the program. (3-29-10)

301. -- 319. (RESERVED)

320. HORSES NOT STABLED ON GROUNDS.
Any horse on the Idaho Bleeder List that is not stabled on the actual grounds of the Racing Association where it is to race must be brought on to the grounds of the Racing Association where it is scheduled to race at least five (5) hours prior to the post time for the race for which it is entered. (3-29-10)

321. -- 399. (RESERVED)

400. BICARBONATE TESTING.

01. Administration Prohibited. No bicarbonate-containing substance or alkalizing substance that effectively alters the serum or plasma pH or concentration of bicarbonates or carbon dioxide in a horse may be administered to a horse on race day. (3-29-10)

02. Positive Test Level. Test samples collected from a horse either before or within one (1) hour following a race may not exceed thirty-seven point zero (37.0) millimoles of total carbon dioxide concentration per liter of serum or plasma. A serum total carbon dioxide level exceeding this value constitutes a positive test. (3-29-10)

03. Collection of Test Samples. The Commission Veterinarian, the Board of Stewards, or the Executive Director acting on behalf of the Racing Commission may at their discretion and at any time order the collection of test samples from any horses ordered to the test area to determine the serum or plasma pH or concentration of bicarbonate, carbon dioxide, or electrolytes. A sample consisting of at least thirteen (13) ml in a SST

tube must be taken from any horse either just prior to a race or up to one (1) hour after a race to determine the serum total carbon dioxide concentration. If the primary testing laboratory finds that the total carbon dioxide levels in the tubes exceed the standard test values of thirty-seven point zero (37.0) millimoles per liter, this may be grounds for disciplinary action. (3-29-10)

04. Split Sample Testing Prohibited. When taking samples for total carbon dioxide levels, split samples are prohibited. The procedures for split sample testing does not apply to bicarbonate testing procedures. (3-29-10)

401. -- 499. (RESERVED)

500. PROTECTION OF HORSES.

The Trainer, groom and any other person having charge, custody or care of a horse is obligated to properly protect the horse and guard it against actual or attempted administration of drugs. If the Stewards find that any person has failed to properly protect and guard a horse, they may impose such penalty and take such other action as they deem proper. (3-29-10)

501. ILLEGAL PRACTICES BY TRAINER.

01. Disciplinary Sanctions. A trainer who is found to have committed illegal practices under the statutes or rules, or both, that govern live horse racing in Idaho shall be subject to disciplinary sanctions, which may be levied by a fine up to two thousand five hundred dollars ($2,500), license suspension or license revocation. (3-20-14)

02. Disqualification for Non-Permitted Substance. If a horse tests positive for any substance (medication, drug, chemical, narcotic, anesthetic, or analgesic) not specifically permitted by these rules by either a pre- or post-race laboratory test, that horse shall be deemed ineligible to have raced in the race and shall be disqualified retroactively to the start of the affected race. If such disqualification occurs, the horse's owner(s) shall, within five (5) calendar days, return the entire amount of the purse or sweepstakes or trophy that was awarded in the affected race and the same shall be redistributed. If the affected race is a qualifying race for a subsequent race and if a horse shall be disqualified, the eligibility of other horses that ran in the affected race and that have started in the subsequent race before announcement of such disqualification shall not in any way be affected. (3-20-14)

502. -- 599. (RESERVED)

600. NON-APPROVED MEDICATION.

01. Administration by Owner or Trainer. A horse owner or trainer found to have administered any non-approved medication substances is in violation of these rules. (9-17-18)T

02. Clenbuterol. A finding of Clenbuterol is prohibited in blood, urine, saliva, hair, or any other acceptable specimen. (9-17-18)T

601. -- 699. (RESERVED)

700. MEDICATION REPORT FORM.

01. Submission of Medication Report Form. All practicing licensed Veterinarians must submit daily to the Commission Veterinarian a Medication Report Form furnished by the Racing Commission. (3-29-10)

02. Content of Medication Report Form. The form must contain the following information: (3-29-10)

a. The name, age, sex and breed of the horse; (3-29-10)

b. The permitted drug used; (3-29-10)

c. The time the permitted drug was administered; and (3-29-10)

d. The route and dosage of the administration. (3-29-10)

03. Signed and Dated. The report must be dated and signed by the licensed Veterinarian so administering the medication. (3-29-10)

04. Confidential. Any such report is confidential and its content may not be disclosed except in a proceeding before the Stewards or the Racing Commission or in the exercise of the Racing Commission's jurisdiction. (3-29-10)

701. -- 989. (RESERVED)

990. PENALTIES.
Any person violating any of the provision of these rules is subject to the penalties provided for in Title 54, Chapter 25 Idaho Code and any of the Racing Commission rules. (3-29-10)

991. -- 994. (RESERVED)

995. VIOLATIONS.
Any person violating any of the provisions of these rules is subject to the penalties provided for in Title 54, Chapter 25, Idaho Code and any of the Racing Commission rules. (3-29-10)

01. First Violation. The first violation of these rules will result in the issuance of a fine to the horse's Trainer and such other penalty deemed appropriate. (3-29-10)

02. Second Violation. The second violation of this chapter by the same Trainer during the same calendar year will result in a suspension, a fine and such other penalty deemed appropriate. (3-29-10)

03. Third Violation. A third violation of this chapter will be referred to the Racing Commission for appropriate action up to and including revocation of license. (3-29-10)

04. Not Detected. If a Non-Steroidal Anti-inflammatory Drug other than DMSO is not detected in the urine or in any other specimen taken from a horse authorized to use the Non-Steroidal Anti-Inflammatory Drug, a fine up to five hundred dollars ($500) may be imposed upon the horse's Trainer without loss of purse. (3-29-10)

05. Detected. If a Non-Steroidal Anti-Inflammatory Drug is detected in the urine or in any other specimen taken from a horse not authorized to use the Non-Steroidal Anti-Inflammatory Drug, the violation will result in loss of purse and the horse's Trainer is subject to such penalties deemed appropriate. (3-29-10)

996. -- 998. (RESERVED)

999. MINOR VIOLATIONS.
Nothing in these rules may be construed as requiring the Racing Commission to report minor violations when the Racing Commission believes that the public interest will be best served by suitable warnings or other administrative action. (3-29-10)

IDAPA 11
TITLE 04
CHAPTER 15

11.04.15 – RULES GOVERNING CONTROLLED SUBSTANCE AND ALCOHOL TESTING OF LICENSEES, EMPLOYEES, AND APPLICANTS

000. LEGAL AUTHORITY.
This chapter is adopted pursuant to the legal authority of Title 54, Chapter 25, of the Idaho Code. (3-29-10)

001. TITLE AND SCOPE.

01. Title. These rules are cited as IDAPA 11.04.15, "Rules Governing Controlled Substance and Alcohol Testing of Licensees, Employees, and Applicants," of the Idaho State Racing Commission. (3-29-10)

02. Scope. These rules govern controlled substance and alcohol testing of licensees, employees, and applicants by the Idaho State Racing Commission. (3-29-10)

002. WRITTEN INTERPRETATIONS.
There are no written interpretations of these rules. (3-29-10)

003. ADMINISTRATIVE APPEALS.
Persons may be entitled to appeal racing commission actions authorized under theses rules pursuant to Title 67, Chapter 52, Idaho Code. (3-29-10)

004. INCORPORATION BY REFERENCE.
No documents are incorporated by reference into these rules. (3-29-10)

005. OFFICE -- OFFICE HOURS -- STREET ADDRESS -- MAILING ADDRESS -- TELEPHONE -- WEBSITE.

01. Physical Address. The central office of the Idaho State Racing Commission is located at 700 S. Stratford Drive, Meridian, Idaho 83680. (3-29-10)

02. Office Hours. The central office is open 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (3-29-10)

03. Telephone Number. The telephone of the office is (208) 884-7080. (3-29-10)

04. Fax Number. The facsimile number of the office is (208) 884-7098. (3-29-10)

05. Website. The Racing Commission's website at http://www.isp.idaho.gov/race. (3-29-10)

006. PUBLIC RECORDS COMPLIANCE AND AVAILABILITY.
All rules contained in this chapter are subject to and in compliance with the Idaho Public Records Act (Title 74, Chapter 1, Idaho Code). (3-29-10)

007. -- 009. (RESERVED)

010. DEFINITIONS.

01. Alcohol. The intoxicating agent in beer, wine, or liquor, as the terms are defined in Title 23, Idaho Code, and includes ethyl, methyl, and isopropyl alcohols. (3-29-10)

02. Applicant. Any person who has applied to the Racing Commission for a license. (3-29-10)

03. Controlled Substance. A drug, substance, or immediate precursor listed in schedules I through V of Article II of Title 37, Chapter 27, Idaho Code. (3-29-10)

04. **Employee**. Any person employed by the Racing Commission within the state of Idaho. (3-29-10)

05. **Licensee**. Any person who has been issued a license by the Racing Commission. (3-29-10)

06. **Person**. Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, or any legal entity, which is recognized by law as the subject of rights and duties. (3-29-10)

07. **Racing Association**. Any person licensed by the Racing Commission to conduct live horse races and pari-mutuel wagering. (3-29-10)

08. **Racing Commission**. Three (3) member Idaho State Racing Commission created by Section 54-2503, Idaho Code, or its designee. (3-29-10)

09. **Reasonable Suspicion**. Behavior or pattern of behavior indicates that the licensee, employee, or applicant is under the influence of a controlled substance or alcohol. The basis of the suspicion may be a specific, contemporaneous event or conduct that has been observed over a period of time. (3-29-10)

10. **Suspension**. A temporary remedial measure designed to protect the safety and integrity of the horse racing industry and the participants therein. (3-29-10)

11. **Sample**. A urine sample collected for the purpose of drug testing, or a blood, breath, or saliva sample collected for the purpose of alcohol testing. (3-29-10)

011. -- 019. (RESERVED)

020. PRIMARY PURPOSE.
In order to protect the integrity of horse racing in the state of Idaho, to protect the health and welfare of licensees, employees, and applicants engaged in horse racing within the state of Idaho, to prevent exploitation of the public, licensees, employees, and applicants engaged in horse racing in the state of Idaho, to foster fairness of competition within the racing industry and in order to protect public safety within the state of Idaho, the Racing Commission intends to regulate the use of any controlled substance and alcohol at all race meets licensed by it. (3-29-10)

021. -- 049. (RESERVED)

050. USE OF CONTROLLED SUBSTANCES.
No licensee, employee, or applicant may have within their body any unauthorized controlled substance while within the enclosure of or on the premises managed by any racing association or the Racing Commission. (3-29-10)

051. -- 059. (RESERVED)

060. CONSUMPTION OF ALCOHOL.
No jockey, starter, assistant starter, pony person, outrider, or racing official may have present within his body any amount of alcohol while participating in any horse race held that day. (3-29-10)

061. -- 099. (RESERVED)

100. TESTING.
The Board of Stewards, or the Racing Commission acting through the executive director, may require any licensee, employee, or applicant to provide blood, urine, or saliva samples for the purpose of drug or alcohol analysis under either of the following circumstances: (3-29-10)

01. **Random Testing**. As part of a random testing program. (3-29-10)

02. **Reasonable Suspicion**. When the Board of Stewards finds that there is reasonable suspicion to believe that the proposed testee has used any controlled substance. (3-29-10)

101. -- 119. (RESERVED)

120. POST-ACCIDENT TESTING.
At its discretion the Board of Stewards may conduct post-accident controlled substance or alcohol testing of any licensee, employee, or applicant who is involved in a racing or job-related accident on the track or on racing association grounds that requires treatment away from the scene of the accident. (3-29-10)

121. -- 129. (RESERVED)

130. REFUSAL TO TEST.

01. Refusal to Supply a Sample. When any licensee, employee, or applicant is requested to submit to a drug test in a manner prescribed in these rules, the person must do so in a prompt manner. Refusal to supply such sample will result in: (3-29-10)

a. The immediate suspension of the licensee, employee, or applicant; and (3-29-10)

b. A hearing before the Board of Stewards in accordance with IDAPA 11.04.04, "Rules Governing Disciplinary Hearings and Appeals," Section 050. (3-29-10)

02. Suspended from Racing for Refusal to Test. (3-29-10)

a. If the Board of Stewards finds at the hearing that said refusal to test occurred, the licensee, employee, or applicant will be suspended from racing for seven (7) calendar days and be subject to random testing for one (1) year. (3-29-10)

b. In the event of a finding of just cause the licensee, employee, or applicant must submit to a test immediately once the conditions which justly prevented testing abate or can be eliminated. (3-29-10)

03. Subject to Random Testing. In the event a licensee, employee, or applicant refuses to test when requested after previously refusing to test or previously testing positive for drugs, that licensee, employee, or applicant will be suspended from racing for a period of ninety (90) calendar days and subject to random testing for a period of one (1) year. (3-29-10)

131. -- 149. (RESERVED)

150. TESTING PROCEDURE.

01. Accordance with Established Procedures. Testing must be done in accordance with established medical and law enforcement procedures in the state of Idaho. (3-29-10)

02. Retesting. The sample may be retested at the request of the licensee, employee, or applicant at either the laboratory used by the Racing Commission or a separate laboratory selected from a list provided by the Racing Commission. The licensee, employee, or applicant is responsible for all costs associated with the retesting of the sample. (3-29-10)

151. -- 199. (RESERVED)

200. A POSITIVE TEST.
On receiving written notice from the approved laboratory that a sample has been found positive for a controlled substance, the Racing Commission will initiate the following procedure: (3-29-10)

01. Notification. The Racing Commission, through the Executive Director, will notify the presiding Steward and forward the test results to the Board of Stewards. (3-29-10)

02. Hearing Set. The Board of Stewards will set a hearing in accordance with IDAPA 11.04.04, "Rules

Governing Disciplinary Hearings and Appeals," within the next two (2) racing days or seven (7) calendar days, whichever is less, after they receive notice of a positive test from the Executive Director. (3-29-10)

03. Written Notice. (3-29-10)

a. Notice of Hearing. Written notice of the hearing must be given to the licensee, employee or applicant as soon as the hearing date is set. The hearing may be held within a shorter or longer period of time if the licensee, employee, or applicant named and the Board of Stewards agree. (3-29-10)

b. Service of Notice. Service must be to the licensee, employee, or applicant personally by leaving the notice at the person's residence with someone of reasonable age and discretion residing therein, or by mail to the person's last known address. If by mail, service is deemed completed on the third day after mailing. (3-29-10)

04. Opportunity for Explanation. The hearing must be conducted before the Board of Stewards pursuant to IDAPA 11.04.04, "Rules Governing Disciplinary Hearings and Appeals." At the hearing, the licensee, employee or applicant will be provided an opportunity to present evidence and explain the positive test. (3-29-10)

05. Confidentiality. The Board of Steward's hearing must be closed and the facts therein will be kept confidential, unless for use with respect to any subsequent contested hearing or order by the Racing Commission or judicial hearing with regard to such facts. Closure of the hearing and confidentiality of the proceedings may be waived by the licensee, employee, or applicant. (3-29-10)

06. Lacking Satisfactory Explanation. Lacking a satisfactory explanation and documentation or upon the licensee, employee, or applicant agreeing with the test results, the Board of Stewards will suspend the licensee, employee, or applicant in accordance with Section 220 of these rules. (3-29-10)

201. -- 219. (RESERVED)

220. PROCEDURES FOLLOWING A POSITIVE CHEMICAL ANALYSIS.

01. First Positive Test. For a licensee's, employee's, or applicant's first positive drug test he will not be allowed to participate in racing for seven (7) calendar days and until such time as he has received a substance abuse evaluation and has begun the recommended rehabilitation program. Additionally, the licensee, employee or applicant will be subject to random testing for a period of one (1) year from the date the positive sample was taken. (3-29-10)

02. After Evaluation. After such evaluation, but not before the tolling of the seven (7) calendar days awarded in Subsection 220.01 of these rules, if said licensee's, employee's or applicant's condition proves non-addictive and not detrimental to the best interest of racing, said licensee, employee, or applicant will be allowed to participate in racing provided he can produce a negative test result from a laboratory approved by the Racing Commission and agrees to further testing at the discretion of the Stewards or designated Racing Commission representative to ensure his unimpairment. (3-29-10)

03. Second Violation. For a licensee's, employee's or applicant's second violation, he will be suspended for ninety (90) consecutive days and until he provides the Stewards with documentation that he has enrolled and is progressing satisfactorily in a certified drug rehabilitation program approved by the Racing Commission. (3-29-10)

04. Third Violation. For a licensee's, employee's or applicant's third violation, he will be suspended and the case referred to the Racing Commission for consideration of revocation of the individual's license. (3-29-10)

221. -- 249. (RESERVED)

250. CONFIDENTIALITY OF TEST RESULTS.
All test results are obtained as part of an inquiry into a person's fitness to be granted or to retain a license and are exempt from public disclosure pursuant to Section 9-304C, Idaho Code. A statistical summary will be made available annually. (3-29-10)

251. -- 299. (RESERVED)

300. TESTING EXPENSE.
Except for retesting requested by a licensee, employee, or applicant, all testing ordered pursuant to these rules, whether blood, urine, or breath, will be at the expense of the Racing Commission. All expense of drug or alcohol evaluation, treatment, reports, and fees will be at the expense of the licensee, employee, or applicant undergoing such evaluation or treatment. (3-29-10)

301. -- 989. (RESERVED)

990. PENALTIES.
Any person violating any of the provisions of these rules is subject to the penalties provided for in Title 54, Chapter 25, Idaho Code. (3-29-10)

991. -- 998. (RESERVED)

999. MINOR VIOLATIONS.
Nothing in these rules may be construed as requiring the Racing Commission to report minor violations when the Racing Commission believes that the public interest will be best served by suitable warnings or other administrative action. (3-29-10)