

Title 23. Public Utilities and Regulated Industries

Chapter VIII. Arkansas Racing Commission, Department of Finance and Administration

Subchapter A. Generally

Part 357. Rules Governing Horse Racing in Arkansas

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"FOREWORD

The Rules herein prescribed, and any amendments or additions thereto, apply to all persons, partnerships, associations, firms or corporations, their officers, directors, stockholders, agents, representatives or employees who hold, conduct, patronize, aid, assist or participate in any Race Meeting within the State of Arkansas where thoroughbred horse racing licensed by the State of Arkansas shall be permitted for any stake, purse or reward. The definitions and interpretations of racing terms herein set forth, as well as the Foreword, are to be considered in connection with the Rules and as a part of them.

In reading the Rules, unless the text otherwise requires, it shall be understood, without constant reference thereto, that they apply only in the State of Arkansas.

Every franchise to hold a Race Meeting is granted upon the condition that the franchise holder shall accept, observe and enforce said Rules. Furthermore, it shall be the duty of each and every officer, director and every official and employee of said franchise holder to observe and enforce the Rules.

Any and all of the Rules may be amended, altered, repealed or supplemented by new and additional Rules.

The Racing Commission shall have continuing jurisdiction and control over all penalties and decisions imposed or made by it, or its predecessors, except as otherwise provided by law. Furthermore, the Racing Commission shall have the power and authority to review, affirm, modify or rescind any penalty or decision with regard to any infraction of these Rules, which may be imposed or made by the racing officials of any Race Meeting.

The laws of the State of Arkansas and the Rules promulgated by the Racing Commission supersede the conditions of a race or the regulations of a Race Meeting.

Note: Numbering of these Rules will not be consecutive since the Racing Commission Rules that apply to other types of racing are omitted."

"Wagering Rules and Electronic Games of Skill (EGS) Rules are contained in a separate volume at the Commission Office."

Subpart 1. Generally

23 CAR § 357-101. Definitions.

The following definitions and interpretations shall apply throughout this part unless the text otherwise requires:

(1) "Act" means the enabling legislation permitting pari-mutuel horse racing in this jurisdiction;

(2) "Added money" means the amount added into a stakes by the association or by sponsors, state-bred programs, or other funds added to those moneys gathered by nomination, entry, sustaining, and other fees coming from the horsemen;

(3) "Age" of a horse foaled in North America shall be reckoned from the first day of January of the year of foaling;

(4) "Also eligible" pertains to:

(A) A number of eligible horses, properly entered, which were not drawn for inclusion in a race, but that become eligible according to preference or lot if an entry is scratched prior to the scratch time deadline; or

(B) The next preferred non-qualifier for the finals or consolation from a set of elimination trials that will become eligible in the event a finalist is scratched by the stewards for a rule violation or is otherwise eligible if written race conditions permit;

(5) "Allowance race" means an overnight race for which eligibility and weight to be carried is determined according to specified conditions, which include:

(A) Age;

(B) Sex;

(C) Earnings; and

(D) Number of wins;

(6) "Appeal" means a request for the Arkansas Racing Commission or its designee to investigate, consider, and review any decisions or rulings of stewards of a race meeting;

(7) "Arrears" means all moneys owed by a licensee, including subscriptions, jockey fees, forfeitures, and any default incident to this part;

(8) "Association" means a person or business entity holding a license from the Arkansas Racing Commission to conduct racing with pari-mutuel wagering;

(9) "Association grounds" means all real property utilized by the association in the conduct of its race meeting, including the racetrack, grandstand, concession stands, offices, barns, stable area, employee housing facilities, parking lots, and any other areas under the jurisdiction of the Arkansas Racing Commission;

(10) "Authorized agent" means a person licensed by the Arkansas Racing Commission and appointed by a written instrument, signed and acknowledged before a notary public, by the owner in whose behalf the agent will act;

(11)(A) "Beneficial interest" means profit, benefit, or advantage resulting from a contract or the ownership of an estate, as distinct from the legal ownership or control.

(B) When considered as designation of character of an estate, is such an interest as a devisee, legatee, or donee takes solely for his or her own use or benefit and not as holder of title for use and benefit of another;

(12) "Betting interest" means one (1) or more horses in a pari-mutuel contest which are identified by a single program number for wagering purposes;

(13) "Bleeder list" means a tabulation of all bleeders to be maintained by the Arkansas Racing Commission;

(14) "Breakage" means the net pool minus payoff;

(15) "Breeder" means the owner of the horse's dam at the time of foaling;

(16) "Carryover" means the non-distributed pool moneys that are retained and added to a corresponding pool in accordance with this part;

(17) "Claiming race" means a race in which any horse starting may be claimed (purchased for a designated amount) in conformance with this part;

(18)(A) "Commission" means the regulatory agency with the authority to regulate racing.

(B) Also "Racing Commission" and "Arkansas Racing Commission";

(19) "Conditions" means qualifications that determine a horse's eligibility to be entered in a race;

(20) "Contest" means a competitive racing event on which pari-mutuel wagering is conducted;

(21) "Contestant" means an individual participant in a contest;

(22) "Coupled entry" means two (2) or more contestants in a contest that are treated as a single betting interest for pari-mutuel wagering purposes (also see "Entry").

(23)(A) "Day" means a twenty-four-hour period beginning at 12:01 a.m. and ending 12:00 p.m. midnight. Also known as a calendar day;

(24) "Dead heat" means the finish of a race in which the noses of two (2) or more horses reach the finish line at the same time;

(25) "Declaration" means the act of withdrawing an entered horse from a race prior to the closing of entries;

- (26) Subject to 23 CAR § 357-405(a)(2), "Entry" means:
- (A) A horse made eligible to run in a race; or
 - (B) Two (2) or more horses, entered in the same race, which have common ties of ownership or lease;
- (27) "Exhibition race" means a race on which no wagering is permitted;
- (28) "Expired ticket" means an outstanding ticket that was not presented for redemption within the required time period for which it was issued;
- (29)(A) "Financial interest" means an interest that could result in directly or indirectly receiving a pecuniary gain or sustaining a pecuniary loss as a result of ownership or interest in a horse or business entity, or as a result of salary, gratuity, or other compensation or remuneration from any person.
- (B) The lessee and lessor of a horse have a financial interest;
- (30) "Flat race" means a race in which horses mounted by jockeys run over a course on which no jumps or other obstacles are placed;
- (31) "Forfeit" means money due from a licensee because of error, fault, neglect of duty, breach of contract, or a penalty imposed by the stewards or the Arkansas Racing Commission;
- (32) "Guest association" means an association which offers licensed pari-mutuel wagering on contests conducted by another association (the host) in either the same state or another jurisdiction;
- (33) "Handicap" means a race in which the weights to be carried by the horses are assigned by the Racing Secretary or Handicapper for the purpose of equalizing the chances of winning for all horses entered;
- (34) "Handle" means the aggregate of all pari-mutuel pools, excluding refundable wagers;
- (35) "Horse" means any equine (including and designated as a mare, filly, stallion, colt, ridgeling, or gelding) registered for racing: specifically, an entire male five (5) years of age and older;

(36) "Host association" means the association conducting a licensed pari-mutuel race meeting from which authorized contests or entire performances are simulcast;

(37) "Inquiry" means an investigation by the stewards of potential interference in a contest prior to declaring the result of said contest official;

(38) "Jockey" means a professional rider licensed to ride in races;

(39) "Licensee" means any person or entity holding a license from the Arkansas Racing Commission to engage in racing or a regulated activity;

(40) "Maiden" means a horse that has never won an official or recognized race as defined in breed registry rules;

(41) "Maiden race" means a contest restricted to non-winners;

(42) "Match race" means a race between two (2) horses under conditions agreed to by their owners;

(43) "Meeting" means the specified period and dates each year during which an association is authorized to conduct racing by approval of the Arkansas Racing Commission;

(44) "Minus pool" occurs when the amount of money to be distributed on winning wagers is in excess of the amount of money comprising the net pool;

(45) "Month" means a calendar month;

(46) "Mutuel field" or "field" means two (2) or more contestants in a contest that are treated as a single betting interest for pari-mutuel wagering purposes because the number of betting interests exceeds the number that can be handled individually by the pari-mutuel system;

(47) "Net pool" means the amount of gross ticket sales less refundable wagers and statutory commissions;

(48) "Nomination" means the naming of a horse to a certain race or series of races generally accompanied by payment of a prescribed fee;

(49) "Nominator" means the person or entity in whose name a horse is nominated for a race or series of races;

(50) "Objection" means a:

(A) Written complaint made to the stewards concerning a horse entered in a race other than a complaint growing out of happenings in the running of the race and filed with the stewards not later than the time period for protest set forth in 23 CAR § 357-507(c); or

(B) Verbal claim of foul in a race lodged by the horse's jockey, trainer, owner, or the owner's authorized agent to the stewards before the race is declared official;

(51) "Official order to finish" means the order of finish of the horses in a contest as declared official by the stewards;

(52) "Official starter" means the official responsible for dispatching the horses for a race;

(53) "Official time" means the elapsed time from the moment the first horse crosses the starting point until the first horse crosses the finish line;

(54) "Off time" means the moment at which, on the signal of the official starter, the doors of the starting gate are opened, officially dispatching the horses in each contest;

(55)(A) "Optional claiming race" means a contest restricted to horses entered to be claimed for a stated claiming price and to those that have started previously for that claiming price or less.

(B) In the case of horses entered to be claimed in such a race, the race shall be considered for the purpose of this part a claiming race.

(C) In the case of horses not entered to be claimed, the race shall be considered an allowance race;

(56) "Outstanding ticket" means a winning or refundable pari-mutuel ticket that was not cashed during the performance for which it was issued; also known as "outs";

(57) "Overnight race" means a contest for which entries close at a time set by the Racing Secretary; also known as "purse race";

(58) "Owner" means a person who holds any title, right, or interest, whole or partial, in a horse, including the lessee and lessor of a horse;

(59) "Paddock" means an enclosure or other designated area where horses scheduled to compete in a contest are saddled prior to racing;

(60)(A) "Pari-mutuel system" means the manual, electro-mechanical, or computerized system and all software (including the totalisator, account betting system, and off-site betting equipment) that is used to record bets and transmit wagering data.

(B) "Pari-mutuel wagering" shall include any method of wagering approved by the Arkansas Racing Commission whereby amounts wagered are placed in one (1) or more designated wagering pools (whether or not the wagers are placed with respect to the same race), and the amounts remaining in the respective wagering pool, after reduction for the takeout under applicable law and rules of the commission, are returned to the winning bettors or bettors under the rules applicable to the particular wagering pool and in accordance with applicable law and the rules of the Arkansas Racing Commission (subject, in the case of uncashed pari-mutuel tickets, to the provisions of Arkansas Code § 23-110-406(b) and 23 CAR § 357-105(dd));

(61) "Patron" means a member of the public present on the grounds of a pari-mutuel association during a race meeting for the purpose of wagering or to observe racing;

(62) "Payoff" means the amount of money payable to winning wagers;

(63) "Performance" means a schedule of contests conducted on the same day as authorized by the Arkansas Racing Commission;

(64) "Permit" means an authorization by the Arkansas Racing Commission to an association to conduct horse racing with pari-mutuel wagering at a specified location;

(65) "Person" means any individual, partnership, corporation, or other association or entity;

(66) "Post position" means the pre-assigned position from which a horse will leave the starting gate;

(67) "Post time" means the scheduled starting time for a contest;

(68) "Prima facie evidence" means evidence that, until its effect is overcome by other evidence, will suffice as proof of fact in issue;

(69) "Profit" means the net pool after deduction of the amount bet on the winners;

(70) "Profit split" means a division of profit amongst separate winning betting interests or winning betting combinations resulting in two (2) or more payoff prices;

(71) "Program" means the published listing of all contests and contestants for a specific performance;

(72) "Protest" means a written objection charging that a horse is ineligible to race, alleging improper entry procedures, or citing any act of an owner, trainer, jockey, or official prohibited by rules, which, if true, shall exclude that horse/jockey from racing;

(73) "Purse" means the total cash amount for which a race is contested;

(74) "Race" means a contest between horses at a licensed race meeting;

(75) "Registered Arkansas-bred" thoroughbred horses, registered Arkansas thoroughbred broodmare, registered Arkansas thoroughbred stallion, foal registration, broodmare registration and stallion registration, eligibility to participate in the Arkansas Racing Commission Purse and Awards Fund and eligibility to participate in races that are restricted to registered Arkansas-bred thoroughbred horses shall be determined and made in accordance with registration and fee schedules, adopted by the Arkansas Thoroughbred Breeders and Horsemen's Association and approved by the Arkansas Racing Commission;

(76) "Restricted area" means an enclosed portion of the association grounds to which access is limited to licensees whose occupation or participation requires access;

(77) "Result" means the part of the official order of finish used to determine the pari-mutuel payoff of pools for each individual contest;

(78) "Scratch" means the act of withdrawing an entered horse from a contest after the closing of entries;

(79) "Scratch time" means the deadline set by the association for withdrawal of entries from a scheduled performance;

(80) "Simulcast" means the live audio and visual transmission of a contest to another location for pari-mutuel wagering purposes;

(81) "Single price pool" means an equal distribution of profit to winning betting interests or winning betting combinations through a single payoff price;

(82) "Stable name" means a name used other than the actual legal name of an owner or lessee and registered with the Arkansas Racing Commission;

(83) "Stakes race" means a contest in which nomination, entry, and/or starting fees contribute to the purse;

(84) "Starter" means a horse that becomes an actual contestant in a race by virtue of the starting gate opening in front of it upon dispatch by the official starter;

(85) "Steeplechase race" means a contest in which horses mounted by jockeys run over a course on which jumps or other obstacles are placed;

(86) "Steward" means a duly appointed racing official with powers and duties specified by this part;

(87) "Substantial evidence" means evidence which a reasoning mind would accept as sufficient to support a particular conclusion and consists of more than a mere scintilla of evidence but may be somewhat less than a preponderance;

(88) "Takeout" means the total amount of money, excluding breakage, withheld from each pari-mutuel pool, as authorized by statute or rule;

(89) "Totalisator" means the system used for recording, calculating, and disseminating information about ticket sales, wagers, odds, and payoff prices to patrons at a pari-mutuel wagering facility;

(90) "Trial race" means part of a series of contests in which horses participate for the purpose of determining eligibility for a subsequent contest;

(91) "Walkover" means a race in which only one (1) horse starts or in which all the starters are owned by the same interest;

(92) "Week" means a calendar week;

(93) "Weigh in" means the presentation of a jockey to the Clerk of Scales for weighing after a race;

(94) "Weigh out" means the presentation of a jockey to the Clerk of Scales for weighing prior to a race;

(95) "Weight for age" means a race in which a fixed scale is used to assign the weight to be carried by individual horses according to: age, sex, distance of the race, and season of the year;

(96) "Winner" means the horse whose nose reaches the finish line first or is placed first through disqualification by the stewards; and

(97) "Year" means a calendar year.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-102. Franchises and applications for racing dates.

Every franchise and every license to hold a meeting is granted upon the condition that the franchise holder shall accept, observe, and enforce the rules of the Arkansas Racing Commission, and it shall be the duty of each and every officer, director, and employee of said franchise holder to observe and enforce the rules.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-103. Applications for franchises.

Every application to become a franchise holder shall contain the following:

(1) **Ownership and management.**

(A) State the name of the applicant and indicate whether it is an individual, firm, association, partnership, or corporation.

(B) State the following information as to the applicant (if the applicant has a parent corporation, the same information must be submitted both for the parent and applicant corporation):

(i) State the year in which the applicant was organized, its form of organization, and the name of the state under the laws of which it was organized.

Attach a copy of the articles and bylaws to the application;

(ii) State the classes of capital stock authorized, the amount authorized, and the amount outstanding as of the date not less than fifteen (15) days

prior to the date of filing on the application. State the amount of dividends paid to stockholders during the five (5) years immediately preceding the application;

(iii) State the name and address of each person who owns, of record or beneficially, one (1) or more shares of any class of capital stock. This can be indicated in columnar forms as follows:

(a) Name and address;

(b) Class of stock owned;

(c) Type of ownership whether of record or beneficial;

(d) Amount owned; and

(e) Percent of the class of stock;

(iv) Describe briefly the terms of any voting trust in which any of the capital stock is held and the name, address, class, or stock, and number of shares of stock for all stock held in said voting trust;

(v) Describe briefly the terms of any proxy by which any of the capital stock is held, the holder of the proxy and the name, address, class of stock, and number of shares of stock for all stock held by said proxy;

(vi) State whether five percent (5%) or more of the applicant's assets, or five percent (5%) or more of any principal stockholders' stock, is encumbered by any long-term debt. Explain fully, by stating names and addresses of parties holding security interests or promissory notes from the applicant and the stockholders, where the stock is pledged as security, and outline the terms of the agreements creating the security interests;

(vii) Outline briefly the divided rights, voting rights, liquidation rights, preemptive rights, conversion rights, and redemption provisions. If the rights of holders of such stock may be modified otherwise than by a vote of majority or more of the shares outstanding, voting as a class, so state and explain briefly;

(viii) If the applicant was organized as a corporation within the past five (5) years, furnish the following information:

(a) The names of the promoters;

(b) The nature and amount of anything of value received or to be received by each promoter directly or indirectly from the applicant; and

(c) The nature and amount of any assets, services, or other consideration therefore received or to be received by the applicant;

(ix) List the names of all directors and officers of the applicant and all persons chosen to become directors or officers, and attach a personal history resume for each person named. Indicate all positions and offices with the applicant held by each person named, and the principal occupation during the past five (5) years of each person named; and

(x) List all parents of the applicant showing the basis of control, and as to each parent, the percentage of voting securities owned, or other basis of control by any of its parents.

(C)(i) Attach to the application balance sheets and profit and loss statements for each of the three (3) fiscal years immediately preceding the application, or for the period of organization if less than three (3) years. If the applicant has not completed a full fiscal year since its organization or if it acquires or is to acquire the majority of its assets from a predecessor within the current fiscal year, the financial information shall be given for the current fiscal year. Balance sheets, profit and loss statements, and all other financial statements required herein shall be prepared, audited, and certified by independent, certified public accountants in accordance with generally accepted accounting procedures and practices applied on a consistent basis. Any report containing exceptions of a material nature will not be considered to be certified.

(ii) State all loans by applicant in excess of one percent (1%) of the net income and describe fully the name of the borrower, amount of the loan, collateral, and terms.

(D) Briefly describe any pending legal proceedings to which the applicant or any of its subsidiaries or parent corporation is a party or of which any of their property is the subject.

Include the name of the court or agency in which the proceedings are pending, the date instituted and the principal parties thereto.

(E) State if the applicant or its directors, officers, policy-making manager, or principal stockholders have owned an interest in any firm, partnership, association, or corporation previously licensed by the Arkansas Racing Commission or are now engaged in the business of racing outside of the State of Arkansas (and explain, as applicable).

(F) Describe briefly and where practical state the approximate amount of any material interest, direct or indirect, of any officer, director, or principal stockholder of the applicant, or any associate of any of the foregoing persons in any material transactions during the last three (3) years, or in any material proposed transactions to which the applicant was, or is to be a party.

(G) State generally the principal purposes for which the net income received by the applicant is intended to be used, (whether it be for payment of dividend, retained earnings for enumerated purposes, or other purposes) and show the approximate percentage of the amount intended for each purpose.

(H) State all contracts by the applicant entered into within the year preceding the date of application, and all executory contracts not otherwise described pursuant to this part in which the consideration exceeds one percent (1%) of net income, and describe fully, including the names of the parties to the contract, amount of consideration, and terms.

(I)(i) List all direct remuneration paid by the applicant and its subsidiaries, if any, during the applicant's last fiscal year to:

(a) Each director and officer of the applicant whose aggregate direct remuneration exceeded ten thousand dollars (\$10,000), naming each such person;

(b) All directors of the applicant as a group without naming them;

(c) All officers of the applicant as a group without naming them;
and

(d) All other persons whose aggregate remuneration exceeds ten thousand dollars (\$10,000), naming each such person.

(ii) As used in subdivision (1)(I) of this section, direct remuneration shall include salary, retirement benefits, automobile furnished, expenses reimbursed, and all other sums paid for the benefit of the officer, director, or other recipient.

(J) State whether the applicant, its officers, directors, and principal stockholders have complied with and are in compliance with 23 CAR § 357-105(a). If not in compliance, explain in full.

(2) Location and physical plant.

(A) State county and municipality of track.

(B) Give actual legal description of a site, names and addresses of the titleholders to the real property, and names and addresses of all persons holding mortgages or other security interests in the property.

(C) State the number of miles from the nearest population center, and describe briefly the transportation facilities serving that population's center.

(D) Indicate the exact dimensions of any track proposed.

(E) Describe the grandstand size and type construction. Submit at least one (1) copy of architect's plans or rendering showing details of any proposed constructions.

(F) Describe briefly the efforts made to ensure the security, safety, and comfort of patrons and license holders.

(G) State the availability of fire protection and adequacy of law enforcement and police protection.

(H) Indicate the parking lot capacity and describe the construction and type of parking facilities.

(I) Indicate the number and type of construction of stables and other areas, indicating capacities and fire prevention facilities for all areas.

(J) Indicate the provisions for facilities for owners and other racing personnel.

(K) Describe the arrangements for food and drink concession, indicating the names and addresses of concessionaires and the terms of the concession contracts. Attach copy of contract.

(L) Describe any concessions, clubs, or other special facilities for patrons.

(3) Racing operation.

(A) Indicate by actual dates the racing days requested by the applicant.

(B) Indicate the kind of racing to be conducted.

(C) Describe the pari-mutuel operation in general and indicate in particular the terms of the pari-mutuel ticket sales.

(4) Economic and other aspects of track location.

(A) Describe briefly climatic conditions prevalent during the proposed racing season.

(B) Indicate the population of the local area and the growth trend. Indicate the potential market, including tourists, transients, and patrons from neighboring areas.

(C) Indicate the principal sources of local income, showing the percentage from farming and ranching, industrial, professional and services, and military and other governmental sources.

(D) Indicate the effect of competition with other racetracks in and out of the state and with other sports or recreational facilities in the area. State in detail what effect the competition from other racetracks will have on the availability of the racing stock and track personnel.

(E) Indicate what effect opposition from area residents will have on the economic outlook for the proposed track.

Authority. Arkansas Code §§ 23-110-204, 23-110-204.

23 CAR § 357-105. Duties and obligations.

(a)(1) No applicant, officer, director, or principal stockholder of the applicant, nor any officer or director of any corporation which is a principal stockholder of the

applicant, nor any spouse or lineal heir of any such person, nor any corporation in which the applicant or an officer, director, or principal stockholder of the applicant holds stock, shall, directly or indirectly, in the name of or on behalf of the applicant, promise or offer to give or cause or procure to be promised, offered, or given, any money, goods, present, or reward, or any promise, contract, undertaking, obligation, or security for the payment or delivery of any goods, money, present, or reward or any other thing of value whatsoever, to:

(A) Any member of the Arkansas Racing Commission;

(B) Employees of the commission; or

(C) Any spouse, lineal heir, or employee of any member of the commission or any corporation in which any member of the commission is a principal stockholder, with the intent to influence the action or decision of any such person on any question, matter, cause, or proceeding concerning the applicant, which may be pending or which may hereafter in the future be brought before any such person in his official capacity.

(2) No officer, director, or principal stockholder of the applicant, nor any officer or director of any corporation which is a principal stockholder of the applicant, nor any spouse or lineal heir of any such person, nor any corporation in which an officer, director, or principal stockholder is a principal stockholder shall:

(A) Contract with the applicant, except for bona fide contract for salaries for directors and officers actually serving as such or for professional services actually rendered; or

(B) Provide goods or services that are ultimately sold to applicant's patrons.

(3) Upon application to the commission, but prior to entering into any such contract or doing any such business or making any such payment or contribution, the provisions of subdivisions (a)(1) and (2) of this section may be waived by the commission in its discretion if the proposed contract or the proposed business or any proposed payment or contribution is under the circumstances advantageous to the applicant in the conduct of its business of thoroughbred horse racing.

(4) No license shall be granted to any applicant if the applicant or any officer, director, or principal stockholder of the applicant has been convicted of a felony by any court of record of any state or country.

(b) No applicant shall enter into any contract in which the term exceeds three (3) years or the consideration exceeds five percent (5%) of the net income of the applicant for the year immediately preceding the date of the contract without first submitting advance written notice thereof to the commission.

(c) Minutes of the meetings of stockholders and directors of the applicant shall be made available to the commission, but copies thereof need not be filed as a matter of record in the office of the commission.

(d)(1) The original and six (6) copies of all applications, notices, and other matters required by this part shall be filed with the:

Arkansas Racing Commission
1515 Building
1515 West 7th Street, Suite 505
Little Rock, Arkansas 72203
(Post Office Box 3076, Little Rock, Arkansas, 72203)

(2) One (1) additional copy shall be submitted to each commissioner at the commissioner's address of record on file in the office of the commission.

(3) All applications, notices, and other matters shall be verified, under oath, and all copies shall be manually signed in ink.

(e) Members of the commission and its designated representatives shall have the right of full and complete entry to any and all parts of the grounds and facilities of the franchise holder licensed to conduct racing in Arkansas.

(f) Each franchise holder shall provide and install within its grounds:

(1) An office for the use of the commission and its officials;

(2) Stands for racing officials, which shall be maintained in positions commanding an uninterrupted view of the entire racing strip and which shall be subject to approval of the commission;

(3) A suitable telephone system between the racing officials; and

(4) A first aid room in the grandstand.

(g)(1) No franchise holder shall permit the making of handbooks on the grounds.

(2) Any person who bets with or through any such handbook shall be ejected from the grounds and refused admission to the grounds of all other licensed franchise holders in Arkansas, and in the case of an owner or trainer, the entries of said owner or trainer shall be refused for all Arkansas tracks.

(h)(1) With prior approval of the commission and consistent with applicable federal law, a franchise holder may enter into agreements and arrangements with other parties pursuant to which its patrons may wager on races run at other racetracks which are shown live by television or otherwise at locations on the grounds at the Arkansas racetrack at any time or times during the calendar year, and agreements and arrangements whereby its races are shown live at other racetracks and locations. Such agreements and arrangements shall specify all financial, wagering, distribution, and other details, which shall govern.

(2) The franchise holder may conduct pari-mutuel wagering at locations on the grounds of the licensed racetrack of the franchise holder on races run at other racetracks, even if the races are not shown live to patrons at the franchise holder's premises for any reason, including, but not limited to, lapses in satellite transmission, power outage, store-and-forward digital network nodes, buffering spooling, or other electronic delays or re-transmission, or due to races being run at times when the franchise holder's premises are not open to the public; provided that transmission delays or replays shall not compromise the integrity of pari-mutuel wagering by the franchise holder's patrons wagering on such races, and provided that the terms, conditions, formats, content, and agreements relating to such races and any delays or replays thereof must be satisfactory to the commission.

(i) Any official or other employee of a franchise holder or any owner or trainer who unlawfully solicits bets from the public by correspondence or other methods on any entry that is to run on a track in Arkansas shall be suspended.

(j) No person who has been convicted of a felony by a court for illegal sales, possession, or giving away of narcotics shall be granted a license without prior approval of the commission.

(k) No person or horse ruled off or under suspension by any recognized turf authority, any licensing body in any country or any horse franchise holder, shall be admitted to the grounds of any franchise holder except that a jockey temporarily suspended for a minor offense shall not be denied admittance to the track.

(l) When a person is ruled off any course or suspended by any recognized turf authority, any licensing body of any state or country or any thoroughbred horse franchise holder, every horse owned in whole or in part by the person shall be ineligible to be entered or to start in any race until said horse has been reinstated either by the rescission of the owner's suspension or by its transfer through bona fide sale to an ownership acceptable to the stewards.

(m)(1) When a person is ruled off any course or suspended by any recognized turf authority, any licensing body of any state or country or any thoroughbred horse franchise holder, any horse which is under the person's care, management, training, or superintendence shall not be qualified to be entered or to start in any race until said horse has been reinstated by the rescission of said person's suspension or by the placement of the horse in the hands of a licensed trainer, with such transfer approved by the stewards.

(2) If a trainer's suspension exceeds thirty (30) days, a transfer of the trainer's horses during the period of suspension to a family member or employee of the trainer will not be approved except under extraordinary circumstances, as determined by the stewards.

(n) When a person is ruled off any course or suspended by any recognized turf authority, any licensing body of any country, or any racing franchise holder, the person shall not be qualified, whether acting as an agent or otherwise, to subscribe for or to

enter or run any horse in any race either in his or her own name or in that of any other person until the rescinding of that person's suspension.

(o) A thoroughbred horse or stable ruled off or under suspension by any recognized turf authority, any licensing body of any state or country, or any racing franchise holder shall not be permitted to race on any Arkansas track where this part is in force during the continuance of such ruling.

(p) During the term of disqualification of any participant in racing, it shall be the duty of the franchise holder to see to it that the privileges of the participant's admission badge are revoked and that the participant is kept off of the grounds, unless otherwise permitted to enter under certain conditions and at certain times as may be provided for elsewhere in this part.

(q) Violators of any rule will be subject to ejection from the grounds and/or to fine, suspension, or ruling off.

(r) Each franchise holder shall police its grounds at all times in such a manner as to preclude the admission of any person in and around the stables excepting those having bona fide business or duly licensed by the commission.

(s) Each franchise holder shall furnish to the commission the names and addresses of all persons ejected by the franchise holder from its grounds, together with the offense or offenses alleged against them and any other material information relating thereto.

(t) The officials of the race meetings, in making decisions, shall be guided by the practices and procedures that are recognized and established in the conduct of all properly authorized race meetings.

(u) Racing franchise holders shall exclude from the paddock, in the interest of public safety, all those persons who have no immediate business with the entries, except the members of the commission, its staff and special representatives, and those having special permission from the franchise holder.

(v) Each franchise holder running a race meeting shall keep a separate account to be known as the owner's account and shall not mingle any of the funds therein with the general funds of the franchise holder.

(w) Sufficient funds shall be maintained in said account to cover all moneys due owners in regard to purses, stakes, rewards, and deposits.

(x) Racing franchise holders shall make prompt written acknowledgment of stake nominations and subscriptions.

(y) All daily programs sold at the racetrack must contain a prominent notice that there is an information window where complaints may be made or filed in writing, and the exact locations of these windows must be set forth in said notice. Daily programs sold during the live racing meet shall contain a:

(1) Notice that the racetrack is licensed by the commission and operates under its rules; and

(2) Listing of the members and manager of the commission, officers, and directors of the franchise holder, and racing officials for the race meeting.

(z) A franchise holder shall maintain in good service a satisfactory totalisator.

(aa)(1) The commission may require a franchise holder to install and maintain in good service a satisfactory photographic device, and where installed it shall be required that all finishes be recorded by the said photographic devices.

(2) However, in the event of any mechanical difficulty or insufficient light for a picture to be taken, the Placing Judges shall decide the order of finish, which decision shall be final.

(bb) When finishes are so recorded, each entry in each race shall wear a number of adequate size on the side which at the finish will be towards the camera, corresponding to his number on the official program.

(cc)(1) All portions of purse money earned by horses competing in stakes races shall be made available to the owners of such horse following the clearance of chemical analysis results from those horses who have undergone chemical analysis in such stakes races.

(2) All portions of purse money for horses running in overnight races shall be made available to the owners of such horses on the next racing day following the day such horses competed and earned purse money.

(3) Provided, however, any purse money earned by any horse in any race may be ordered by the stewards to be withheld, pending a hearing and resolution of all appeals, should the chemical analysis of the horse indicate the presence of a drug, except as allowed in 23 CAR § 357-108, or for any other good cause indicating that the horse involved (or its owner, trainer, or jockey) may have violated any rule of the commission, or otherwise engaged in any conduct which reasonably warrants withholding the purse under the circumstances.

(4) Provided, further, however, should the chemical analysis of any sample of a horse entitled to a share of the purse indicate the presence of a drug, except as allowed by 23 CAR § 357-108, the purse may be revoked at any time up to nine (9) months following the race and ordered redistributed by the commission.

(5) The failure of the owner or jockey of the horse testing positive for the presence of a drug to repay the funds to the proper person or persons as ordered by the commission shall result in the suspension and/or revocation of the owner's or jockey's license.

(6) The money shall be repaid to the proper person or persons for distribution as soon as possible after recovery.

(7) After the period of nine (9) months following the race, all tests and obligations shall be void.

(dd)(1) Every franchise holder shall carry on its books an account which shows the total due on outstanding unredeemed mutuel tickets, which represents the winning tickets not presented for payment. Further, every franchise holder shall at all times maintain adequate funds to pay said outstanding tickets.

(2) Live races.

(A) With respect to live races run at the franchise holder's racing facility during the franchise holder's live race meeting, all winning pari-mutuel tickets not presented to the franchise holder for redemption on or before the one hundred eightieth day next following the last racing day of the live racing meet shall be void as provided in Arkansas Code § 23-110-406(b).

(B) All moneys represented by such void pari-mutuel tickets shall be distributed as provided in Arkansas Code § 23-110-406(b).

(3) Simulcast races.

(A) With respect to races run at other racing facilities and simulcast at the franchise holder's racing facility, all winning pari-mutuel tickets on such simulcast races run on or after the first day of the live racing meet through the last day of the live racing meet (the "last live race meeting day") not presented to the franchise holder for redemption on or before the one hundred eightieth day next following such last live race meeting day shall be void, and all winning pari-mutuel tickets with respect to such simulcast races run after the last live race meeting day through the day immediately preceding the first day of the next live racing meet (such day immediately preceding the first day of the next live racing meet hereafter referred to as the "last simulcast season day") not presented to the franchise holder for redemption on or before the one hundred eightieth day next following such last simulcast season day shall be void.

(B) All moneys represented by any such void pari-mutuel tickets shall be distributed by the franchise holder as provided in Arkansas Code § 23-110-406(b) in the same manner as uncashed winning pari-mutuel tickets with respect to live races run at the franchise holder's racing facility.

(ee) No person shall be allowed to wager in violation of any law of the State of Arkansas.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-106. Corrupt, fraudulent, and prohibited practices.

(a) Employees of the Arkansas Racing Commission, including but not limited to stewards, judges, auditors, investigators, racing commission office manager, veterinarians, secretaries, bookkeepers, gatemen and their assistants, and any person acting in the capacity of a racing official shall not wager money or anything of value on races at the track at which they are employed or acting.

(b) No one interested in the results of the race, either because of ownership of any entry, or of his or her sire or dam, because of bets or otherwise, shall act as a racing official in respect to that race.

(c) Racing officials while serving during any race meeting in such capacity shall not engage in the following:

(1) Participate in the sale or purchase or ownership of any horse racing at the race meeting;

(2) Be involved in any way in the purchase or sale of any contract on any jockey racing at the race meeting;

(3) Sell or solicit horse insurance on any horse racing at the race meeting, or make any other business sales or solicitation not a part of the official's duties;

(4) Wager on the outcome of any race; or

(5)(A) Accept or receive money or anything of value for such official's assistance in connection with his or her duties.

(B) Racing officials shall include those officials who are approved and designated by the commission as racing officials for each live race meeting.

(d) Any person subject to this part shall report to the stewards all observed violations of this part.

(e) No person shall enter, cause to be entered, or start an entry that the person knows or believes to be ineligible or disqualified.

(f) If a person wrongfully gives or offers money, shares in a bet, or provides other benefit to any person having official duties in relation to a race, or if a person having official duties in relation to a race wrongfully accepts or offers to accept moneys, shares in a bet or other benefit, or if any person fraudulently offers or receives any amount of money for the declaring any entry out of a purse or stake, then any such person shall be in violation of this subsection.

(g) No person licensed as a jockey at Oaklawn Park shall be owner or part owner of any horse racing at Oaklawn.

(h) No jockey riding in a race, nor his or her attendant, shall make any wager nor shall any wager be made on the behalf of a jockey or his or her attendant on any horse other than the horse ridden by said jockey in such race.

(i) No person shall offer or give a jockey any money or other benefit in connection with a race, unless said person is the owner or trainer of the horse ridden in said race by said jockey.

(j) No person shall assume or pay, directly or indirectly, a fine imposed upon a jockey, provided, however, the commission may authorize the payment of such fine by the owner or trainer of the horse ridden by the jockey at the time of the infraction resulting in such fine.

(k) No transfer of any thoroughbred horse shall be made for the purpose of avoiding ineligibility or disqualifications.

(l)(1) A thoroughbred horse, starting in a race, shall not be shod with ordinary or training shoes or turn down shoes, or be allowed to start a race without shoes, unless the stewards grant permission to run without shoes prior to the race.

(2) Horses entered to race or training at Oaklawn Park are prohibited from wearing:

- (A) Toe grabs with a height greater than four millimeters (4 mm);
- (B) Bends;
- (C) Jar caulks;
- (D) Stickers; or
- (E) Any other appliance worn on the front shoes.

(m) No person shall tamper or attempt to tamper with any thoroughbred horse in such a way as to affect his or her speed in a race, nor shall he or she counsel or in any way aid or abet any such tampering.

(n) Bar plates may be used only with the consent of the stewards.

(o) No electrical or mechanical device or other expedient designed to increase or decrease the speed of a horse, or that would tend to do so, other than the ordinary whip, shall be possessed by anyone or applied by anyone to a horse at any time on the grounds of a franchise holder during a race meeting, whether in a race or otherwise,

provided this subsection is not intended to preclude any pre-race external treatments permitted under 23 CAR § 357-106(s)(3).

(p)(1) While within the confines of a racetrack, its buildings, or on the grounds, no person, other than a veterinarian licensed by the commission, shall have in his or her possession any equipment for hypodermic administration.

(2) Non-injectable medication prescribed by a properly licensed veterinarian for an existing condition may be possessed.

(q)(1) No person shall administer, permit, or authorize the administration of any drug, narcotic, stimulant, tranquilizer, depressant, local anesthetic, steroids, NSAIDS, or any substance which interferes with recognized testing procedures, except as permitted by 23 CAR § 357-108, in any manner whatsoever, internally or externally, to any horse within twenty-four (24) hours of the scheduled post time of the race in which the horse is entered to run.

(2) The administration of any drugs or chemical substance shall be done at the risk of the person or persons administering, authorizing, or permitting the administration, and all such persons shall assume the risk that if the horse tests positive after an analysis by the Commission Chemist, it shall be a violation of 23 CAR § 357-109(b), whether the drug or chemical substance was administered before or after twenty-four (24) hours prior to the scheduled post time.

(r) See separate appendix for Rules 1217, 1217.1, 1217.2, 1217.3, 1217.4, and 1217.5, including Uniform Classification Guidelines for Foreign Substances and Recommended Penalties.

(s)(1) Any trainer, attendant, owner, veterinarian, or other person who shall participate in the illegal administration of any drug, medication, or chemical substance to any horse entered in a race, or otherwise tamper with an entered horse for the purpose of enhancing or retarding the performance of such a horse, shall be punished to such an extent as the stewards rule.

(2)(A) Upon receipt of a positive laboratory report, the stewards shall direct that no undistributed money earned by the positive horse be awarded pending a final determination of the matter.

(B) Distributed purse money may be ordered returned by the stewards.

(C) If it is determined that a violation has occurred, the purse money will be ordered forfeited and redistributed among the other horses in the race as determined by the stewards.

(D) Pari-mutuel wagering shall not be affected by purse money redistribution.

(3)(A) External non-invasive treatments such as icing, massage therapy, use of magnetic blanket or vibrator, or equine chiropractic treatments may be administered prior to the time the horse is required to be in the paddock for any race in which the horse is entered, provided, however, such permitted external treatments shall not include any activity involving:

(i) Any incision or piercing of the skin;

(ii) The application of extracorporeal shock wave therapy or radial pulse wave therapy otherwise prohibited by Rule 1217.3; or

(iii) The use of any prohibited drug or other prohibited substance.

(B)(i) No device designed to produce localized anesthesia at the site or underlying tissues may be used on a horse after 6:00 p.m. on the day immediately prior to any day the horse is an entry in a race.

(ii) The application of extracorporeal shock wave therapy and radial pulse wave therapy must comply with Rule 1217.3.

(C)(i) Any person performing any equine chiropractic services on the grounds of the association shall consult with a veterinarian licensed by the commission regarding the chiropractic services to be performed, and shall conduct such services in compliance with applicable Arkansas law governing such services.

(ii) In addition, any person performing any equine chiropractic services on the grounds of the association must be licensed as a vendor by the commission, and must have such further licenses if and to the extent required by applicable Arkansas law.

(D)(i) Any machine or other device to be used in connection with any chiropractic treatment on any horse on the grounds of the association must be registered with and approved by the commission or its designee before use.

(ii) Any machine or other device producing localized anesthesia or electronic or other similar shock wave used in connection with any treatment on any horse on the grounds of the association, including, without limitation, any laser, ultrasound, and nerve stimulator devices, e.g., "TENS" machine, must be registered with and approved by the commission or its designee before use.

(iii) Customarily used vibrators, magnetic blankets, and magnetic boots are not required to be so registered.

(iv) No machine or other device which produces localized anesthesia at the site or underlying tissues lasting more than twelve (12) hours shall be approved unless use is limited to such lead times before racing as the official veterinarian shall determine is necessary for the anesthesia effect to properly dissipate.

(E) Use of any machine or other device required to be registered with the commission or its designee under subdivision (s)(3)(D) of this section on a horse on the grounds of the association must be reported to the official veterinarian on the prescribed form not later than the time prescribed by the official veterinarian.

(t) Any franchise holder, owner, trainer, or other licensee employing persons at Oaklawn Jockey Club who fails to hire qualified persons for the job duties assigned to said employer's employees or fails to adequately supervise, direct, or train the employees so employed by said employer may be fined, suspended, or excluded.

(u) Any time a horse is disqualified from a race for any reason, the purse money won by that horse shall be redistributed unless the commission finds that there are special circumstances justifying the owner, trainer, or jockey sharing in the purse.

Authority. Arkansas Code § 23-110-204.

Codification Notes. "NSAIDS" means non-steroidal anti-inflammatory drugs.

This section as promulgated prior to codification into the Code of Arkansas Rules contained the following: "1219. Repealed December 2, 2015."

23 CAR § 357-107. Total dissolved carbon dioxide testing.

(a) **Definitions.** As used in this section:

(1) "Bicarbonate loading" or "milkshaking" are terms used to describe the administration of bicarbonate of soda (sodium bicarbonate or NaHCO_3) or other substances that affect total dissolved carbon dioxide levels, administered through a nasogastric tube or by any other means, which shall be deemed to have an adverse effect on the horse by changing its normal physiological state through elevation of blood total dissolved carbon dioxide; and

(2) "Nasogastric tube" means any tube which can be inserted through the nose that extends into the stomach.

(b) **Procedures.**

(1) The state veterinarian may draw blood samples from a horse for the purpose of obtaining a TCO₂ (total dissolved carbon dioxide) concentration level.

(2) Blood samples for TCO₂ shall be drawn at the discretion of the State Veterinarian.

(3) The TCO₂ level in the blood shall not exceed thirty-seven millimoles per liter (37.0 mmol/L).

(4) In the event a sample drawn from a horse contains an amount of TCO₂ which exceeds the levels described above, the following penalties shall apply:

(A) The first time the laboratory reports an excessive TCO₂ level, the trainer shall be fined one thousand dollars (\$1,000) and the purse shall be redistributed;

(B) The second time the laboratory reports an excessive TCO₂ level, the stewards shall suspend the trainer for the duration of the race meeting plus ten (10) days or for a period not to exceed six (6) months, whichever is greater, impose a fine of up to one thousand five hundred dollars (\$1,500), with redistribution of the purse, and shall refer the case to the Arkansas Racing Commission; and

(C) For each subsequent report of an excessive TCO₂ level, the stewards or commission may suspend the trainer for up to one (1) year and impose a fine of up to two thousand five hundred dollars (\$2,500), with redistribution of the purse.

(5) There shall be no split sample testing on blood samples drawn for purposes of TCO₂ testing.

(6) No licensee other than veterinarians shall possess a nasogastric tube, as described herein, on the premises under the jurisdiction of the commission.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-108. Medication: Furosemide (Lasix).

(a)(1)(A) Except as otherwise provided in subsection (e) of this section, furosemide may be administered intravenously to a horse, which is entered to compete in a race, in accordance with this section, 23 CAR § 357-109, and Subsection E. of Rule 1217 of the Appendix to this part.

(B) Except under the instructions of the official veterinarian or the racing veterinarian for the purpose of removing a horse from the veterinarian's list or to facilitate the collection of a post-race urine sample, furosemide shall be permitted only after the official veterinarian has placed the horse on the furosemide list.

(C) In order for a horse to be placed on the furosemide list, the following process must be followed.

(2) After the horse's licensed trainer and licensed veterinarian determine that it would be in the horse's best interests to race with furosemide they shall notify the official veterinarian or his or her designee, using the prescribed form, that they wish the horse to be put on the furosemide list.

(3) The form must be received by the official veterinarian or his or her designee by the proper time deadlines so as to ensure public notification.

(4)(A) A horse placed on the official furosemide list must remain on that list unless the licensed trainer and licensed veterinarian submit a written request to remove the horse from the list.

(B) The request must be made to the official veterinarian or his or her designee, on the proper form, no later than the time of entry.

(C) A horse that has not been administered furosemide at the required time mistakenly may be allowed to race, without furosemide, with the approval of the:

- (i) Official veterinarian; and
- (ii) Stewards.

(5)(A) After a horse has been removed from the furosemide list, the horse may not be placed back on the list for a period of sixty (60) calendar days unless it is determined to be detrimental to the welfare of the horse, in consultation with the official veterinarian.

(B) If a horse is removed from the official furosemide list a second time in a three-hundred-sixty-five-day period, the horse may not be placed back on the list for a period of ninety (90) calendar days.

(C) However, for purposes of this subdivision (a)(5), the removal of a horse from the furosemide list in order for the horse to participate in a Lasix-free race shall be disregarded.

(b) The use of furosemide shall be permitted under the following circumstances on association grounds where a detention barn is utilized:

(1) Furosemide shall be administered at the direction of the official veterinarian no less than four (4) hours prior to post time for the race for which the horse is entered;

(2) A horse qualified for furosemide administration must be brought to the detention barn within time to comply with the four-hour administration requirement specified above;

(3) The dose administered shall not exceed two hundred fifty milligrams (250 mg) nor be less than one hundred fifty milligrams (150 mg), provided, with approval of the official veterinarian, a dose of up to five hundred milligrams (500 mg) may be administered;

(4) Furosemide shall be administered by a single, intravenous injection; and

(5) After treatment, the horse shall be required by the Arkansas Racing Commission to remain in the detention barn in the care, custody, and control of its trainer or the trainer's designated representative under association and/or commission security supervision until called to the saddling paddock.

(c) The use of furosemide shall be permitted under the following circumstances on association grounds where a detention barn is not utilized:

(1) Furosemide shall be administered no less than four (4) hours prior to post time for the race for which the horse is entered;

(2) The furosemide dosage administered shall not exceed two hundred fifty milligrams (250 mg) nor be less than one hundred fifty milligrams (150 mg), provided, with approval of the official veterinarian, a dose of up to five hundred milligrams (500 mg) may be administered;

(3) Furosemide shall be administered by a single, intravenous injection; and

(4) The trainer of the treated horse shall cause to be delivered to the official veterinarian no later than one (1) hour prior to post time for the race for which the horse is entered the following information under oath on a form provided by the commission:

(A) The name of the horse, racetrack name, and the date and time the furosemide was administered to the entered horse;

(B) The dosage amount of furosemide administered to the entered horse;
and

(C) The printed name and signature of the attending licensed veterinarian who administered the furosemide.

(d)(1) Test results must show a detectable concentration of the drug in the post-race serum, plasma, or urine sample.

(2)(A) The specific gravity of post-race urine samples may be measured to ensure that samples are sufficiently concentrated for proper chemical analysis.

(B) The specific gravity shall not be below one and ten thousandths (1.010).

(C) If the specific gravity of the urine is found to be below one and ten thousandths (1.010) or if a urine sample is unavailable for testing, quantitation of furosemide in serum or plasma shall be performed.

(3)(A) Quantitation of furosemide in serum or plasma shall be performed when the specific gravity of the corresponding urine sample is not measured or if measured below one and ten thousandths (1.010).

(B) Concentrations may not exceed fifty nanograms (50 ng) of furosemide per milliliter of serum or plasma, or one hundred nanograms (100 ng) of furosemide per milliliter of serum or plasma if the official veterinarian has approved a dose of up to five hundred milligrams (500 mg) of furosemide.

(e) The franchise holder may prohibit the administration of furosemide to horses entered in the following races, by so stating in the conditions of the race:

(1) A stakes race, including races designated as graded stakes by the American Graded Stakes Committee of the Thoroughbred Owners and Breeders Association or its successor, as necessary for the stakes race to remain eligible for graded status; and

(2)(A) Races for horses three (3) years of age, as necessary for horses participating in the race to be entitled to accumulate points based on their performance in the race for eligibility ranking to run in the Kentucky Derby and Kentucky Oaks.

(B) If the franchise holder so prohibits the administration of furosemide to horses entered in any of the above-referenced races, such race shall be referred to as a "Lasix-free race".

(C) With respect to any horse participating in a Lasix-free race, it shall constitute a violation of this subsection if the horse's post-race sample of urine, serum, or plasma tests positive for furosemide at any level of detection indicating use within the forty-eight-hour period prior to the Lasix-free race.

(D) Such violation shall be deemed to constitute a violation under Penalty Category "B" of the ARCI Uniform Classification Guidelines for Foreign Substances and Recommended Penalties Model Rule set forth in Rule 1217.5 in the Appendix to this

part, with resulting consequences and penalties to the horse, owner, and trainer as set forth therein for Penalty Category "B" violations.

Authority. Arkansas Code § 23-110-204.

Codification Notes. "ARCI" means Association of Racing Commissioners, Inc.

History. Ark. R. 2025-31 (eff. December 12, 2025)

23 CAR § 357-109. Lasix administration — 2015.

(a)(1)(A) The Commission Veterinarian shall designate the veterinarians (each referred to herein as a "designated Lasix veterinarian") authorized to administer Lasix (furosemide) as independent contractors to horses on the grounds of the franchise holder not less than four (4) hours before the published post time for the race in which the horse is entered to run.

(B) The number of veterinarians designated by the Commission Veterinarian as designated Lasix veterinarians shall not be more than the number reasonably necessary, in the reasonable judgment of the Commission Veterinarian, to appropriately and efficiently administer Lasix (furosemide) on a timely basis to horses on the grounds of the franchise holder as contemplated by this part.

(C) A designated Lasix veterinarian must:

(i) Be a veterinarian licensed and in good standing to practice veterinary medicine under the laws of Arkansas, have sufficient experience, reasonably satisfactory to the Commission Veterinarian, performing veterinary services for horses, including administration of Lasix (furosemide); and

(ii) Have a current malpractice insurance policy in effect with coverage customary for veterinarians performing veterinary services on the grounds of the franchise holder and shall provide to the Commission Veterinarian a customary certificate of insurance in a form acceptable to the Commission Veterinarian.

(2) A designated Lasix veterinarian may not perform other veterinary services on the grounds of the franchise holder, or for any horse entered or expected to be entered to race at Oaklawn during the then-current racing season, except:

(A) Administration of Lasix (furosemide) as contemplated by this section;

(B) Assisting as independent contractors in pre-race exams with consent of the Commission Veterinarian; or

(C) To address emergency situations.

(3)(A) The fee charged by the designated Lasix veterinarians for Lasix (furosemide) administration shall not exceed the fair market fee for such services.

(B) The fees charged by the designated Lasix veterinarian for Lasix (furosemide) administration shall be billed to the applicable horse owner's account with the Horsemen's Bookkeeper and paid through the Horsemen's Bookkeeper.

(4) Except as otherwise provided in subdivision (e)(5) of this section, no veterinarian or other person, except a designated Lasix veterinarian, may administer Lasix (furosemide) to any horse on the day the horse is scheduled to race prior to the running of the race, or after 6:00 p.m. on the day immediately before such race day.

(5) In the event of a shortage or other unavailability of a sufficient number of designated Lasix veterinarians to appropriately and efficiently administer Lasix (furosemide) on a timely basis to horses on the grounds of the franchise holder as contemplated by this section, the Arkansas Racing Commission or stewards may authorize any licensed veterinarian to administer Lasix (furosemide) to horses under this section and other applicable rules of the commission.

(b)(1)(A) The trainer shall be responsible for and be the absolute insurer of the condition of an entry the trainer enters regardless of the acts of the third parties.

(B) Should the chemical analysis of saliva, urine, or blood specimen detect the presence of any drug, medication, or chemical substances, including but not limited to narcotics, stimulants, tranquilizers, depressants, steroids, NSAIDS not specifically permitted by 23 CAR § 357-106(r) and 23 CAR § 357-108, or any substance which interferes with testing procedures, the trainer of the horse may, in the discretion of the

stewards, subject to appeal to the commission, be fined, suspended, and ruled off the track.

(C) In addition, any other person responsible for the care or attendance of the horse may be penalized as determined by the stewards or commission.

(2)(A) A licensed assistant trainer shall assume the same duties and responsibilities as imposed on the holder of a trainer's license.

(B) The designation of an assistant trainer shall not relieve the trainer's absolute responsibility for the condition of the entry, but shall, in addition, place the assistant trainer under such absolute responsibility.

(C) It is the intent of this section that both the trainer and the assistant trainer may, in the discretion of the stewards or commission, be fined, ruled off, or otherwise penalized under the absolute insurer rule for the same incident or infraction.

(3) The trainer shall be responsible for:

(A) Using the services of those veterinarians licensed by the commission to attend horses that are on association grounds; and

(B) Immediately reporting the alteration of the sex of a horse to the horse identifier and the racing secretary.

(c) Any person who has been convicted by any court having proper jurisdiction of the possession or use of narcotics may be denied a license or be ruled off.

(d) At the beginning of each racing season, the commission may employ a chemist for the purpose of making chemical analysis of saliva or other excretions or body fluids taken by the Commission Veterinarian from any entry running on any track operating under a franchise from the commission.

(e) If after a race a sample of hair, saliva, or other excretions or body fluids is to be taken by the Commission Veterinarian from a horse that has competed in the race, nothing shall be administered or given in any manner whatsoever to the said horse (except with the permission of and in the presence of the Track Veterinarian or Commission Veterinarian) until the Commission Veterinarian obtains the sample.

(f) The Commission Veterinarian, at his or her discretion, may administer a diuretic to any horse from which a urine sample is to be taken in order to expedite the test of

the horse, unless the trainer of the horse shall have expressly requested otherwise in a signed statement delivered to the Commission Veterinarian prior to the administration by the Commission Veterinarian of the diuretic to the horse.

(g)(1) Every owner or his or her authorized agent or trainer of any entry shall immediately, upon request by the commission, submit any entry of which he or she is the owner or authorized agent or trainer to any veterinarian designated by the commission for such examination or tests as said veterinarian may deem advisable.

(2) The Commission Veterinarian may detain an entry as long as he deems necessary in order to obtain a specimen.

(h)(1) During the taking of the samples by the Commission Veterinarian, the owner or trainer in each instance must be present and witness the procedure.

(2) If for any reason the owner or trainer cannot be present, he or she must first advise the Commission Veterinarian in writing of the name of the person to act as his or her witness when the sample is taken.

(i)(1) The sample so taken shall be immediately sealed in a container in the presence of the owner, trainer, or witness, and evidence of such sealing must be noted thereon by the signature of the owner, trainer, or witness.

(2) The owner, trainer, witness, or chemist appointed by them shall have the right and opportunity to witness the examination and testing of said specimen by the Commission Chemist, provided that a written request for same, signed by the owner or trainer, is submitted to the Commission Veterinarian at the time of the taking of the specimen.

(3) Thereupon, said owner or trainer will receive written notification of the time and place of such examination and testing, and in such event the seal of the container containing said specimens shall not be disturbed by the Commission Chemist until the time so appointed and in the presence of the chemist selected by the owner or trainer, if said chemist selected by the owner or trainer is present at the time and place so appointed for the examination and testing.

(j) Upon such sealing of the container containing the specimens, the container shall be encased and deposited in a large-size carrying case, all of which shall be stored and kept while at the racetrack.

(k) Any such carrying case shall be properly locked with an individual lock, the keys to which shall only be in possession of the Commission Veterinarian and the Commission Chemist.

(l) The franchise holder shall make provisions for suitable space, with a door equipped with proper lock and keys, where such specimens can be stored by the Commission Veterinarian.

(m) The Commission Veterinarian shall be in control and custody of all specimens until they are transported to the Commission Chemist.

(n) The Commission Veterinarian and Commission Chemist shall each keep, in addition to the record placed on the containers containing the specimen, separate individual records showing date, track, race, entry, name of owner, name of trainer, name of witness, name of guard, name of transportation agent who delivered the specimen to the Commission Chemist, and the time and date of receipt by the Commission Chemist, analysis made, and result thereof.

(o) Every franchise holder and all officials and employees thereof shall give every possible aid and assistance to any department, bureau, divisions, officer, agent, inspector, or any other person connected with the United States government or with the State of Arkansas or any local authority who may be investigating or prosecuting any such person they may suspect of being guilty of possessing any drug, hypodermic needles, batteries, or other similar appliances.

(p) Any horse that has been the subject of a fraudulent practice or other violation of this part may be disqualified by the stewards for no longer period than the remainder of the calendar year.

(q)(1)(A) Any horse exhibiting a positive response to a test for the presence of clenbuterol or other beta-2 agonists, or any antibodies of any blood doping agent, including, but not limited to, Erythropoietin, Darbepoetin, Oxyglobin, and Hemopure, (a "blood doping agent") shall be ineligible to start or race until the owner or trainer, at his

or her own expense, provides proof, in a form and substance acceptable to the stewards, of a subsequent negative test result for the presence of clenbuterol or other beta-2 agonists and antibodies of blood doping agents from a laboratory approved by the commission, provided any such test sample and test must be obtained and conducted under collection and test procedures acceptable to the Commission Veterinarian.

(B) The beta-2 agonists and blood doping agents to be tested for shall include clenbuterol, Erythropoietin, Darbepoetin, Oxyglobin, Hemopure, and such other beta-2 agonists and blood doping agents determined from time to time by the Commission Veterinarian.

(2) Notwithstanding any inconsistent provision of this part, the trainer of the horse shall not be subject to application of the trainer's responsibility penalty based solely on a finding by the laboratory that the beta-2 agonist or blood doping agent first detected in the initial positive test remains present in the horse in a subsequent sample taken from that horse for purposes of any subsequent test for beta-2 agonists and blood doping agents performed on the horse in an effort to determine the horse's re-eligibility to start and race again pursuant to subdivision (q)(1) of this section.

Authority. Arkansas Code § 23-110-204.

Codification Notes. "NSAIDS" means non-steroidal anti-inflammatory drugs.

23 CAR § 357-110. Complaints.

(a) If any owner, trainer, attendant, or any person uses profane or indecent language to officials or otherwise disturbs the peace on the grounds of the franchise holder, he or she shall be liable for a fine, suspension, or both, or shall be ruled off.

(b) The stewards may fine, suspend, or rule off any person who has violated the rules of the Arkansas Racing Commission or state or federal law.

(c) Should any licensee of the commission incur expenses while racing at any licensed track and wrongfully refuse to pay the same when due and payable, or within

a reasonable time after demand, such licensee shall be deemed guilty of conduct detrimental to the best interest of racing, and for such reason may be suspended until proper restitution is made.

(d)(1) Complaints against an official or officials shall be made to the stewards in writing, signed by the complainant or complainants.

(2) Complaints charging any infraction of any law of the State of Arkansas or rule of the commission may be made by any person, but if the complainant is an owner, trainer, or authorized agent and if he or she fails to substantiate the charge, he or she may be liable for a fine, suspension, or any other appropriate sanction.

(3) All such complaints shall be reported to the commission, together with the action taken on them by the stewards.

(e) The stewards shall take notice of corrupt and fraudulent practices and other infractions of the laws or rules of the commission.

(f)(1) Stewards may exclude from all places under their control any person who has been excluded by the appropriate horse racing authority of any other state, territory, or country from racing facilities located in such other state, territory, or country.

(2) Stewards may decline to license, or may suspend any license theretofore granted to, and may exclude any person who they find has violated any of this part, provided any such suspension and exclusion shall be for a period not exceeding the license year and may fine any such licensee any amount up to and including two thousand five hundred dollars (\$2,500).

(3) All fines shall be paid to the commission.

(4) If the stewards are of the opinion that the violation or violations involved warrant greater punishment, they shall so report to the commission.

(5) The stewards shall make daily reports in writing to the commission of the rulings.

(g)(1) When any licensee, horse, or stable is suspended by the stewards, such suspension shall immediately become effective on all other tracks under the jurisdiction

of the commission until such time as the case in question is decided upon by the commission.

(2) The license of anyone ruled off of any Arkansas track for fraud or fraudulent practice, or for violation of any of the rules of racing of the commission shall thereby be revoked.

(3) When a person is ruled off for any fraudulent practice in relation to a particular horse wholly or partly belonging to him or her, he or she shall return all money or prizes that such horse has fraudulently won.

(4)(A) Fines must be paid within forty-eight (48) hours.

(B) Delinquents may be summarily suspended.

(C) All fines shall be collected by the commission.

(D) An unpaid fine may not be rescinded by the stewards except with the approval of the commission.

(h)(1) No racing official other than the stewards and the commission shall have the authority to impose a fine or suspension for violation of the rules or state law.

(2) In instances where the individual rule does not specify the amount of the fine, the stewards may impose a fine in the amount of two thousand five hundred dollars (\$2,500), and the commission may impose fines in the amount authorized by Arkansas law.

(i) Any persons, firms, associations, or corporation penalized or disciplined under the law or under this part, or who is otherwise aggrieved by any action, proceeding, or decision of a racing official or franchise holder licensed by the commission may appeal to the commission for a review of such action, proceeding, or decision by requesting a hearing before the commission, which may take whatever action it deems appropriate.

(j) Appeals to the commission must be filed in writing at the office of the commission within three (3) days after the date of said action, proceeding, or imposition of said discipline or penalty.

(k) Appeals to the commission shall be signed by the person making it, and must set forth his or her reasons for believing he or she is entitled to a hearing.

(l) All papers filed with the commission shall be the property of the commission.

(m)(1) An appeal from any action, proceeding, or decision of a racing official or franchise holder shall not serve to stay or otherwise affect such action, proceeding, or decision until the appeal has been acted upon by the commission, unless otherwise ordered by the commission or by a court of competent jurisdiction.

(2)(A) An appeal from any action, proceeding, or decision of a racing official or franchise holder, hearings on misconduct of jockeys, owners, or trainers, applications for franchises, licenses, or dates to conduct race meetings, and similar matters shall be heard by the commission at an informal hearing on not less than twenty-four (24) hours' notice.

(B) Minutes of said hearings shall be kept by the commission, which minutes need not be verbatim.

(3) All other hearings conducted by the commission shall be formal hearings and governed by the following practices and procedures:

(A) **Pleadings.**

(i) Pleadings before the commission shall be by application or complaint, answer, motion, and reply.

(ii) All pleadings shall be typewritten and unless otherwise required by law, filed in duplicate with one (1) additional copy mailed to each member of the commission at his or her address of record;

(B) **Transcript.**

(i) The proceedings shall be reported and transcribed by a qualified court reporter.

(ii) However, a transcript of the proceedings shall be made at the expense of the commission only if directed by the chair or any two (2) commission members.

(iii) Minutes of the proceedings shall be maintained by the commission and need not be verbatim; and

(C) **Notice.** Except as otherwise provided by law, not less than twenty-four (24) hours' notice of the proceedings shall be served upon the applicant, all other

parties, and such persons that have requested notice of the proceedings in writing, which request shall be directed to the chair of the commission.

(4) Formal and informal hearings shall be governed by the following practice and procedures:

(A) **Attorneys.** Any person or party affected by the proceedings shall be entitled to represent himself or herself or be represented by an attorney at law to be retained at his or her expense, provided, however, the chair may prohibit an attorney from practicing before the commission on a showing that such attorney has personally engaged in conduct in violation of the laws of the State of Arkansas pertaining to thoroughbred horse racing or rules of the commission;

(B) **Service of complaint and notice.**

(i) Service of all notices and complaints shall be accomplished by sending same to such person or his or her agent for service.

(ii) The complaint or notice must be sent by certified or registered United States mail addressed to the recipient, with return receipt requested, or by service by an officer authorized to serve process.

(iii) A proof of service shall be filed with the commission;

(C) **Depositions.** Upon application to the chair, the chair may cause depositions of witnesses to be taken in such manner as he may direct;

(D) **Public hearings.** All hearings before the commission shall be open to the public;

(E)(i)(a) **Subpoena.** Any party to a hearing before this commission, including an applicant, may on written or oral motion to the chair and the commission, its attorney, or any commissioner request the issuance of a subpoena, both ad testificandum and duces tecum, for any witness to appear before the commission.

(b) Upon receiving the request, the chair shall issue the requested subpoena directed to the sheriff of the county of the witness's residence or any other officer authorized by law to serve process, requiring him or her to summon the person named therein to attend at a particular time and place to testify as a witness.

(c) It may, when the chair so directs, require the witness to bring with him or her any book, writing paper, document, tape, record, or other thing under his or her control.

(d) The subpoena shall be served and the return made as provided by law for the circuit courts of this state.

(e) Any witness subpoenaed shall attend and give evidence until the matter before the commission is decided or such witness is discharged by the chair.

(f) The failure to appear and be sworn shall be punished as provided by law.

(ii) In any case not provided for by this section with regard to the issuance of subpoenas, the law of Arkansas with regard to subpoenas issued by the circuit courts of this state shall apply;

(F)(i) **Conduct of hearing.** The chair shall have the power:

(a) To preserve and enforce order during any proceeding before the commission;

(b) To administer oaths;

(c) To rule upon all questions arising during the course of the hearing;

(d) To hold conferences before and during the hearing for the settlement or simplification of issues;

(e) To make or recommend decisions;

(f) To compel the attendance and testimony of the witness;

(g) To require the production of books, papers, documents, and other evidence; and

(h) Generally, to regulate and guide the course of the pending proceeding.

(ii) In the absence of the chair, a majority of the remaining members of the commission may select one (1) of their number to act as chair, and the acting chair shall thereupon be authorized to discharge the duties of chair.

(iii) Except as otherwise provided by law for the conduct of hearings by the commission, the hearings shall be conducted as prescribed for adjudication and rule making under the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.;

(G) **Appearance.** Unless incapacitated, a person placing a claim or defending a privilege before the commission shall appear in person, and may not be excused from answering questions directed by the commission or its attorney and supplying information thereto;

(H) **Consolidation of issues.** Hearings involving several applicants or complaints having a common issue may be joined and heard together at the discretion of the commission;

(I) **Action by commission.**

(i) All orders, findings of fact, rulings, and other formal action taken by the commission during the course of a hearing or at the conclusion thereof shall be in writing and a copy furnished to all parties and persons that have requested notice pursuant to subdivision (m)(3)(C) of this section.

(ii) Any member of the commission may submit a minority or supplemental report or dissent.

(iii) Orders of the commission and all pleadings and applications shall be maintained on permanent file by the commission for public inspection; and

(J) **Costs.** The commission may tax appropriate costs to any person or party.

(5)(A) Any person or party shall, upon written application to the commission, be entitled to a formal hearing upon posting a bond for costs thereof.

(B) The provisions of this section are severable.

(6) Following the hearing, the commission may, at its discretion:

(A) Uphold the decision of the stewards;

(B) Overturn the decision of the stewards; or

(C) Reduce or increase any penalties assessed by the stewards in their ruling.

Authority. Arkansas Code § 23-110-204.

Subpart 2. Animal Health

23 CAR § 357-201. Track veterinarian.

(a)(1) Each association shall have a registered veterinarian licensed to practice under the laws of Arkansas.

(2) The Track Veterinarian shall be on the grounds at pre-post weighing in time and during all racing hours.

(3) No Track Veterinarian, during the Track Veterinarian's employment by the association, shall be permitted to engage in private veterinary practice involving thoroughbreds racing at Oaklawn Jockey Club, nor be employed by or receive any compensation directly or indirectly from any owner or trainer licensed by the Arkansas Racing Commission during the current race meeting, nor sell or buy, for himself or herself or another, any thoroughbred, nor place any wager in any manner on any race run at the association, nor sell any drug supplies, nor sell horse insurance, nor be licensed to participate in racing in any other capacity during the course of the race meeting.

(b) The Track Veterinarian shall, in general, familiarize himself or herself with the racing conditions of all entrants, and if, in the Track Veterinarian's opinion, any entrant is not in condition to race, the Track Veterinarian shall notify the stewards and the Racing Secretary at least one (1) hour before the start of the race of the day.

(c)(1) The Track Veterinarian shall be present in the paddock before each race, and shall inspect each entrant.

(2) If, in the Track Veterinarian's opinion, any entrant is not in condition to compete in the race, the Track Veterinarian shall immediately notify the stewards.

(d)(1) In either of the aforementioned cases, the stewards shall determine whether or not the horse automatically goes on the veterinarian's list.

(2) If placed on the veterinarian's list, the horse shall not be permitted to enter until the veterinarian notifies the Racing Secretary and the stewards that the horse is again fit to compete.

(e) The Track Veterinarian shall be attendant to the stewards and the Racing Secretary at scratch time each day and shall examine such horses as they request, and make a report to the said racing official as promptly as possible.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-202. Commission Veterinarian.

(a)(1) The Arkansas Racing Commission shall appoint and employ a Commission Veterinarian during the race meeting.

(2) The Commission Veterinarian shall be a veterinarian licensed to practice under the laws of Arkansas and be in good standing.

(3) The Commission Veterinarian shall be on the grounds at pre-post weighing in time and during all racing hours.

(b)(1) The Commission Veterinarian and the Commission Veterinarian's assistants are prohibited, except in emergency situations, from practicing veterinary medicine on any horse owned, leased, or otherwise controlled by a licensed owner or trainer at Oaklawn Park.

(2) This prohibition applies to all horses, whether they are housed on the track or elsewhere.

(c) The Commission Veterinarian or the Commission Veterinarian's assistant shall obtain saliva and/or body fluids from such horses as are designated by the stewards or the commission, and make such examination and tests as from time to time may be required by the said racing officials and commission.

(d)(1) An official observer is a designated representative of the commission and is authorized access and entry to all parts of the grounds of all franchise holders licensed to conduct racing in Arkansas, and may perform any duty delegated by the commission.

(2) All commissioners who have served on the commission shall be official observers.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-203. Animal health.

(a)(1) All horses on the grounds of Oaklawn Jockey Club must have a record of a negative official Coggins test conducted at an approved laboratory within the previous twelve (12) months.

(2) Proper evidence of this test must be attached to the foal papers, kept current, and placed on file in the office of the Racing Secretary at Oaklawn.

(3) This applies to all horses and is not limited to racing animals.

(b)(1) In addition, all horses which are sold, bartered, traded, given free of charge or offered for sale, or any horses otherwise exchanged for any reason on the grounds of Oaklawn Jockey Club must be accompanied by a record of a negative official Coggins test conducted at an approved laboratory within the previous six (6) months.

(2) Both the buyer and the seller are equally and individually responsible for meeting the Coggins testing requirements prior to the effective time of the sale or change of ownership, provided, however, see subsection (c) of this section with respect to claiming races.

(c) If any horse claimed in a claiming race does not meet the Coggins testing requirements set forth in subsections (a) and (b) of this section, it shall be the responsibility of the buyer to:

(1) Promptly engage an accredited veterinarian to collect a blood sample from the horse and to have a Coggins test performed on the blood sample at an approved laboratory; and

(2) File the results of the test with the Racing Secretary and the Arkansas Racing Commission office within seven (7) days, excluding Sundays and generally recognized holidays, after the date of the claim.

(d) In addition to other potential penalties under applicable law, failure by claimant to comply with the forgoing testing requirements shall be considered a violation of this section, and the claimant shall be subject to penalties as determined by the commission, including possible suspension or fines up to one thousand dollars (\$1,000) per day for each subsequent day with which the claimant fails to comply with this section.

(e) For purposes of this section, an "approved laboratory" means a laboratory that is approved by the United States Department of Agriculture and the State Veterinarian to conduct an official test for equine infectious anemia.

(f) Twenty-four-hour ban.

(1) Except as provided in 23 CAR § 357-108, no substance shall be administered to a horse entered to race by hypodermic injection within twenty-four (24) hours prior to the scheduled post time for the race in which the horse is entered.

(2) No foreign substance shall be administered to a horse entered to race by oral administration, nasogastric tubing, topical administration that can penetrate the skin, rectal infusion, suppository, or inhalation, within twenty-four (24) hours prior to the scheduled post time for the race in which the horse is entered.

(g) Humane treatment of horses.

(1) No person shall subject any animal to any form of cruelty, mistreatment, neglect, abuse, abandonment, or injury on the grounds of a track licensee.

(2) No person shall deprive any animal of necessary care, sustenance, shelter, or veterinary care on the grounds of a track licensee.

(h) **Observe sanitary, safety human rules.** A trainer shall see to it that the stables and immediate surrounding area assigned to him or her are sanitary at all times and that the common livestock practices are observed and that the fire prevention rules, especially no-smoking in the stable area, are strictly observed at all times.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-204. Postmortem examination.

(a)(1) The Arkansas Racing Commission may conduct a postmortem examination of any horse that is injured in this jurisdiction while in training or in competition and that subsequently expires or is destroyed.

(2) In proceeding with a postmortem examination the commission or its designee shall coordinate with the trainer and/or owner to determine and address any insurance requirements.

(b)(1) The commission may conduct a postmortem examination of any horse that expires while housed on association grounds or at recognized training facilities within this jurisdiction.

(2) Trainers and owners shall be required to comply with such action as a condition of licensure.

(c)(1) The commission may take possession of the horse upon death for postmortem examination.

(2) The commission may submit blood, urine, other bodily fluid specimens, or other tissue specimens collected during a postmortem examination for analysis.

(3) Upon completion of the postmortem examination, the carcass may be returned to the owner or disposed of at the owner's option.

(d)(1) The presence of a prohibited substance in a specimen collected during the postmortem examination may constitute a violation.

(2) The cost of commission-ordered postmortem examinations, testing, and disposal shall be borne by the commission.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-205. Physical inspection of horses — Assessment of racing condition.

(a)(1) Every horse entered to participate in an official race shall be subjected to a veterinary inspection prior to starting in the race for which it is entered.

(2) Trainers with horses on the grounds of the franchise holder must post the "in-today" tags provided by the franchise holder above the stall of every horse under the care of the trainer that is entered to run that day.

(3) The "in-today" tags for horses stabled on the grounds of the franchise holder must be posted by 6:00 a.m. on the morning of the race.

(4) Trainers who are stabled off track and are using the receiving barn must have their horses that are entered to race that day in a stall posted with the "in-today" tag provided by the franchise holder by 10:00 a.m. on the day of the race for which the horse is entered.

(b)(1) The inspection shall be conducted by the Commission Veterinarian or his or her designated assistant or assistants.

(2) The appointment of any designated assistant of the Commission Veterinarian shall be subject to approval by the Arkansas Racing Commission.

(c)(1) Any horse entered to race stabled on the grounds of the franchise holder must be available and ready for pre-race inspection beginning at 6:00 a.m. on the day of the race for which the horse is entered.

(2) Horses stabled off track that are using the receiving barn, must be on the grounds of the franchise holder and available and ready for pre-race exam by 10:00 a.m. on the day of the race for which the horse is entered.

(3) **Note.** If a horse stabled off track is running on Furosemide (Lasix), the horse must be present on the grounds of the franchise holder a full four (4) hours prior to post time to comply with the time deadline contained in 23 CAR § 357-108 for the administration of Furosemide (Lasix) which must be administered by a licensed veterinarian on the grounds of the franchise holder no less than four (4) hours prior to post time.

(d)(1) The trainer of each horse or a representative of the trainer must present the horse for inspection as required by the examining veterinarian.

(2) Horses presented for examination must have bandages removed, and the legs must be clean.

(3) Horses may not be placed in ice on race day, until after the conclusion of the pre-race examination by the Commission Veterinarian, nor shall any device or substance be applied that impedes veterinary clinical assessment.

(e)(1) The assessment of a horse's racing condition shall include:

(A) Proper identification of each horse inspected;

(B) Observation of each horse in motion;

(C) Manual palpation and passive flexion of both forelimbs;

(D) Visual inspection of the entire horse and assessment of overall condition;

(E) Clinical observation in the paddock and saddling area, during the parade to post and at the starting gate, during the running of the race, and following the race until the horse has exited the racetrack; and

(F) Any other inspection deemed necessary by the Commission Veterinarian.

(2) Unless otherwise directed by the commission or stewards, the functions set forth in subdivision (e)(1)(E) of this section shall be performed by the Track Veterinarian.

(f) The Commission Veterinarian shall maintain a permanent continuing health and racing soundness record of each horse inspected.

(g) The Commission Veterinarian is authorized access to any and all horses on the grounds of the franchise holder regardless of entry status.

(h) If, prior to starting, a horse is determined to be unfit for competition, or if the veterinarian is unable to make a determination of racing soundness, the veterinarian shall recommend to the stewards that the horse be scratched.

(i) Horses scratched upon the recommendation of the examining veterinarian shall be placed on the veterinarian's list.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-206. Intra-articular joint injections.

(a) The use of intra-articular joint injections shall be governed by the following conditions:

(1) No prescription drug may be administered except as prescribed by an attending veterinarian; and

(2)(A) A treated horse shall be established as ineligible to race for a period of fourteen (14) days following an intra-articular injection.

(B) For the purpose of counting number of days a horse is ineligible to run following an intra-articular injection, the date of the injection is the first day.

(C) The horse is eligible to race on the fifteenth day.

(b)(1) Trainers or their designee shall maintain complete records of all corticosteroid and intra-articular injections for all horses in his or her control.

(2) Complete records of corticosteroid and intra-articular injections include:

(A) The date of injection;

(B) The name of the veterinarian performing the injection;

(C) The articular space or spaces or structure or structures injected;

(D) The medication or biologicals used to inject each articular space; and

(E) The dose in milligrams of each injection used.

(c) The information outlined in subsection (b) of this section must be submitted to the official veterinarian within forty-eight (48) hours following an intra-articular injection.

Authority. Arkansas Code § 23-110-204.

Subpart 3. Rules for Thoroughbred Racing Officials and Duties

23 CAR § 357-301. Generally.

(a) The racing officials of a race meeting shall include:

(1) A Clerk of Scales,;

(2) A Handicapper,;

(3) A Paddock Judge,;

- (4) Three (3) Placing Judges,;
- (5) A Racing Secretary who may also be the Handicapper,;
- (6) An Assistant Racing Secretary,;
- (7) A Claim Clerk;
- (8) A horse Identifier;
- (9) A Starter,;
- (10) Three (3) Stewards;
- (11) Commission Clocker,;
- (12) A Track Superintendent,;
- (13) A Track Veterinarian,;
- (14) A State Veterinarian,;
- (15) Two (2) Outriders,; and
- (16) Others as determined pursuant to 23 CAR § 357-106(c).

(b)(1) One (1) of the stewards for each race meeting and one (1) placing judge shall be named by the commission.

(2) The franchise holder holding the race meeting shall name the second, and the commission and the franchise holder together shall name a third.

(3) All other officials therein designated shall be appointed by the franchise holder holding the race meeting.

(4) All the appointments, including the stewards, are subject to the approval of the commission, which reserves the right to demand a change of personnel for what it deems good and sufficient reasons.

(5) The successors to officials so replaced are subject to the approval of the commission.

(6) The franchise holder is hereby directed to submit to the commission the names of the officials prior to the start of any race meeting.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-302. Clerk of Scales.

(a) The Clerk of Scales shall weigh all jockeys out and in.

(b) The Clerk of Scales shall record and publish on the notice board any overweight or any change of jockey, weight, or racing colors as compared with those stated on the official program, and shall promptly supply all proper racing officials with all pertinent changes.

(c) The Clerk of Scales shall promptly report to the stewards any infraction of this part with respect to weight, weighing, or riding equipment.

(d) The Clerk of Scales shall be responsible for completion of all data required on the scale sheet, and submit that data to the Horsemen's Bookkeeper after the running of each race.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-303. Handicapper.

(a) The Handicapper, who may be the Racing Secretary, shall assign the weights to be carried by each horse in a handicap.

(b) The Handicapper shall append to the weights for every handicap the day and hour from which winners will be liable to weight penalty.

(c)(1) If there are no penalties, that fact shall be appended to the weights.

(2) No alteration of weights shall be made after publication.

(d) In case of omission through error of the name or weight of a horse duly entered, the omission shall be rectified by the Handicapper.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-304. Jockey room.

(a) It shall be the duty of the jockey room custodian, working under the stewards' supervision, to see to it that order, decorum, and cleanliness are maintained in the jockey and scale rooms.

(b) The custodian shall assist the Clerk of Scales in any way that official requires.

(c) The custodian shall see to it that no person, other than racing officials, the Arkansas Racing Commission, and the necessary jockey room attendants are admitted to the jockey room on a race day without consent of the stewards for each time of entry.

(d) The custodian shall oversee the care and storage of all racing colors.

(e) The custodian shall oversee the valets and their duties.

(f) The custodian shall see to it that no valet not approved by the franchise holder is permitted to assist any jockey at any time.

(g) The custodian shall report to the stewards any irregularities that occur in his or her presence or in the jockey room.

(h) The custodian shall see to it that jockeys are neat in appearance and attired in keeping with this part when they leave the room to ride in a race.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-305. Paddock Judge.

(a) The Paddock Judge shall report any irregularities to the stewards.

(b) The Paddock Judge shall keep a record of all equipment carried by all horses in all races under his or her jurisdiction, and shall permit no change in equipment not authorized by the stewards.

(c) The Paddock Judge shall in each and every race require the plater in attendance in the paddock to see to it that all horses are properly shod.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-306. Placing Judges.

(a) The Placing Judges shall occupy the Placing Judges' stand at the time the horses pass the finish line in each and every race, and their duty shall be to place and record all horses in the order of their finish in each race.

(b) The Placing Judges shall properly display the numbers of the first four (4) horses in each race in the order of their finish.

(c) When the Placing Judges differ in their placing, the majority shall prevail.

(d) The Placing Judges shall make public their decisions as promptly as possible.

(e) If it is considered advisable to consult a picture from the finish camera, the Placing Judges shall post without waiting for a picture such placements as are in their opinion unquestionable, and after consulting the picture make the other placements.

(f) In determining the places of the horses at the finish of a race, the Placing Judges shall consider only the relative position of the respective noses of such horses.

(g)(1) After, and not until the outrider shall have communicated no-claim/no-protest status to the stewards, as contemplated by 23 CAR § 357-507(g), the stewards shall notify the Placing Judges when the result is official.

(2) If the outrider does not communicate no-claim/no-protest status to the stewards, then after, and not until, the jockeys riding the first five (5) horses to finish have been weighed in, the Clerk of Scales shall so notify the stewards, and the stewards shall then notify the Placing Judges when the result is official.

(h) Upon receipt of such notice, the Placing Judges shall promptly display the sign "Official".

(i) There shall be no alteration of placement after the sign "Official" has been purposely displayed without approval of the stewards.

(j) Nothing in this part shall be construed to prevent the Placing Judges, with the approval of the stewards, from correcting an error before the display of the sign "Official", or from recalling the sign "Official" in case it has been displayed through error.

(k) The Placing Judges shall each day file with the Arkansas Racing Commission a copy of the official placement of the first five (5) horses in each race of that day, and shall supply to other officials such information in the respect to the racing as the franchise holder may require.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-307. Racing Secretary.

(a) The Racing Secretary shall compile an official program for each racing day, which shall state the time fixed for the first race and give the names of the horses which are to run in each of the races of the day.

(b)(1) The program shall indicate the order in which each race is to be run, the purse conditions, the jockey of each horse, each owner's racing colors, the weight assigned to each horse, and each horse's:

- (A) Name;
- (B) Number;
- (C) Post position;
- (D) Color;
- (E) Sex;
- (F) Age; and
- (G) Breeding.

(2) The program may show other pertinent data.

(c) The Racing Secretary shall be responsible for the format of the scale sheet.

(d) The Racing Secretary shall receive all entries and declarations, and he or she or any other person designated by the franchise holder may receive all stakes, forfeits, entrance moneys, fees (including jockey's fee), purchase money in claiming races, and all other money that can properly come into his or her possession as agent for the franchise holder for which he or she is acting.

(e) The Racing Secretary or other persons designated by the franchise holder shall pay over when due all moneys collected by them to such persons as may be entitled to receive same.

(f) The Racing Secretary shall have the right to inspect any trainer's or jockey's license or partnership papers, all papers and documents with respect to a contract between a jockey and his or her employer or employers, papers relating to the appointment of authorized agents or jockey agents, and papers related to the adoption of colors or to assumed names.

(g) It shall be the duty of the Racing Secretary to assign to applicants such stabling as he or she may deem proper to be occupied by horses in preparation for racing, and he or she shall determine all conflicting claims of stable privilege.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-308. Official Starter.

(a) Only the Official Starter or a deputy approved by the Official Starter and by the stewards may start a race.

(b) The Official Starter shall give all orders and take all measures necessary to ensure a fair start.

(c)(1) The stewards' decision as to the validity of a start shall be final.

(2) Likewise, the stewards' decision as to whether or not a horse was locked in the gate shall be final.

(3) The stewards' decisions shall be made in consultation with the Official Starter.

(d) The Official Starter may appoint the Official Starter's assistants, subject to the approval of the stewards.

(e)(1) Horses are in the hands of the Official Starter from the moment they enter the track on the way from the paddock to post.

(2) They remain in the Official Starter's hands until off time.

(f) In case the alignment of the horses at the post is delayed, the Official Starter may permit jockeys to dismount and their mounts to be attended.

(g)(1) If after reaching the starting post a horse is so badly injured as to make it impractical or impossible for the horse to run in a race, the Official Starter may, in the interest of saving time, excuse that horse, but must notify the stewards before the Official Starter starts the race.

(2) Any horse so excused shall to all intents and purposes be considered as excused by the stewards.

(h) Horses shall take their positions in numerical order from the inside rail, that order to be determined by post positions.

(i) All flat races shall be started out of a stall gate.

(j) The start shall not be unduly delayed on account of bad mannered horses.

(k) The Official Starter shall maintain a schooling list, and all horses placed by the Official Starter on said list shall be required to school to barrier or starting gate under the personal supervision of the Official Starter or the Official Starter's assistants.

(l) Only the Official Starter shall have the authority to designate the horses named to the schooling list.

(m) The Official Starter shall file a copy of the schooling list with the Racing Secretary.

(n) The Official Starter shall report to the Racing Secretary as soon as a horse on the list has been schooled sufficiently to be permitted to start.

(o) A horse will not be eligible to start until the Official Starter orders the name stricken from the Official Starter's schooling list.

(p) The stewards and the Arkansas Racing Commission may fine or suspend a jockey for disobedience of orders, for attempting to gain an unfair advantage, or for otherwise violating this part.

(q) Neither the Official Starter nor the Official Starter's assistants shall mistreat or use abusive language to a jockey.

(r) The Official Starter's approval must be obtained of the starting ability for all horses that have never started at a recognized meeting.

(s)(1) A false start is void, and the horses shall be started again as soon as practical.

(2) Any horse running the course from a false start may be excused from the true race by the stewards.

(t) If a horse is locked in the gate or if the Official Starter excuses a horse from a race, the Official Starter shall immediately notify the stewards, who in turn shall immediately notify the manager of the Pari-mutuel Department.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-309. Stewards.

(a) The stewards shall have the power to interpret this part and to decide all questions not specifically covered by them.

(b) Any person acting as a steward at Oaklawn Park shall have the following minimum qualifications:

(1) Experience:

(A) At least three (3) years (an average of seventy-five (75) live race dates per year) of experience as a licensed racing official, i.e., Racing Secretary, Patrol Judge, Paddock Judge, Clerk of Scales, Starter, Placing Judge, or other racing official as designated by the Arkansas Racing Commission;

(B) At least five (5) years (an average of one hundred (100) starts per year) of experience in the pari-mutuel horse racing industry as a licensed trainer or jockey, with two (2) years (an average of seventy-five (75) live race dates per year) of experience as a licensed racing official;

(C) At least ten (10) years of experience in the pari-mutuel horse racing industry as a licensed owner, whose experience, knowledge, ability, and integrity relative to the industry are deemed sufficient by the commission, with two (2) years (an average of seventy-five (75) live race dates per year) of experience as a licensed racing official;

(D) Be presently employed as a steward for a length of time in the opinion of the commission to otherwise meet the experience requirements deemed necessary by the commission for the steward position; or

(E) Such experience in the horse racing industry in a position or positions and for a length of time sufficient, in the opinion of the commission, to otherwise satisfy the experience requirements deemed necessary by the commission for the steward position;

(2) **Requirements for attendance at accredited steward schools, seminars, and written/oral examinations.**

(A) Persons with five (5) years (an average of seventy-five (75) race days per year) of experience as a licensed steward need only attend a short course (of at least two (2) days or sixteen (16) hours) given by an accredited stewards' school, and pass the standard written and oral examinations.

(B) Persons with less experience than the persons included in subdivision (b)(2)(A) of this section must complete a course of at least seven (7) days or sixty (60) hours and pass the standard written and oral examination.

(C)(i) All applicants may take the written and oral examinations in sections.

(ii) Any person failing any section of the examination may retake said section a maximum of two (2) times without retaking the full exam; and

(3) **Requirements for continuing education.** All accredited stewards, in order to maintain their accreditation, must attend a continuing education seminar of at least two (2) days or sixteen (16) hours given by an accredited stewards' school at least once every two (2) years.

(c) In matters pertaining to racing, the orders of the stewards supersede the orders of the officers and directors of the franchise holder.

(d) The stewards shall have the power and duty to regulate and govern the conduct of all racing officials and of all owners, trainers, jockeys, grooms, and other persons attendant to horses during, before, and after races, unless the power and the duty is reserved to the commission.

(e)(1) The commission, its delegated agents, or stewards investigating for violations of law or the rules of the commission, and other persons authorized by the commission or stewards, shall each have the power to conduct searches of persons licensed by the commission, employees, and agents of the franchise holder and employees and agents of vendors conducting business on the grounds of the franchise holder, including, without limitation, searches of any and all such persons' personal effects and property in the person's possession or control.

(2) The commission shall have the power to authorize its agents to enter and search stables, rooms, vehicles, and other places both on the association grounds and

at other tracks or locations where horses eligible to race at said racing meeting are kept.

(3) Each such licensee, employee, agent, and vendor, as a condition of licensing or in accepting employment or conducting business on the grounds of the franchise holder, shall be deemed to have granted consent to such search and to have waived and released any and all claims or possible actions for damages by virtue of any action taken under this section.

(f) All entries and declarations shall be under the supervision of the stewards.

(g) The stewards shall have the power to determine all questions arising with reference to entries and racing.

(h) All questions pertaining to which their authority extends shall be determined by a majority vote of the stewards.

(i) The stewards shall have the power to punish for violation of this part any person subject to their control, and in their discretion to impose fines or suspensions, or both, for infractions.

(j)(1) The stewards may at any time require any licensee having direct physical contact with horses or direct responsibility for some portion of the day's racing program, or whose duties place him or her in a position of danger, or who commits an act that endangers a horse or human to provide breath or urine samples for analysis.

(2) If a licensee declines to provide a sample, or if a sample shows a positive level of any nonprescription, prohibited or illegal drug, or an alcohol concentration greater than five hundredths of one percent (0.05%) and zero percent (0.00%) for jockeys, the stewards may decline to license or may suspend any license theretofore granted to, and may exclude any such person for a period not exceeding the licensing year and may fine any such person any amount up to the maximum amount permitted by Arkansas law.

(k) The stewards may suspend a person or disqualify a horse.

(l) The stewards shall have the power to exclude or eject from all premises and enclosures of the franchise holder any person who is disqualified for corrupt practices

on the turf in any country, or so exclude or eject any other improper or objectionable persons.

(m) The stewards may demand proof that a horse is not disqualified in any particular and is not entered or owned in whole or in part by a disqualified or ineligible person, or trained in whole or in part by a disqualified or ineligible person.

(n) If the stewards deem the proof demanded under subsection (m) of this section unsatisfactory, they may declare the horse disqualified.

(o) The stewards shall have the power to examine or cause to be examined any horse stabled on or off the grounds of the franchise holder.

(p) The three (3) stewards must be on duty during the race time, which shall mean from one (1) hour before post time for the first race of the day until after the last race of the day has been made official.

(q) At least one (1) of the stewards must be on duty within call of the Racing Secretary from the time of the opening of overnight entries each morning until after the drawing of post positions.

(r) If there is only one (1) steward present at race time, said steward shall appoint two (2) other qualified persons to act with him or her as steward pro tem.

(s) If only two (2) stewards are present at race time, they shall by agreement appoint a deputy for the absent steward, but, if unable to reach such an agreement, shall call upon the Racing Secretary to appoint said deputy.

(t) If none of the stewards are present at race time, the Racing Secretary shall appoint three (3) qualified persons, one (1) of whom may be himself or herself, to act as stewards pro tem.

(u) Appointment of any deputy or deputies for a steward or stewards shall be reported immediately to the commission and its approval obtained as soon as practicable.

(v)(1) When a vacancy occurs among the racing officials, other than the stewards, prior to post time of the first race of the day, or when a vacancy occurs after the racing of the day has started, the stewards shall immediately fill the vacancy.

(2) The appointment shall be effective only for the day, unless the franchise holder fails to fill the vacancy on the following days and to notify the stewards of its action not less than one (1) hour before the post time of the first race of the day.

(w) Such appointments shall be reported immediately to the commission.

(x) The stewards shall take notice of any questionable conduct with or without complaint thereof.

(y) The stewards may substitute a jockey of their selection on any horse.

(z) The stewards may place any horse in the temporary charge of a trainer of their selection.

(aa) It shall be the duty of the stewards to see to it that horses arrive at the starting post as nearly as practical at the advertised post time.

(bb) All horses in every race shall return to the finish area immediately following the race and be held until released by the stewards.

(cc) In case of accident or casualty to a horse before off time, the stewards may excuse said horse.

(dd) The stewards must investigate promptly and render a decision in every protest and in every complaint properly made to them.

(ee) The stewards shall report all protest and complaints to the commission as soon as received by them, and shall make prompt report to said commission of their decision.

(ff) The stewards shall before the close of each day file with the commission a signed report of any and all infractions of the rules coming under their observance that day, and shall file with the commission all rulings on infractions or otherwise as soon as said rulings are made.

(gg) During the term of suspension of any jockey, owner, trainer, or other person on any racetrack under the commission's jurisdiction, it shall be the duty of the stewards to see to it that the offender's badge is taken up and that he or she is refused admission to any part of the course.

(hh) Except in emergencies, no steward shall grant permission for a change of a horse's equipment after the close of entries for the race in which the changed equipment is to be carried.

(ii)(1) Whenever the stewards have reasonable cause to believe that a licensee has committed an act or engaged in conduct in violation of any law or any rule of the commission, the following procedures will apply:

(A) The licensee shall be immediately subject to such intermediate conditions, limitations, and restrictions as the stewards decide necessary to ensure compliance with applicable laws and rules; and

(B) The licensee shall be summoned to a meeting of the stewards called for the purpose of investigating suspected or alleged violations by the licensee, at which all stewards shall be present.

(2) The licensee may request a continuance for good cause, but a continuance shall not stay any intermediate condition, limitation, or restriction.

(jj) The summons given to the licensee shall be in writing and shall give notice of the date, time, place, and purpose of the stewards' meeting, and shall specify the laws or rules allegedly violated.

(kk) Every person called to testify before the stewards at such meeting is entitled to have counsel or an observer of the person's choosing present at the meeting, however, such counsel or observer may only participate under such conditions or in such manner as the stewards direct.

(ll) If a licensee, after receiving notice of a stewards' meeting, fails to appear as summoned, the licensee will be deemed to have waived any right to appear and present evidence to the stewards.

(mm) No announcement of the meeting or of the alleged infraction of laws or rules shall be made until after the stewards' meeting, when the stewards shall transmit a signed written decision to the commission and to the licensee containing the stewards' findings and the penalty imposed.

(nn) The stewards may issue a written directive or order requiring any licensee to submit documents or personally appear as part of a stewards' investigation or inquiry.

(oo)(1) The commission is not bound by the findings or penalties imposed by the stewards.

(2) In any appeal to the commission from a stewards' ruling, the commission shall determine all issues de novo.

(pp)(1) The stewards shall maintain a list of horses that they determine exhibit poor or inconsistent performances during a race.

(2) Horses placed on the list will not be allowed to enter a race until the stewards have given the owner/trainer permission to enter the horse in a race subsequent to the date the horse is placed on the list.

(qq)(1) The stewards shall also place a horse on the stewards' list when the stewards determine there are questions or issues involving the proper owner or owners of the horse.

(2) All issues involving the ownership of a horse must be resolved prior to entry in a race, unless otherwise approved by the stewards.

(rr) No owner or trainer shall move, or permit to be moved, any horses in a trainer's care to another trainer without immediately notifying the stewards.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-310. Method of timing.

(a) The stewards shall determine the official time of each race.

(b) When electric timing is used, the timing device will be checked for accuracy at the discretion of the stewards.

(c) The time shall be announced or displayed on the information board located in view of the public.

(d) A written report of the time of each race shall be made to the Clerk of Scales for the reports to the Racing Secretary.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-311. Commission Clocker.

(a)(1) The Commission Clocker shall be appointed by the Arkansas Racing Commission and paid by the franchise holder.

(2) The Commission Clocker and his or her assistants will be responsible for recording official workouts each day.

(3) Official workouts that are not reported in the daily racing form shall be tabulated by the Commission Clocker and posted for public viewing in a conspicuous place.

(b)(1) A horse shall not be taken on the track for training or a workout except during hours designated by the association.

(2) The trainer or rider shall identify the horse and distance to be worked to the Commission Clocker or his or her assistant.

(3)(A) A horse which has not started for a period of sixty (60) days or more prior to race day must have at least two (2) official published timed workouts within the previous thirty (30) days prior to race day, at least one (1) of which must be at a distance of four (4) furlongs or more.

(B) The workouts must have occurred at a pari-mutuel horse racing facility or recognized horse training facility, approved by the stewards.

(4)(A) A horse which has not started for a period of six (6) months or more prior to a race day must have at least three (3) officially published timed workouts, two (2) of which must be within thirty (30) days of the race and one (1) of which must be at a distance of four (4) furlongs or more.

(B) A horse which has not started for a period of six (6) months or more must also undergo a physical examination by the trainer's practicing veterinarian, and the trainer's practicing veterinarian must approve the horse for racing in writing to the official veterinarian prior to being entered in a race.

(C) The workouts must have occurred at a pari-mutuel horse racing facility or a recognized horse training facility approved by the stewards.

(5) First time starters must have three (3) or more official published timed workouts within the previous sixty (60) days prior to race day:

(A) Two (2) of which must be within the previous thirty (30) days prior to race day;

(B) At least one (1) of which must be at a distance of four (4) furlongs or more; and

(C)(i) At least one (1) of which must be a workout starting out of the gate within the previous forty-five (45) days prior to race day.

(ii) The workouts must have occurred at a pari-mutuel horse racing facility or recognized horse training facility approved by the stewards.

(6) The stewards may extend the thirty-day period in subdivisions (b)(3), (4), and (5) of this section to thirty-seven (37) days, and the stewards may extend the sixty-day period in subdivision (b)(5) of this section to sixty-seven (67) days, if the horse was unable to complete the required workouts under this part due to the track being closed for workouts.

(7) The association may impose more stringent workout requirements.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-312. Track Superintendent.

(a) It shall be the duty of the Track Superintendent to supervise the upkeep of the course in its preparedness for training and racing.

(b) The Track Superintendent shall exercise such control over the course as may be necessary to protect its condition and the rights of all parties entitled to its use, and the Track Superintendent shall be responsible for sanitary conditions.

(c)(1) It is also the duty of the Track Superintendent to preserve order, enforce decorum, and prevent petty games of chance on the grounds of the franchise holder at such times as a race meeting is not in progress.

(2) When a race meeting is in progress, those duties shall fall upon the franchise holder's police force.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-313. Licenses, registrations, and fees for participants in racing.

(a)(1) All owners, trainers, jockeys, jockey agents, handlers, attendants, employees of a stable or franchise holder, and all other persons, firms, associations, or corporations patronizing or participating in a race meeting are subject to the laws of the State of Arkansas and the rules promulgated by the Arkansas Racing Commission, and all such persons, firms, associations, or corporations shall abide by said laws and the rules of the commission.

(2) Further, said persons, firms, associations, or corporations shall abide by the decisions of the racing officials on any and all questions to which their authority extends.

(b)(1) All applications for licenses and registrations to participate in racing shall be filed with the commission on forms supplied by it or by a national licensing organization.

(2) No owner shall be eligible to start a horse unless his or her completed license application is on file in the Racing Commission Office, Oaklawn Jockey Club, no later than 3:00 p.m. central time the day before the race, unless otherwise approved by the Board of Stewards.

(c)(1) The appropriate fees shall accompany each application.

(2) Licenses may be issued for one (1) or three (3) years.

(3) Such license or registration shall expire December 31 of the year of expiration.

(d) No application for a license or registration shall be approved, and no license or registration will be issued by the commission unless satisfactory evidence is first presented that the applicant will participate in the race meeting for which the license or registration is sought.

(e)(1) All applications for licenses and for registrations must be approved by the stewards of the race meeting before any action on the application will be taken by the commission.

(2) Before approving any application for a license or registration, it shall be the duty of the stewards to ascertain whether the applicant or registrant is qualified as to ability and integrity for the license or registration sought either by oral or written examination.

(f) In considering each application for a license, the stewards of the race meeting or the authorized representatives of the commission may require the applicant as well as his or her endorsers to appear before them and show that said applicant is qualified in every respect to receive their recommendation for the granting of the license.

(g)(1) Any person to whom a license has been issued by the commission may have his or her license revoked due to corrupt, fraudulent, or improper practices or conduct on the part of the licensee.

(2) All licenses granted shall be subject to the conditions set forth in the application therefor, and the commission shall have full discretion to suspend or revoke the same for any infraction of the conditions of the application for license and the rules of the commission.

(h)(1) The following persons shall secure a license from the commission and the annual fee shall be as follows:

Owner	\$60.00
Partnership	\$60.00
Stable Name	\$60.00
Trainer/Asst. Trainer	\$55.00
Jockey/App. Jockey/Jockey Agent	\$55.00
Veterinarian	\$45.00
Authorized Agent	\$38.00
Horseshoer	\$35.00
Employee	\$ 5.00

(2) Any person employed on the grounds of a franchise holder by the franchise holder or its lessees, or by any concession licensed or permitted to operate on the

grounds of the franchise holder must secure an employee license from the commission, and the issuance of such licenses will begin the week prior to the opening of the race meeting.

(3) The following must be registered annually with the commission, and the fee payable for such registration shall be as follows:

Stable Names	\$20.00
Partnership or Corporation	\$20.00

(4) Each owner, member of a partnership which is licensed as an owner, stockholder, or member of a corporation which is licensed as an owner, and registrant for stable name shall, simultaneously with the filing of an application for such license or registration of such stable name, also register the colors used by such owner, partnership, corporation, or stable.

(5)(A) Any person to whom a license has been issued by the commission and whose duties require that such person have access to the stable area shall have a photographic identification on his or her person at all times while in the area.

(B) All other persons must obtain a visitor's pass from the commission before entering the stable area.

(C) Persons failing to have a photographic identification badge or failing to obtain a visitor's pass before entering the stable area are subject to ejection from the grounds and/or to fine, suspension, or ruling off.

(D) The identification system for licensed personnel shall consist of:

(i) A tamper-proof badge containing the name of the track, the year of issue, color photograph of the individual to whom issued, his or her name, his or her position or occupation, the signature of said individual, the date the badge was issued, and any other pertinent information which the commission may require; and

(ii)(a) The commission shall keep a list of the names of the individuals to whom photographic identification badges have been issued, the date of the issue, and the position or occupation of each individual.

(b) Replacement for a lost or mutilated badge is five dollars (\$5.00).

(c) A visitor's pass shall consist of a numbered, laminated badge, with clasp, to be worn in plain view.

(d) A log of all persons to whom a visitor's pass has been issued shall be maintained by track security at the main stable gate.

(i) No license shall be issued by the commission to any person who:

(1) Owns, operates, or has an interest in any bookmaking, pool selling, or other illegal enterprise, or who is or has been connected with or associated with any person engaged in bookmaking, pool selling, or other illegal enterprise;

(2) Has been convicted or found guilty of a crime, excluding minor traffic offenses (provided, the commission may, in its discretion, grant a license where the applicant has been found guilty of a crime);

(3) Is unqualified, by experience or otherwise, to perform the duties required of such applicant;

(4) Has been or is habitually intoxicated or addicted to drugs;

(5) Fails to disclose the true ownership or interest in any and all thoroughbred horses, as required by the commission (provided, the commission may, in its discretion, grant a license in such circumstances where the commission finds that the failure to disclose was not intentional or the applicant rectifies the failure to disclose to the satisfaction of the commission);

(6) Makes misrepresentations or false statements in the applicant's application for a license (provided, the commission may, in its discretion, grant a license in such circumstances where the commission finds that the misrepresentation or false statement was not intentional or the applicant rectifies the misrepresentation or false statement to the satisfaction of the commission);

(7) Is engaged in any activity or practice that is undesirable or detrimental to the best interest of the public and the sport of racing; or

(8) Is less than sixteen (16) years of age.

(j)(1) An applicant desiring to practice veterinary medicine at a racetrack in Arkansas must present the applicant's Arkansas veterinary license certificate and/or copy of the applicant's current year's renewal certificate indicating that the applicant holds an active license to practice veterinary medicine in Arkansas.

(2)(A) If the applicant holds a Drug Enforcement Administration number, it must be listed on the application.

(B) Every veterinary license is issued by the commission on the condition that the commission may inform the Arkansas Board of Animal Health of any irregular conduct involving any licensed veterinarian that might influence the Arkansas Board of Animal Health in issuing, suspending, or revoking a license to practice veterinary medicine.

(C) The commission, on request, shall furnish the Arkansas Board of Animal Health a list of all veterinarians receiving a license to practice at any Arkansas racetrack.

(k) The commission may require the registration of any agreement between participants in racing.

(l)(1) The commission and the stewards may order that any person be tested for illegal drug usage at the time the person applies for a license.

(2) The commission and the stewards may order that any licensee be tested for illegal drugs on a random or for-cause basis.

(3) Licensees testing positive for illegal drugs are subject to fine, suspension, probation, or revocation of their license.

(4) Persons applying for a license who test positive for illegal drugs may, at the discretion of the commission, be granted a probationary license if they enroll in a drug treatment or counseling program approved by the commission.

(5) Otherwise, such persons shall not be eligible for licensure.

Authority. Arkansas Code § 23-110-204.

Codification Notes. The Veterinary Medical Examining Board was abolished by Acts 2023, No. 691.

23 CAR § 357-314. Owners and trainers.

(a)(1)(A) Each owner and trainer must obtain a license from the Arkansas Racing Commission.

(B) In the absence of the owner, the trainer will be responsible for obtaining the owner license.

(2)(A) The trainer is presumed to know the Rules Governing Horse Racing in Arkansas and is responsible for the condition, soundness, and eligibility of the horses the trainer enters in a race.

(B) The trainer shall conduct the trainer's business with reasonable care and skill and in a humane manner, and with due regard to the interests of the trainer's owners and to the safety of the trainer's employees and of the horses in the trainer's care.

(3) In addition to the responsibilities under subdivision (a)(2) of this section, a trainer has the following specific responsibilities to:

(A) Have knowledge of the medication status of all horses in the trainer's care;

(B) Guard and protect all horses in the trainer's care;

(C) Make or authorize the making of all entries and scratches of horses in the trainer's care;

(D) Account for fees and services rendered on behalf of any horse in the trainer's care to the appropriate owner or owners; and

(E) Determine the training regimen of all horses in the trainer's care.

(4) No trainer shall assign any of the trainer's duties or responsibilities to any person that is disqualified or ineligible to participate in racing or is not appropriately licensed.

(5) No trainer shall assume any of the above responsibilities for a horse not under his or her active care, custody, and supervision.

(6)(A)(i) A trainer's commission shall be ten percent (10%) of an owner's share of the purse for horses finishing first, second, or third.

(ii) This amount shall be deducted from the owner's account by the Horsemen's Bookkeeper and deposited in the account set up by the trainer at the track upon notification from the Board of Stewards that the purse may be released.

(iii) Notwithstanding the foregoing, if the owner and trainer have a written contract which requires payment less than or more than ten percent (10%) of the purse earned, the owner shall pay the trainer any money due under the contract in excess of ten percent (10%) and the trainer shall reimburse the owner any money due under said contract, in each case in accordance with the terms of said contract.

(iv) Should a purse be redistributed for any reason, the owner and trainer shall be responsible for reimbursing the Horsemen's Bookkeeper for their respective share of any purse moneys credited to their account that are required to be redistributed.

(B)(i) Any owner may elect not to have ten percent (10%) of the owner's purse earned deducted from the owner's account by filing with the Horsemen's Bookkeeper a form titled Notification of Exclusion To Trainer 10% Program, which is hereby incorporated by reference.

(ii) The form, which is available in the Horsemen's Bookkeeper's office, may be filed by an owner with the Horsemen's Bookkeeper's office at any time during a race meeting and shall:

(a) Apply to all horses owned in whole or in part by the owner;

(b) Be binding on all licensed owners with an interest in the horse or horses;

(c) Apply to all trainers employed by the owner; and

(d) Remain in force until written revocation is submitted by the owner to the Horsemen's Bookkeeper's office to which the form was submitted, or the end of the then-current calendar year.

(C) Nothing contained in this section shall preclude the owner and trainer from entering into an agreement for the payment of fees due the trainer for services provided or expenses incurred that varies from the terms of this section.

(b) No trainer shall practice the horse training profession except under the trainer's own name.

(c) The stewards may permit a trainer to act pending action on the trainer's application.

(d) A licensed trainer may represent the owner in the matter of entries, declarations, and the employment of jockeys.

(e) A trainer shall have the trainer's horse in the paddock at the time appointed.

(f) A trainer shall attend the trainer's horse in the paddock and shall be present to supervise the saddling of the horse, unless the trainer has obtained the permission of a steward to send another licensed trainer as a substitute.

(g)(1) Each trainer shall register with the Racing Secretary all horses in the trainer's charge, giving the name, color, sex, age, breeding, and ownership of each such horse.

(2) Each trainer shall register with the stewards every person employed by the trainer.

(3) A trainer shall not have in charge or under the trainer's supervision any horse owned in whole or in part by a disqualified or ineligible person.

(h) It shall be the duty of each franchise holder to see that all owners, authorized agents, and trainers are licensed before any thoroughbred horse in which they hold an interest or which they train is allowed to race, and it shall also be the duty of each franchise holder to see that the application for license is filed and the prescribed fee is paid to the commission.

(i) No licensed owner or trainer shall knowingly stable horses belonging to an unlicensed owner.

(j) No owner or trainer shall accept, directly or indirectly, any bribe, gift, or gratuity in any form which might influence the result of any race, or which would tend to do so.

(k)(1) No owner or trainer shall move or permit to be moved any horse or horses in the owner or trainer's care from the grounds of a franchise holder without written permission from the Racing Secretary.

(2) A trainer or owner shall not enter or start a horse that:

(A) Is not in sound racing condition;

(B) Is a bleeder, unless approved by the Track Veterinarian;

(C) Has been trachea-tubed;

(D) Has a temperature above its normal temperature, established as acceptable by the trainer or the attending veterinarian;

(E) Has been nerved above the ankle; or

(F) Has been given in any manner whatsoever, internally or externally, any stimulant, depressant, hypnotic, or narcotic drug, or antiseptic of any kind or description.

(l) No person licensed by the commission shall have in his or her possession on or about any racetrack any appliance (electrical, mechanical, or otherwise) which could affect the racing condition or speed of a horse, unless the appliance is approved for use on horses on the grounds of the association under 23 CAR § 357-106(s)(3) or Rule 1217.3.

(m) The use of a hand-held communication device by a rider is prohibited while the rider is riding a horse:

(1) In a race; or

(2) Training or exercising on the track.

(n) No owner or trainer shall employ a jockey for the purpose of preventing him or her from riding in any race.

(o) Trainer transfers or changes must be approved by the stewards prior to entry.

(p) Each owner shall register with the Racing Secretary each thoroughbred horse owned by him or her giving the names, colors, sexes, ages, breeding, authorized agents and trainers, weights, and characteristic markings, scars, and other identification features not above named.

(q)(1)(A) Each franchise holder shall keep and maintain during its race meeting the registration papers on each thoroughbred horse, which are issued by The Jockey Club (New York).

(B) The track identifier shall carefully compare the description provided in the aforementioned registration papers in the paddock before post time.

(2) No trainer shall be licensed until he or she presents a certificate of insurance or other adequate proof to the stewards with the trainer's license application, certifying that the trainer has worker's compensation insurance or other insurance which covers on-the-job injuries sustained by the trainer, the trainer's employees, or family members.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-315. Treatment records.

(a)(1) Each trainer shall be responsible for keeping a record of all treatments for every horse in his or her control.

(2)(A) The treatment shall be recorded within forty-eight (48) hours of administration.

(B) Treatment, for the purposes of subsection (a) of this section, means any medication or procedure containing a medication administered to a horse by a trainer licensed by the Arkansas Racing Commission or the trainer's designee, or by any other person with the trainer's knowledge, other than a veterinarian licensed by the commission.

(C) Trainer treatment records must include the following information:

(i) The name of the horse or, if unnamed, the registered name of the dam and year of foaling;

(ii) The generic name of the drug, e.g., phenylbutazone, methocarbamol;

(iii) The name and address of the prescribing veterinarian;

(iv) The brand name of the drug if a non-generic is used;

(v) The date of the treatment;
(vi) The route of administration;
(vii) The dosage administered;
(viii) The approximate time, to the nearest hour, of each treatment;
(ix) The first and last name of the individual that administered the treatment; and

(x) The treating veterinarian's signature or initials on the treatment log on the first day a horse receives a prescription medication.

(D) Trainer treatment records shall be maintained electronically or on paper.

(E) The trainer treatment records shall be made available for inspection upon request by the commission or Commission Veterinarian.

(b) Veterinarians licensed by the commission shall maintain treatment records with respect to horses under their care that race at Oaklawn in accordance with applicable veterinary practice professional standards in the veterinary practice profession, and shall make such records available for review by the commission or his or her designee upon request for informational purposes in connection with the conduct of pre-race exams.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-316. Partnerships.

(a)(1) Each partnership shall be registered with the Arkansas Racing Commission.

(2) Partnership papers shall, among other things, set forth the following:

(A) The name and address of each person having any interest in the thoroughbred horse involved;

(B) The relative proportions of such interest;

(C) To whom the winnings are payable;

(D) In whose name the horse shall run;

(E) With whom the power of entry and declaration rest; and

(F) The terms of any contingency, lease, or any other arrangement concerning the horse.

(3) All partnership papers must be signed by all of the parties or by their authorized agents.

(b) Any alteration in a recorded partnership registration, to be effective, must be reported in writing to the commission and signed by all the partners.

(c) All the parties to a partnership, and each of them, shall be jointly and severally liable for all stakes, forfeits, and other obligations.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-317. Corporate and LLC owners.

(a)(1) All corporations and limited liability companies (LLC) having any interest in a thoroughbred horse shall file with the stewards at the time of filing an application for an owner's license a statement in duplicate setting forth the names and addresses of all officers, directors, and stockholders of said corporation, and officers, directors, managers, members, and owners of each LLC, together with the amount of the respective holdings of each stockholder, member, or other owner, as the case may be, and a statement as to whether or not said stock and/or membership interest is paid in full, and including the designation of an authorized agent or agents of said corporation or LLC, as the case may be.

(2) The said statement shall be signed by the president of the corporation, attested to by its secretary, and the corporate seal attached, or in the case of an LLC by an authorized member or manager of the LLC.

(3) A copy of said statement shall be transmitted promptly to the office of the Arkansas Racing Commission by the stewards, provided, however, that the stewards may in their discretion and for good cause waive these requirements if horses are shipped in for stakes races.

(b) Any transfer of stock of such corporation or transfer of ownership or membership interests in such LLC, or change in the officers, directors, or managers

thereof, shall be reported in writing to the stewards at the track within forty-eight (48) hours of such change.

(c) Each stockholder, member, or other person owning five percent (5%) or more of any corporation or LLC licensee must file an application for an owner's license.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-318. Authorized agents.

(a)(1) Each authorized agent must file an application for a license for each owner represented setting forth the agent's authority to act for the owner, including any authority the agent may have to collect money from the franchise holder.

(2) A copy of the agent's agreement with the owner, if in writing, shall be attached to the application.

(b) A copy of the application and written agreement, if any, shall be filed permanently with the Racing Secretary.

(c) Any changes in the agent's authority must be in writing and filed as above provided.

(d) If an agent represents more than one (1) owner, a separate application shall be filed for each owner.

(e) The term of the license shall be the calendar year unless the agent's appointment is revoked by the owner or the license is revoked by the Arkansas Racing Commission.

(f) The revocation of an agent's authority shall be filed in writing with the commission and with the Racing Secretary.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-319. Stable names.

(a) A person wishing to race thoroughbred horses under a stable name may do so by registering with the Arkansas Racing Commission and by paying the fee as required herein.

(b)(1) A person may register more than one (1) stable name if that person's name is listed with each registered horse that is racing.

(2) A person who races multiple horses in the same race under their real name and under a stable name must have their real name listed in the official racing program with the stable name if the person directly or indirectly owns:

(A) Five percent (5%) or more of a horse racing in the race under a stable name; and

(B) Five percent (5%) or more of any other horse in the race.

(3) A person who races multiple horses in the same race under different stable names must have their real name listed in the official racing program with the stable names if the person directly or indirectly owns five percent (5%) or more of the horses racing in the race under the different stable names.

(c)(1) A stable name may be changed at any time by registering a new name and paying the fee charged for the original registration.

(2) A person may not register as the person's stable name a name similar to one:

(A) Already registered by another person;

(B) That is the name of another owner; or

(C) That is the name of any prominent person.

(d) All registrations of stable names by any recognized thoroughbred association and all recognized racing commissions shall be recognized in Arkansas.

(e)(1) In applying to race under a stable name, the applicant must disclose the identity or identities of the owners associated with the stable.

(2) Any partnership, limited liability company, or corporation associated with a stable shall comply with the rules governing partnerships, limited liability companies, or corporations, and the usual fees of such partnerships, limited liability companies, or corporations shall be paid in addition to the fees for the registration of the stable name.

(f) Changes in identities of owners associated with the stable shall be reported immediately to and approval obtained from the commission.

(g) Any person may abandon a registered stable name at any time after the person has given written notice to the commission and the franchise holder.

(h) A corporate or limited liability company name shall be considered a stable name for the purposes of this part, but the commission may refuse any corporation or limited liability company the privilege of registering a stable name.

(i) No stable name shall be used for advertising purposes.

Authority. Arkansas Code § 23-110-204.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules contained the following: "2154. [repealed Oct. 19, 2017]"

Subpart 4. Racing

23 CAR § 357-401. Jockeys.

(a) No person under eighteen (18) years of age shall be licensed as an apprentice jockey or jockey, save and except those apprentice jockeys and jockeys under eighteen (18) years of age who have previously been licensed.

(b) The stewards may permit a jockey to ride pending action on the jockey's application.

(c) Every jockey shall ride under the jockey's legal name.

(d)(1) In riding a race, a jockey must be neat in appearance and must wear conventional attire and the racing colors of the owner or owners of the horse the jockey is riding.

(2) No advertising on the jockey's attire is permitted without the approval of the stewards, owner, and the franchise holder.

(e)(1)(A) All jockeys, exercise persons, outriders, and other persons riding horses on the grounds of Oaklawn Park shall at all times while mounted on a horse wear appropriate protective headgear and have their chin straps fastened.

(B) This subsection shall apply from the time the stable is open for training until it is closed after the race meeting, and shall be enforced by all trainers.

(C) The protective headgear must meet any of the following standards:

(i) American Society for Testing and Materials (ASTM 1163);

(ii) UK Standards (EN 1384 and PAS 015); and

(iii) Australian/New Zealand Standards (AS/NZ 3838).

(2)(A)(i) No jockey, including apprentice jockeys, or exercise rider shall be allowed to ride in any race or exercise horses on the grounds of Oaklawn Park without a safety vest.

(ii) The safety vest shall provide a minimum shock absorbing protection of five (5), as defined by the British Equestrian Trade Association (BETA).

(iii) The safety vest must meet one of the following standards:

(a) British Equestrian Trade Association (BETA) 2000, level 2;

(b) Euro Norris (EN) 121.58 Level 1;

(c) American Society for Testing Materials (ASTM) (F2681-08); or

(d) Show and Allied Trade Research Association (SATRA) (Jockey Vest Document M6 Issue 2); and

(iv) Australian Racing Board (ARM) (Standard 11998).

(B)(i) The safety vest shall weigh no more than two pounds (2 lbs.) and shall not be included in a jockey's weight when weighing out to race.

(ii) If a jockey fails to wear a safety vest in the running of any race, the jockey's horse shall be disqualified.

(iii) The stewards or commission may levy additional penalties or fines against the jockey or trainer.

(3)(A) Although the use of a riding crop is not required, any jockey who uses a riding crop during a race shall do so only for safety, correction, and encouragement;

(B) All riders shall comply with the following when using a riding crop:

- (i) Showing the horse the riding crop and giving it time to respond before hitting it;
 - (ii) Having used the riding crop, giving the horse a chance to respond before using it again; and
 - (iii) Using the riding crop in rhythm with the horse's stride.
- (C) Prohibited uses of the riding crop include but are not limited to:
- (i) Striking a horse on the head, flanks, or any other part of its body other than the shoulders or hind quarters except when necessary to control a horse;
 - (ii) Striking a horse during the post parade or after the finish of the race, or before or after a workout, except when necessary to control the horse;
 - (iii) Striking a horse excessively or brutally causing welts or breaks in the skin;
 - (iv) Striking a horse when the horse clearly is out of the race or has obtained its maximum placing;
 - (v) Persistently hitting the horse even though the horse is showing no response under the riding crop; or
 - (vi) Striking another rider or horse.
- (D)(i) All riding crops are subject to inspection and approval of the stewards and Clerk of Scales.
- (ii) The only permissible riding crop for use during racing shall be the 360 Gentle Touch (360 GT) riding crop, Pro-Cush riding crop, or other similar riding crops approved by the stewards.
- (E) Use of a riding crop during workouts shall be permissible so long as such use does not violate subdivisions (e)(3)(B) and (C) of this section.
- (F) Riding crops shall have a:
- (i) Shaft and flap and weigh a maximum of eight ounces (8 oz.);
 - (ii) Maximum length, including flap, of thirty inches (30"); and
 - (iii) Minimum shaft diameter of one-half inch (1/2"), and the shaft contact area must be smooth with no protrusions or raised surface and covered by

shock-absorbing material that gives a compression factor of at least one millimeter (1 mm) throughout its circumference.

(G) The flap is the only allowable attachment to the shaft and the length must not be more than one inch (1") beyond the end of the shaft, a minimum width of eight-tenths of an inch (0.8") and a maximum of one and six-tenths inches (1.6"), no reinforcements or additions beyond the end of the shaft, and shock-absorbing characteristics similar to those of the contact area of the shaft.

(f) All jockeys shall faithfully fulfill all engagements in respect to racing.

(g) A jockey shall wear a number on his or her right arm, and it and the saddle cloth number shall correspond to the number of the horse in the official program.

(h)(1) Every jockey who is engaged to ride in a race shall report to the scale room on the day of the race at the time required by the Racing Secretary, except that every jockey who has an engagement to ride in a stakes race must report in the jockey room not later than one (1) hour before post time of that race.

(2) The jockey shall then report the jockey's engagements and overweight, if any, and thereafter the jockey shall not leave the jockey room, except to view the races from a point approved by the stewards or to ride in a race, until all of the jockey's engagements of the day have been fulfilled.

(i) No jockey shall make a bet on any race nor accept the promise or the token of any bet with respect to the race in which the jockey is riding, except through or from the owner or trainer of the horse the jockey rides, and then only on that horse.

(j) No jockey shall enter the betting area until the jockey has completed his or her riding engagements for the day.

(k)(1) In the absence of a specific contract or special agreement, the following jockey mount fees apply:

PURSE	WINNING MOUNT	SECOND MOUNT	THIRD MOUNT	FOURTH MOUNT	LOSING MOUNTS
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Purses up to \$24,999	10% of win purse	5% of place purse, or \$110, whichever is greater	5% of show purse, or \$100, whichever is greater	\$90	\$80
\$25,000-49,999	10% of win purse	5% of place purse	5% of show purse	5% of fourth place purse, or \$95, whichever is greater	\$85
\$50,000-99,999	10% of win purse	5% of place purse	5% of show purse	5% of fourth place purse	\$95
\$100,000 to 999,999	10% of win purse	5% of place purse	5% of show purse	5% of fourth place purse	\$120
\$1,000,000 and up	10% of win purse	5% of place purse	5% of show purse	5% of fourth place purse	\$250

(2) If any owner or trainer engages two (2) or more jockeys for the same race, the owner or trainer shall be required to pay each of the jockeys the appropriate fee pursuant to this subsection whether the jockey rides in the race or not.

(3) A jockey fee shall be considered earned when the jockey is weighed out by the Clerk of Scales for that race.

(l)(1) The added purse money for Arkansas-breeds shall be included as defined above.

(2) Purse money shall include all enhancements and supplements from any source, and shall be distributed by the Horsemen's Bookkeeper.

(m) The suspension of a jockey for an offense not involving fraud shall begin not later than two (2) racing days after the ruling, unless otherwise ordered by the stewards.

(n) The suspension of a jockey for fraud shall begin immediately after the ruling.

(o) A jockey temporarily suspended for ten (10) days or fewer for a minor riding violation may continue to exercise horses during training hours and may fulfill riding engagements in designated races, as specified by the stewards at the beginning of the race meeting.

(p)(1) Every jockey may have one (1) agent and no more.

(2) All engagements to ride, other than those for the jockey's contract employer, shall be made by the jockey or the jockey's agent or employer.

(q)(1) The franchise holder shall choose the only attendants who will be permitted, within the limits of this part, to assist a jockey:

(A) After weighing out and until he or she leaves the paddock; and

(B) In weighing in and until he or she arrives at the jockey room.

(2) Such attendants shall be paid for their services by the franchise holder.

(3) A system of rotation of attendants shall be maintained.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-402. Naming of jockeys.

(a) Jockeys shall be named not later than time of entry.

(b) Any subsequent change of a jockey must be sanctioned by the stewards and must be promptly and publicly posted and announced.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-403. Jockey agent.

- (a) Each jockey agent must obtain a license from the Arkansas Racing Commission.
- (b) The stewards may permit an applicant to act pending decision on the jockey agent's application for license.
- (c) Each jockey agent may handle up to two (2) jockeys and one (1) apprentice, but no more.
- (d) No jockey agent shall make or assist in the making of an engagement for any rider other than for the riders the jockey agent is licensed to represent.
- (e) If, for good reason, a jockey agent is short of the jockey agent's permissible quota of jockeys and wishes to take on the task of making engagements for a rider not named in the jockey agent's license, the jockey agent must obtain permission from the stewards and the commission before making any such engagements.
- (f) If any jockey agent gives up the making of engagements for any rider, the jockey agent shall immediately notify the stewards, the commission, and the Racing Secretary, and the jockey agent shall turn over to the stewards a list of any unfilled engagements the jockey agent may have made for that rider.
- (g)(1) Each jockey agent shall keep, on a form provided by the franchise holder, a record by races of all engagements made by the jockey agent or by others for the jockeys the jockey agent is handling.
- (2) This record shall include the day and the hour of making of each engagement, and the calls shall be numbered in the order of their priority whenever more than one (1) is given for any rider in any race.
- (3) This record must be kept up-to-date and held ready at all times for inspection by the stewards or the Racing Secretary.
- (h) All rival claims for the services of a rider will be adjudged by the stewards in the light of the records submitted by the jockey agents.
- (i) A jockey agent shall not give to anyone, directly or indirectly, any information or advice, or engage in the practice commonly known as "touting", for the purpose of influencing any person, or that would tend to do so, in the making of a wager on the result of any race.

(j) Any jockey agent who falsifies his or her record shall be penalized by the revocation of the jockey agent's license, and any jockey agent so penalized shall be ineligible for another license for a term of twelve (12) months from the day of the revocation.

(k) Jockey agents will be called upon to explain rival claims for any mount or for any rider, and inability to satisfy the stewards that the rival claim arose through honest bona fide error shall be considered a falsification of records.

(l) Jockey agents shall not be allowed in the paddock at any time.

(m) Under no circumstances shall jockey agents be permitted within the saddling enclosure during the period of racing hours, nor shall said jockey agents have access to the jockey quarters at any time, nor shall said jockey agents be allowed on the racetrack proper at the conclusion of any run.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-404. Jockey apprentices.

(a)(1) Any male or female eighteen (18) years of age or older, who has never been previously licensed as a jockey in any country, and who has been granted an Apprentice Jockey Certificate, may claim in all races except handicaps and stakes the following allowances.

(2) Apprentice's allowance shall be as follows:

(A) Ten pounds (10 lbs.) until the apprentice has ridden five (5) winners;

(B) Seven pounds (7 lbs.) until the apprentice has ridden an additional thirty-five (35) winners;

(C) If the apprentice has ridden forty (40) winners prior to the end of one (1) year from the date of riding his or her fifth winner, the apprentice shall have an allowance of five pounds (5 lbs.) until the end of that year; and

(D) If after riding one (1) full year from the date of the apprentice's fifth winning mount, the apprentice jockey has failed to ride a total of forty (40) winners from the date of the apprentice's first winning mount, the apprentice shall continue to

ride with a seven-pound weight allowance for one (1) more year from the date of the apprentice's fifth winning mount or until the apprentice has ridden a total of forty (40) winners, whichever comes first.

(3)(A) An approval board will be established by the stewards and will consist of designated jockeys, trainers, outriders, racing officials, and the Official Starter.

(B) To ensure that the applicant has successfully satisfied the qualifications and guidelines set forth in this section, an initial apprentice jockey's license may only be issued to an applicant who:

(i) Is at least eighteen (18) years of age;

(ii) Passes a physical examination and has minimum 20/20 vision acuity, or corrected as certified by a licensed professional;

(iii) Has at least two (2) years' experience in various capacities of horsemanship on the backstretch of a racetrack and/or a horse farm, the past one (1) year of which has been as a licensed exercise rider at a recognized pari-mutuel racing facility, or the equivalent, and the applicant's employers must verify these experiences;

(iv) Has attended the reviewing of the videotapes or movies at the designated area as scheduled by the stewards;

(v) Has observed jockeys and horses loading and breaking from the starting gate, at the start of races under the supervision of the Official Starter, for at least ten (10) racing days;

(vi) Has observed horses changing leads and negotiating turns at the designated patrol judge stands under the supervision of a racing official for at least ten (10) racing days;

(vii) Has broken an adequate number of horses out of the starting gate to the satisfaction of the Official Starter;

(viii) Has breezed horses out of the starting gate and from the pole in the company of other horses to create as close to race conditions as possible, and the accompanying horses shall be ridden by jockeys designated by the approval board, and at least one (1) other member of the approval board shall be in attendance as an observer; and

(ix)(a) Shall be familiar with a jockey's responsibilities as defined by the rules, and may be tested in respect to his or her knowledge of a jockey's duties.

(b) A temporary apprentice license may be issued by the stewards upon notification of the recommendation of the approval board.

(c) After riding in an adequate number of races, and when the stewards are satisfied that the applicant has demonstrated competence in his or her abilities to ride in races, a regular apprentice license will then be issued.

(4)(A) Under exceptional circumstances, such as inability of an apprentice to ride because of service in the United States Armed Forces, personal injuries in the conduct of his or her duty, restrictions on racing or other valid reasons which interrupt the allowance period permitted under this section, the Arkansas Racing Commission may extend the term of the apprentice allowance and/or such allowance period.

(B) The commission shall take jurisdiction on any applications for extensions in cases where personal injuries in the conduct of his or her duty and restrictions occur at tracks licensed by the commission.

(C) In order to qualify for an extension of his or her apprentice allowance, an apprentice rider must have been rendered unable to ride for a period of not fewer than fourteen (14) consecutive days during the period in which he or she was entitled to an apprentice allowance.

(D) In the case of inability of an apprentice to ride because of service in the United States Armed Forces, the commission will take jurisdiction only on an apprentice allowance that was executed and filed at time of execution in this state.

(E) All other extensions must be acted on by the commission with which the original apprentice allowance was filed.

(5)(A) Apprentice Jockey Certificates and Apprentice Jockey Extension Request Forms shall be in a form approved by the commission.

(B) The apprentice jockey shall keep the apprentice jockey's apprentice certificate with him and or her at all times.

(C) Prior to riding, the apprentice certificate shall be submitted to the Clerk of Scales at each racing association in which the apprentice is licensed and riding,

and the apprentice jockey shall keep an accurate updated record of the apprentice jockey's first forty (40) winners, to be recorded on the certificate by the presiding Clerk of Scales.

(b) No race not reported in the daily racing form, Equibase, or other publications recognized as official by the stewards shall be considered in determining an apprentice jockey's right to the apprentice allowance.

(c) A licensed apprentice who loses his or her apprentice allowance for any reason shall obtain a jockey license before being permitted to ride again.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-405. Entries.

(a) "Entry" shall mean according to the requirements of the test:

(1) A horse made eligible to run in a race; or

(2)(A) Two (2) or more horses that are entered or run in a race and are coupled because of common ties.

(B) However, there shall be no coupling because of same-owner common ties in stakes races, maiden special weight races, or allowance races (excluding starter allowance races), and each such horse shall run as a separate betting interest.

(C) Horses in claiming races with a claiming price of twenty thousand dollars (\$20,000) or greater may run as separate betting interests if approved by the Racing Secretary in coordination with the stewards.

(D) Furthermore, in any race where two (2) or more horses owned by different owners but trained by the same trainer are entered to run in the race, the horses may run in said race as separate betting interests if approved by the Racing Secretary in coordination with the stewards.

(E) In races that overfill, the trainer or trainers (in accordance with instructions from the owner) must declare a preference of runners with same owner/common ties at time of entry, and same owner/common ties second-choice horses shall be least preferred.

(b) A horse shall not be qualified to start in any race unless he or she has been and continues to be properly entered therein.

(c) For all races, the Racing Secretary is the person authorized to receive entries and declarations.

(d) Entries and declarations shall be made in writing and signed by the owner of the horse or by the owner's authorized agent or some person deputed by the owner, and each franchise holder shall provide blank forms on which entries and declarations are to be made.

(e)(1) The Racing Secretary may also allow entries to be made by telephone or other electronic means in a manner and form acceptable to the Racing Secretary.

(2) Entries may not be made via text messages to the personal phone of any racing office employee.

(f) Any person having a recorded interest in a horse may enter that horse unless prohibited by the terms of the partnership papers registered with the Arkansas Racing Commission.

(g)(1) Joint subscriptions and entries may be made by any one or more of the owners.

(2) However, all partners and each of them shall be jointly and separately liable for all fees and forfeits.

(h) The Racing Secretary may call upon an owner or trainer for any proof of the eligibility of any entered horse or of any horse offered for entry, and in default of such proof may decline to accept the entry.

(i)(1) The entries of any person, or the transfer of any entry, may be refused with or without either notice or reason being given therefor.

(2)(A) The franchise holder, with permission from the stewards, shall have the right to refuse the acceptance of any nomination to any stakes race, and to revoke any previously accepted nomination, for any reason.

(B) If a nomination is denied or revoked, all nomination fees tendered or paid with respect to the horse for its nomination for such race shall be returned to the owner of the horse whose nomination was denied or revoked.

(C) Denial or refusal to allow a horse to enter or start because of a race being postponed or cancelled, overfill of entries, failure to satisfy any eligibility condition, scratch by stewards for horse's actions in paddock, during warm-up, or in starting gate (including breaking through the gate), scratch by stewards on advice of the Track Veterinarian, or scratch by stewards for violation of any other rule, shall not be grounds for refund of any nomination fee.

(j) No horse shall be allowed to enter or start in any flat race unless duly registered and named at the Registry Office of The Jockey Club (New York).

(k)(1) No horse shall be allowed to start unless the registration papers are on file with the Racing Secretary.

(2) For horses running in stakes and allowance races, the stewards may waive this requirement, provided the horse can be positively identified by the identifier.

(l)(1) If a horse's name is changed, the horse's new name shall be registered with The Jockey Club (New York).

(2) The horse's old name, as well as the horse's new name, must be given in every entry list until the horse has run three (3) races.

(3) Both names must be printed on the official program for those three (3) races.

(m)(1) At the time of entry of a horse starting for the first time, a certificate of registration shall be required by the Racing Secretary.

(2)(A) No horse shall be entered or started unless in the care, custody, and complete control of the licensed registered trainer.

(B) Program trainers are not permitted.

(3) No horse shall be permitted to start that has not been fully identified.

(4)(A) No horse shall be allowed to race unless the horse has been lip-tattooed, microchipped, and/or digitally tattooed in conformity with T.R.P.B. protocols or other manner approved by the stewards which properly identifies the horse.

(B) For good cause, the stewards or the identifier may waive this requirement if the horse is otherwise properly identified.

(C) However, the horse shall be tattooed, microchipped, and/or digitally tattooed as set forth above thereafter within such time as set by the stewards.

(5) Any person attempting to establish the identity of a horse or the horse's ownership shall be held to account, the same as the owner, and shall be subject to the same penalty in case of fraud or attempted fraud.

(n)(1) No horse shall be permitted to enter unless stabled on the grounds of the franchise holder, except with the permission of the Racing Secretary.

(2) No horse shall be permitted to start unless the horse has been stabled on the grounds of the franchise holder for at least seventy-two (72) hours immediately prior to the race, except with the permission of the Racing Secretary.

(o) No horse shall be permitted to start whose name and true ownership is not registered with the Racing Secretary.

(p) All ownerships in a horse, except a trainer's percentage of his or her winnings, shall be filed with the Racing Secretary before the horse shall start, as also shall every change in ownership thereafter during the race meeting.

(q) No horse may be entered in two (2) or more races scheduled to run on the same day unless all of the races into which the horse is entered for such day are stakes races.

(r) To compete in a race, a horse must be eligible at the time of starting that race.

(s) A horse shall not be qualified to be entered or to start in any race if owned in whole or in part, or if under the management, directly or indirectly, of a disqualified or ineligible person.

(t)(1) If an entry from any disqualified person or a disqualified horse is received, such entry shall be void and any money paid for such entry shall be returned, if the disqualification is disclosed forty-five (45) minutes before post time for the race.

(2) Otherwise, any such money shall be paid to the winner.

(u) No entry shall be accepted from husband or wife while either is disqualified.

(v) No horse on the schooling list shall be qualified to be entered or to start.

(w) No horse on the Official Starter's or veterinarian's list shall be allowed to start.

(x) If a horse is sold to a disqualified person, said horse's racing engagements shall be void as of the date of sale.

(y) No horse shall be allowed to enter or to start in any race if the owner of that horse is in arrears, except with the approval of the stewards.

(z)(1) In divided races, the starters in the separate divisions shall be determined by the Racing Secretary, provided, however, when it is determined that an overnight handicap will be divided, the event must be divided by listing the entries consecutively according to weights assigned, and assigning entries to each division from high weights to low weights.

(2) No entry will be permitted to start in one division to the exclusion of a single entry regardless of the type of conditions of any overnight race.

(3) However, an entry may be split into each division of the divided race and be treated as separate single entries.

(4) All divided races will be considered separate races.

(aa)(1) Entries in claiming races may be accepted for not more than two (2) horses, whether they are owned by the same or different interests.

(2) At the time of entry, a preference must be made to the end that each interest may have an entry in each division should the race be divided.

(bb) In making multiple entries to purse races, trainers and owners must signify a preference.

(cc) The franchise holder shall have the right to withdraw or change any unclosed race.

(dd) If a race is declared off because of insufficient entries, the franchise holder may split any overnight race that may have closed, and cause a new drawing for post positions.

(ee) An entry in a sweepstakes is a subscription and cannot be withdrawn.

(ff) If a horse is excused from the race by the stewards before off time, the starting fee shall be refunded.

(gg)(1) If a horse is locked in the gate and if the conditions of that race include fees of any kind (nominating or starting), such fees, together with the jockey fees, shall be returned to the owner of any horse so prevented from participating in that race.

(2) If for any reason a race is not run, said fees shall be returned to the owners.

(hh) The nominator is liable for the entrance money or stake, and the death of an entered horse or a mistake in his or her entry (if eligible) shall not release the nominator or transfer from such liability, nor shall the entrance money or stake of an eligible horse to any race which is run off be returnable for the entry's failure to start for any cause.

(ii)(1) Except in a match race, no entry, subscription, or right of entry under it shall become void on the death of the nominator or subscribed.

(2) Such rights shall follow the horse.

(jj)(1) Entries shall be closed at an established time.

(2) The Racing Secretary, however, may postpone the closing of entries for any day's racing schedule, with the approval of the stewards.

(kk) The franchise holder, through its Racing Secretary, shall establish the time of closing of entries, subject to the approval of the commission.

(ll)(1) In the absence of notice to the contrary, entrance and declarations for sweepstakes, which close during or on the eve of a race meeting, close at the office of the Racing Secretary, who shall make provision therefor.

(2) Closing at all other times for sweepstakes shall be at the office of the franchise holder.

(mm) Except in overnight races, if the hour for closing of entries or for declarations is not stated, it is understood to be midnight at the close of the day specified.

(nn) Nominations for stakes races shall be valid if received or postmarked before midnight on the established day of closing of nominations as printed in the condition of the stakes.

(oo) If a miscarriage of any nomination or declaration in a stakes race is claimed, satisfactory proof that it was mailed or telegraphed must be presented within a reasonable time, or such evidence will not be considered.

(pp) Entries that have closed shall be compiled without delay by the Racing Secretary and conspicuously posted.

(qq)(1)(A) The maximum number of starters in any race shall be limited to the number of starting positions afforded by the association starting gate and extensions thereof.

(B) The maximum number of starters shall further be limited by the number of horses that, in the opinion of the stewards, considering the safety of the horses and riders, can be afforded a fair and equal start.

(C) A fully paid entry in a stakes race, when denied the opportunity of starting because the number of entries exceeds the capacity of the starting gate and extensions thereof, will be entitled to refund of nomination and/or entry fee.

(2)(A) In handicaps (stakes and overnights), preference will be given to high weights.

(B) In allowance stakes, if the number of entries exceeds the limitations of the starting gate and extensions thereof, preference will be given to horses that have accumulated the highest earnings, excluding earnings won in restricted races.

(C) For the purpose of this preference, a restricted race shall mean a:

(i) **State bred race.** A race where entries are restricted to horses qualifying under state breeding programs; or

(ii)(a) **Sales restricted race.** A race where entries are restricted by origin of purchase.

(b) On restricted stakes races for Arkansas-breds, total earnings in either open or restricted races will determine preference to start.

(3) In the event part or all of a purse for a race is sponsored and provided by a party other than the franchise holder, the conditions imposed on the race by the sponsor for the selection of starters and the distribution of that part of the purse

provided by the third party for the sponsored race shall supersede any contrary provisions of this part, if approved by the commission.

(rr)(1) In a purse race, twelve (12) horses only will be drawn to compete.

(2) See 23 CAR § 357-409 for disposition of excess entries.

(ss) Purse distribution for each race shall be paid on the following basis:

(1) **Stakes races.**

(A) In stakes races, two and five-tenths percent (2.5%) of the purse shall be paid with respect to each of the official starters sixth through last in the final race result, and the balance of the purse shall be paid:

- (i) Winner, sixty percent (60%);
- (ii) Place, twenty percent (20%);
- (iii) Show, ten percent (10%);
- (iv) Fourth, six percent (6%); and
- (v) Fifth, four percent (4%).

(B) For example, in a stakes race with twelve (12) official starters and a two-hundred-thousand-dollar purse:

(i) Sixth through twelfth would each receive five thousand dollars (\$5,000), i.e., two and five-tenths percent (2.5%) each, for a total of thirty-five thousand dollars (\$35,000); and

(ii) The remaining one hundred sixty-five thousand dollars (\$165,000) would then be paid out:

(a) Sixty percent (60%) (ninety-nine thousand dollars (\$99,000)) to the winner;

(b) Twenty percent (20%) (thirty-three thousand dollars (\$33,000)) to second;

(c) Ten percent (10%) (sixteen thousand five hundred dollars (\$16,500)) to third;

(d) Six percent (6%) (nine thousand nine hundred dollars (\$9,900)) to fourth; and

(e) Four percent (4%) (six thousand six hundred dollars (\$6,600)) to fifth.

(C) If there are only five (5) official starters in the stakes race, the purse shall be paid:

- (i) Winner, sixty percent (60%);
- (ii) Place, twenty percent (20%);
- (iii) Show, ten percent (10%);
- (iv) Fourth, six percent (6%); and
- (v) Fifth, four percent (4%).

(D) If there are fewer than five (5) official starters in the stakes race, the purse shall be paid in accordance with the specified percentages in the immediately preceding sentence above, and the balance of the purse for the race shall revert to the purse fund; and

(2) Nonstakes races.

(A) In all other races, i.e., nonstakes races, purse distribution shall be paid:

- (i) Winner, sixty percent (60%);
- (ii) Place, twenty percent (20%);
- (iii) Show, ten percent (10%);
- (iv) Fourth, five percent (5%); and
- (v) The remaining five percent (5%), divided and paid equally among

the other official starters in the race, i.e., fifth through last.

(B) However, if there are only five (5) official starters in the nonstakes race, the purse shall be paid:

- (i) Winner, sixty percent (60%);
- (ii) Place, twenty percent (20%);
- (iii) Show, ten percent (10%);
- (iv) Fourth, six percent (6%); and
- (v) Fifth, four percent (4%).

(C) If there are fewer than five (5) official starters in the nonstakes race, the purse shall be paid in accordance with the specified percentages in the immediately preceding sentence above, and the balance of the purse for the race shall revert to the purse fund.

(tt) No alterations shall be made in any entry after the closing of entries, but an error may be corrected.

(uu) Any horse that has been excused from starting on account of sickness or physical disability will not be allowed to run for ten (10) days after such excuse.

(vv)(1) Any horse that has been the subject of fraudulent practice may be disqualified by the stewards for no longer period than the duration of the meeting.

(2)(A) Any horse exhibiting a positive response to a test for the presence of any clenbuterol or other beta-2 agonists, or antibodies of any blood doping agent, including, but not limited to erythropoietin, darbepoetin, oxyglobin, and Hemopure, (a "blood doping agent") shall be ineligible to start or race until the owner or trainer, at his or her own expense, provides proof, in a form and substance acceptable to the stewards, of a subsequent negative test result for the presence of clenbuterol or other beta-2 agonists and antibodies of blood doping agents from a laboratory approved by the commission, provided any such test sample and test must be obtained and conducted under collection and test procedures acceptable to the Commission Veterinarian.

(B) The beta-2 agonists and blood doping agents to be tested for shall include clenbuterol, erythropoietin, darbepoetin, oxyglobin, Hemopure, and such other beta-2 agonists and blood doping agents determined from time to time by the Commission Veterinarian.

(3) Notwithstanding any inconsistent provision of this part, the trainer of the horse shall not be subject to application of the trainer's responsibility penalty based solely on a finding by the laboratory that the beta-2 agonist or blood doping agent first detected in the initial positive test remains present in the horse in a subsequent sample taken from that horse for purposes of any subsequent test for beta-2 agonists and

blood doping agents performed on the horse in an effort to determine the horse's re-eligibility to start and race again pursuant to subdivision (v)(2) of this section.

Authority. Arkansas Code § 23-110-204.

Codification Notes. "T.R.P.B." means Thoroughbred Racing Protective Bureau.

23 CAR § 357-406. Equipment changes.

(a) Permission for any change of equipment from that which a horse carried in his or her last previous race can be obtained only from the stewards, and must be obtained before the closing of entries for the race in which the horse is to run with changed equipment.

(b) Permission for a horse to add blinkers to his equipment or to discontinue the use of them must be approved by the starter before being granted by the stewards.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-407. Declarations and scratches.

(a) No horse shall be considered scratched or declared out of an engagement until the owner or his or her authorized agent or some person deputed by him or her shall have given due notice in writing to the Racing Secretary.

(b) No horse in an overnight race shall be scratched without the approval of the stewards.

(c) For stakes races, if a horse is not named through the entry box at the usual time of closing, the horse is automatically out.

(d) The declaration or scratch of a horse out of an engagement is irrevocable.

(e) Scratches from stakes races will close forty-five (45) minutes before post time.

(f) Declarations and scratches from purse races shall be made to the Racing Secretary by the owner or his or her authorized agent or some person deputed by him or her, before the time stipulated by the regulations of the franchise holder.

(g) If the miscarriage of any declaration, by mail or otherwise, is alleged, satisfactory proof of such miscarriage shall be required of the complainant, otherwise, the declaration shall not be accepted as of the time alleged.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-408. Postponement and cancellation.

(a) If the whole or a part of a racing program is cancelled, any race involved may be rescheduled by the Arkansas Racing Commission.

(b) If a stakes race is declared off, all subscriptions and fees paid in connection with that race shall be refunded.

(c) Public notice shall be given at the earliest practicable time if a published race is declared off.

(d) No race that has closed with sufficient entries shall be declared off except by the stewards in their discretion.

(e) The stewards may postpone a race from one race day to the next race day.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-409. Preferred and also-eligible lists.

(a)(1) The Racing Secretary shall keep a list of all horses excluded from races because of too many entries, and horses on such list are to have preference in any race in which they may afterwards be entered in accordance with the regulations adopted by the Racing Secretary for the race meeting.

(2) This shall be known as the preferred list.

(b) The Racing Secretary may, in his or her sole discretion, decide for any race meeting whether or not there shall be an also-eligible list.

(c)(1) If more than twelve (12) horses are entered for any purse race, a list of names not to exceed six (6) may be drawn in order of preference from the overflow

entries and listed as eligible to start, if originally carded horse or horses are excused from the race.

(2) The owner or trainer of any horse on the also-eligible list shall, if he or she does not intend to start, so notify the Racing Secretary not later than scratch time.

(d) If the entries in a race exceed eighteen (18) and the also-eligible list is being used, then those in excess of eighteen (18) not drawn automatically go on the preferred list.

(e) If the also-eligible list is not being used, all horses in excess of twelve (12) not so drawn as eligible, or also eligible, automatically go on the preferred list.

(f) Division of the preferred list with regard to claiming price and/or to distance shall be made at the discretion of the Racing Secretary, but whichever system is adopted shall be maintained for the entire race meeting.

(g) The name of no horse shall be placed on the preferred list if the owner thereof did not accept when presented the opportunity of starting.

(h) Horses whose names appear in the entries and have an opportunity to start, excepting horses entered in sweepstakes, will be given no consideration whatsoever should they be entered for the following day and the race overfill.

(i) A copy of the preferred list will be posted each day by 7:00 a.m., and any claim of error must be made by 12:00 noon of that same day.

(j)(1) In entering horses on the preferred list, a claim of preference must be made at time of entry and noted on the entry, or the preference shall be lost.

(2) No claim of error will be considered by the stewards if the person making the claim has signed an entry not marked in keeping with this subsection.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-410. Post position.

(a) Post positions shall be determined publicly by lot in the presence of the Racing Secretary or his or her deputy, one (1) or more stewards or their deputies, and at least one (1) trainer licensed by the Arkansas Racing Commission.

(b) Beginning from the inside rail, the horses shall take their positions at the post in keeping with the numerical order resulting from the public drawing.

Authority. Arkansas Code § 23-110-204.

Subpart 5. Weight Penalties and Allowances

23 CAR § 357-501. Generally.

(a) Weight penalties are obligatory.

(b)(1) Weight allowance is obligatory except by permission of a steward.

(2) Such permission must be obtained at time of entry.

(c) Weight allowance, including apprentice allowance, must be claimed at time of entry or prior to the drawing of the races.

(d) Said weight allowance shall not be abandoned after the posting of entries except by consent of the stewards.

(e) Penalties and allowances of weight are not cumulative, unless so declared by the conditions of a race.

(f) A horse shall start with only the allowance of weight entitled at the time of starting, regardless of the claimed allowance at the time of entry.

(g) Horses incurring weight penalties for a race shall not be entitled to any of the weight allowances for that race.

(h) Horses not entitled to the first weight allowance in a race shall not be entitled to the second and so on.

(i) Omission to claim a weight allowance is not cause of disqualification.

(j) Claim of weight allowance to which a horse is not entitled shall not disqualify unless protest is made in writing and lodged with the stewards at least sixty (60) minutes before post time of the race in question.

(k) No horse shall incur a weight penalty or be barred from any race for having been placed second or lower in any race.

(l) No horse shall be given a weight allowance for failure to finish second or in any lower place in any race.

(m) Penalties shall not be invoked nor allowances made in arriving at the weights to be carried in matches or in private sweepstakes.

(n) No horse shall receive allowance of weight or be relieved of extra weight for having been beaten in one (1) or more races, provided this subsection shall not prohibit maiden allowances or allowances to horses which have not won within a specified period or which have not won a race of specified value.

(o) When the decision of a race is in dispute, all horses involved in the dispute with respect to the winner's credit shall be liable to all weight penalties attached to the winnings of that race until a winner has been adjudged.

(p) Reports, records, and statistics as published by The Daily Racing Form, Equibase, or other publications recognized as official by the stewards shall be considered official in determining eligibility, allowances, and penalties, but may be corrected.

(q)(1) No horse shall incur a weight penalty for a placement from which he or she is disqualified, but a horse placed through the disqualification of another horse shall incur the weight penalties of that placement.

(2) No such placement, however, shall make a horse ineligible to a race that already has been run.

(r) A horse involved in a dead heat for the first place shall be liable to weight penalty for the amount received.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-502. Weight, scale of.

(a) The following is the scale of weights for age, and shall be carried when not otherwise specified in the condition of the race:

<u>Distance</u>	<u>Age</u> <u>Years</u>	<u>March</u> <u>and</u> <u>April</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug.</u>	<u>Sept.</u>	<u>Nov. &</u> <u>Oct. Dec.</u>
Half Mile	3 years	115	116	117	119	121	123	124 125
	4 years	126	126	126	126	126	126	126 126
	5 & over	126	126	126	126	126	126	126 126
Six Furlongs	3 years	116	119	120	122	123	125	126 127
	4 year	130	130	130	130	130	130	130 130
	5 & over	132	132	132	130	130	130	130 130
One Mile	3 years	109	112	114	116	118	119	120 120
	4 years	128	127	126	126	126	126	126 126
	5 & over	130	129	128	126	126	126	126 126
One Mile and a Quarter	3 years	106	108	112	114	117	118	120 120
	4years	128	127	126	126	126	126	126 126
	5 & over	130	129	128	126	126	126	126 126
One and a Half Miles	3 years	103	105	107	110	116	118	119 120
	4 years	127	127	126	126	126	126	126 126
	5 & over	130	129	128	126	126	126	126 126
Two Miles	3 years	100	102	104	108	112	114	117 118
	4 years	127	126	126	126	125	125	124 124
	5 & over	130	129	128	126	125	125	124 124
Three Miles	3 years	97	99	100	102	107	108	110 112
	4 years	127	127	127	126	126	126	124 122
	5 & over	130	129	128	126	126	125	124 122

(b) In races of intermediate lengths, the weights for the shorter distance shall be carried.

(c) In races exclusively for three-year-olds or four-year-olds, the weight shall be one hundred twenty-six pounds (126 lbs.).

(d) Except in handicaps, fillies, and mares three (3) years old and over shall be allowed five pounds (5 lbs.) before September 1, and three pounds (3 lbs.) thereafter.

(e) Except in handicaps, no horse three (3) years old or over shall carry fewer than eighty-four pounds (84 lbs.).

(f) "Welter weight" is twenty-eight pounds (28 lbs.) added to weight for age.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-503. Weighing in.

(a) After a race has been run and after he or she has pulled up the horse he has ridden, the jockey shall ride promptly to the finish line and there dismount, after obtaining permission from the judges, and present himself or herself to the Clerk of Scales to be weighed in.

(b) If a jockey is prevented from riding his or her mount to the finish line because of an accident or of illness either to himself or herself or his or her horse, he or she may walk or be carried to the scales, or he or she may be excused by the stewards from weighing in.

(c) Except by permission of the stewards, every jockey must upon returning to the finish line unsaddle the horse he or she has ridden, and no person shall touch said horse except by his or her bridle.

(d) No person shall assist a jockey in removing from his or her horse the equipment that is to be included in the jockey's weight, except by permission of the stewards.

(e) No person shall throw any covering over any horse at the place of dismounting until the jockey has removed the equipment that is to be included in his or her weight.

(f) No jockey shall before weighing in willfully touch any person or thing other than the equipment that is to be included in his or her weight.

(g)(1) Each jockey shall in weighing in carry over to the scales all pieces of equipment with which he or she weighed out.

(2) Thereafter he or she may hand it to his attendant.

(h)(1) In the event a jockey weighs in following the running of the race more than two pounds (2 lbs.) short of the weight that the jockey was assigned in the race, the Clerk of Scales shall immediately so notify the stewards, and the stewards shall investigate and when warranted take disciplinary action against the individual or individuals responsible for the violation.

(2) When warranted, such action shall include disqualification of the horse from receiving what would otherwise be its share of the purse.

(3) In the event that a horse is disqualified pursuant to this subsection after the declaration of the race as official, such disqualification shall not affect the results of the race for pari-mutuel wagering purposes or in so far as the payout to patrons is concerned.

(4) In the event a jockey weighs in following the running of the race more than two pounds (2 lbs.) short of the weight that the jockey was assigned in the race and the Clerk of Scales so notifies the stewards before the declaration of the race as official, the jockey's mount shall be disqualified for all purposes, including for purposes of pari-mutuel wagering and in so far as the payout to patrons is concerned.

(i) When a horse is disqualified under subsection (h) of this section and there is evidence of fraud or attempted fraud, any other horse in the race owned or controlled by the same interest or trained by the same trainer also shall be disqualified.

(j) No jockey shall weigh in at more than two pounds (2 lbs.) over the weight at which he or she weighed out, except in so far as said weight may have been affected by the elements.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-504. Weighing out.

(a)(1) The specified jockeys shall be weighed out for their respective mounts in each race by the Clerk of Scales not fewer than ten (10) minutes before the time fixed for the race.

(2) In case of a substitution of riders after the original rider has been weighed out, the substitute rider shall be weighed as promptly as possible and the name of the substitute and his or her weight publicly announced and posted.

(b)(1) A jockey's weight shall include his or her clothing, boots, goggles, saddle, and its attachments, etc.

(2) The franchise holder should include the following language in its daily program:

All jockeys will carry approximately three pounds (3 lbs.) more than the published weight to account for safety equipment including helmet, vest, and riding crop that is not included in the required weighing out procedure.

(c) None of the following items should be included in a jockey's weight:

- (1) Whip, or a substitute for a whip;
- (2) Protective helmet;
- (3) Head number;
- (4) Bridle;
- (5) Bit;
- (6) Reins; or
- (7) Saddle cloth.

(d) No bridle shall exceed two pounds (2 lbs.) in weight, and no whip or substitute for a whip shall exceed one pound (1 lb.) in weight unless approved by the stewards.

(e) Seven pounds (7 lbs.) is the limit of the overweight any horse is allowed to carry.

(f) The franchise holder shall provide the only attendants who will be permitted to assist jockeys in weighing out.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-505. Paddock to post.

(a) Permission must be obtained from a steward to exercise a horse between races.

(b) When a horse is being so warmed up before entering the paddock, his or her official program number must be displayed by the rider.

(c)(1) In a race, each horse shall carry a conspicuous saddlecloth number corresponding to his or her number on the official program.

(2) In the case of an entry, each horse making up the entry shall carry the same number with a distinguishing letter. For example, 1, 1A, 1X.

(3) In the case of a field, the horses comprising the field shall carry an individual number, i.e., 12, 13, 14, 15, and so on.

(d) Horses must be in the paddock at least twenty (20) minutes before post time, or at the time appointed by the stewards.

(e) Every horse must be saddled in the paddock or designated saddling area.

(f)(1) All horses shall parade such a distance as is reasonable and proper in the opinion of the stewards, unless excused by the Paddock Judge as provided in Rule 2023.

(2) If a horse is so excused from parading and is led to the post, he or she must pass over the same route as that followed by the parade.

(g) All horses shall carry their respective weights from paddock to post and during the running of the race.

(h)(1) Parading horses shall pass the stewards' stand in the numerical order of their exhibited number.

(2) Only a horse being led by the parade leader, or excused from parading, may parade out of numerical order.

(i) In the discretion of the stewards, parading horses may be allowed to break out of numerical order after passing from in front of the stands, or may be required to maintain their order until arrival at the post.

(j) After the horses enter the track, no jockey shall dismount and no horse shall be entitled to the care of an attendant without consent of the stewards or the starter.

(k) In case of accident to a jockey or to his or her mount or equipment, the stewards or the starter may permit the jockey to dismount and the horse to be cared for during the delay, and may permit all jockeys to dismount and all horses to be attended during the delay.

(l) If a jockey is thrown on the way from the paddock to the post, the horse must be remounted, returned to the point where the jockey was thrown, and then proceed over the route of the parade to the post.

(m) If the jockey is so injured on the way to the post as to require another jockey, the horse shall be taken to the paddock, another jockey obtained, and then ridden over any uncompleted portion of the exact route of the parade to the starting point.

(n) If a horse leaves the course while moving from paddock to post, he or she shall return to the course at the nearest practical point to that at which he or she left the course, and shall complete his or her parade to the post from the point at which he or she left the course.

(o) No person shall willfully delay the arrival of a horse at the post.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-506. Post to finish.

(a)(1) When clear, a horse may be taken to any part of the course, but no horse shall, and no jockey shall, carelessly or willfully permit his or her mount to cross or weave in front of another horse, or jostle another horse, in such a way as to impede other horses or constitute or cause interference or intimidation.

(2) A jockey shall not ride carelessly or willfully in a manner that jeopardizes the safety of any horse or other jockey.

(3) No jockey shall carelessly or willfully strike or touch another jockey or another jockey's horse or equipment.

(b) The stewards or the Arkansas Racing Commission may fine and/or suspend a jockey for violation of any rule of the commission, whether or not the horse ridden by the jockey is disqualified in connection with the incident in question.

(c)(1) In the case of any violation of subsections (a) or (b) of this section, or any other applicable rule of the commission, the offending horse, or the horse of the offending jockey, as the case may be, may be disqualified, if in the opinion of the stewards, the violation affected the outcome of the race, regardless of whether the foul was accidental, willful, or the result of careless riding.

(2) When the stewards determine that a horse shall be disqualified for interference, they may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last.

(3)(A) Should the stewards determine that there is more than one (1) incident of interference in a race where disqualification is warranted, the stewards shall deal with the incidents in the order in which the incident occurs during the race from start to finish, except in the case where the same horses are involved in multiple incidents.

(B) Once a horse has been disqualified, it should remain placed behind the horse with which it interfered.

(d) No jockey shall unnecessarily cause his or her horse to shorten his or her stride with a view to complaint.

(e)(1) All horses shall be ridden out in every race.

(2) A jockey shall not ease up or coast to the finish without reasonable cause, even if the horse has no apparent chance to win prize money.

(3) A jockey shall give a best effort during a race, and each horse shall be ridden to win.

(f)(1) If two (2) horses run in one (1) interest in any race, each shall give best effort.

(2) The practice of declaring to win with one (1) or the other of such horses will not be allowed.

(g) The stewards shall take cognizance of foul riding and may entertain reports from other racing officials of the race meeting whether or not formal complaint is made, but no complaint shall be considered which comes from any person other than the jockey, trainer, or owner of the horse interfered with.

(h) No owner, trainer, or jockey shall complain frivolously that his or her horses were crossed or jostled.

(i) The time for the first horse to cross the finish line shall be the official time of the race.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-507. Protests.

(a) A protest, except a protest involving fraud, may be filed only by the owner, or his or her authorized agent, trainer, or jockey of a horse engaged in the race over which the protest is made, or by a racing official of the race meeting.

(b) A protest involving fraud may be made by any person.

(c)(1) A protest, except a claim growing out of happenings in the running of the race, must be made in writing signed by the complainant and filed with the stewards before the later of:

(A) Twenty-four (24) hours after the race is declared official; or

(B) The published post time in the official racing program for the association's first race on the next live racing day, if one, during the racing season which includes the race which is the subject of the protest, i.e., so if the race occurs on the last day of the racing season, the protest would have to be made to stewards in writing as set forth above prior to twenty-four (24) hours after the race is declared official.

(2) For further example, if the race occurs on a Sunday, and the next live race day during that racing season is the following Thursday, the protest would have to be made to stewards in writing as set forth above prior to the published post time in official racing program for the association's first race on that Thursday.

(3) To merit consideration, any protest over the status of an alleged maiden must be made in writing, signed by the complainant, and filed with the stewards within the time period for protest set forth above in this subsection.

(d)(1) A protest against a horse engaged in a race, and filed with the stewards not fewer than sixty (60) minutes before post time, shall receive immediate consideration.

(2) In default of proof within thirty (30) minutes of post time that the horse is qualified to start, the horse may be disqualified from starting.

(e) To merit consideration, a protest against the programmed distance of a race must be made at least thirty (30) minutes before post time for that race, but nothing in this subsection shall affect the rule for races run at a wrong distance as compared with the official program.

(f) To merit consideration, a protest against a horse based on a happening in a race must be made to the stewards before the placing of the horses for that race has been officially confirmed.

(g)(1) Jockeys wishing to claim a foul or otherwise protest a happening in a race must do so by communicating to the outrider as promptly as practical following the running of the race.

(2) If the jockey's horse is pulled up prior to reaching the outrider, the jockey must proceed to the outrider in order to request a claim of foul or protest.

(3) The outrider must wait for those horses that pass the outrider before they are pulled up, and for the jockeys on horses pulled up prior to reaching the outrider to have had the opportunity to communicate a foul or protest claim to the outrider, before communicating a no-claim/no-protest status to the stewards.

(4) If for any reason the outrider is unable to communicate to the stewards, the stewards shall not declare the race official until the jockeys riding the first five (5) horses to finish shall have weighed in.

(5) Any jockey who has requested to register a claim of foul or protest also must contact the stewards promptly upon dismounting.

(6) If the outrider is not confident regarding the decision to permit the quick official, the outrider shall so notify the stewards and request a hold, and in such event the race shall not be declared official by the stewards until after either:

(A) The outrider shall have subsequently released the hold and notified the stewards of no-claim/no-protest status; or

(B) The jockeys riding the first five (5) horses to finish have been weighed in.

(h) A person or persons lodging a protest must pay all the costs and expenses incurred in determining the objection unless his or her objection is upheld, in which case the cost shall be paid by the offender.

(i) Pending the determination of a protest, any money or prize won by a protested horse, or any other money affected by the outcome of the protest shall be paid to and held by the Racing Secretary until the protest is determined.

(j)(1) If a protest (except for foul riding) against a horse that has won or has been placed is sustained by the stewards, the horse shall be assigned to last position in the race, and the other horses in the race shall be advanced accordingly in the order of their finish.

(2)(A) The stewards are vested with the power to determine the extent of the disqualification in case of fouls.

(B) They may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last.

(k) In the case of a disqualification, the stewards shall immediately make public the reason for the disqualification, and the same shall be announced over the public address system.

(l) A protest may not be withdrawn without permission of the stewards.

(m) No person shall make frivolous protests.

(n) The stewards shall keep a record of all protests and complaints and of any action taken thereon, and shall report both daily to the Arkansas Racing Commission.

(o) If a horse is disqualified for a foul under this part, any other horse in the race owned wholly or in part by the same interest or trained by the same trainer may also

be disqualified if the stewards determine the second part of the coupled or uncoupled entry benefitted from the actions of the disqualified stablemate.

Authority. Arkansas Code § 23-110-204.

Subpart 6. Winnings

23 CAR § 357-601. Winnings generally.

(a) Winnings shall include all net moneys won in all countries, up to the time appointed for the start, including walkovers and forfeits, but not second and third money nor the value of a prize not in money.

(b) Winnings during a year shall be reckoned from January 1 of that year.

(c) Winner or non-winner of a specified sum means winner or non-winner of a single race of that value to the winner, unless otherwise stated.

(d)(1) In computing the value of a series of races in which an extra sum of money is won by the winning of two (2) or more races of the series, the extra amount shall not be included in the horse's winnings until the series, or that part of it, is finished, and hence the extra amount is definitely ascertainable.

(2) When ascertained, it shall be added to the race which determines the extra amount.

(e) Foreign winnings shall be estimated on the basis of the normal rate of exchange prevailing on the day of the winnings.

(f)(1) All franchise racing holders, owners, trainers, jockeys, agents, grooms, and platers, and all licensees are deemed to accept the conditions under which the franchise holder conducts the race meeting.

(2) Any person shall, before he or she terminates or discontinues his or her employment, engagement, or activities under such accepted conditions, give the person's employer or other party for whom the person works, as the case may be, at least seven (7) days' notice in writing of his or her intention to terminate or discontinue

his or her employment, engagement, or activities, provided, the employer or other party for whom the person works may waive the requirement of such advance notice.

(3) The Arkansas Racing Commission may, upon notice to all parties of interest, conduct a hearing or hearings with respect to any termination or discontinuance of employment, engagement, or activities and if the commission shall find that the cause for said termination or discontinuance of employment, engagement, or activities under such accepted conditions is unreasonable or unlawful or contrary to the rules and conditions of the commission, or the statutes of the State of Arkansas, or in bad faith or detrimental to the public interest or against the best interest of racing, or if the commission shall find that the licensee or said persons have failed to give the required written notice herein provided, or in any other manner violated this part, it may, in its discretion, revoke, cancel, withdraw, or suspend the licenses of any such trainer, jockey, agent, groom, plater, and other licensee, or may forever prohibit said person or persons from engaging in any activities at any racetrack in the State of Arkansas, or take other appropriate disciplinary action in the circumstances.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-602. Dead heats.

(a) The owners of the horses in a dead heat shall divide equally the purse money involved.

(b) If a dead heat is for the first place, each horse shall be considered a winner of the amount received according to the preceding rule.

(c) When a dead heat is run for second place and an objection is made to the winner of the race, and sustained, the horses that ran the dead heat shall be deemed to have run a dead heat for first place.

(d) Owners shall divide equally all moneys and other prizes, and if no agreement can be reached as to which of them shall receive a cup, plate, or other indivisible prize, they shall draw lots for it in the presence of one (1) or more of the stewards.

(e)(1) In a dead heat for first place, the winning jockeys shall receive ten percent (10%) of the winning purse, and in all other cases the jockeys involved shall divide equally the sum total of the fees they would have received individually had one (1) beaten the other, or others.

(2) Likewise, the owners of the horses involved shall pay their equal share of the jockey's fees.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-603. Mutuels.

(a) When two (2) or more horses run in a race and are coupled because of common ties, they are called an entry, and a wager on one (1) of them shall be a wager on all of them.

(b) When the individual horses competing in a race exceed the numbering capacity of the totalisator, the highest numbered horse within the capacity of the totalisator and all horses of a higher number shall be grouped together and called the "Field", and a wager on one (1) of them shall be a wager on all of them.

(c)(1) With the approval of the proper officers of the franchise holder, the following rules will apply.

(2) If fewer than six (6) interests qualify horses to start in a race, the manager of the Pari-mutuel Department shall be permitted to prohibit show wagering on that race.

(3) If fewer than five (5) interests qualify horses to start in a race, the said manager shall be permitted to prohibit both place and show wagering on that race.

(4) If fewer than three (3) interests qualify horses to start in a race, and both of the horses qualified are coupled as an entry, the said manager shall be permitted to prohibit wagering on that race.

(5) The said manager may prohibit wagering on any particular horse in any race.

(d)(1) Before the wagering starts on each race, the morning line showing odds on each horse may be posted on the public board.

(2) Entries shall be listed as one (1) horse, and likewise the field shall be listed as one (1) horse.

(e)(1) After wagering has begun on each race and immediately after there are one thousand dollars (\$1,000) (more or less, depending on circumstances) in the straight pool, the approximate odds on each horse must be computed at each cycle of the tote board.

(2) Said approximate odds shall agree with the amount wagered on each horse in the straight pool.

(3) There shall be a minimum of four (4) sets, and more under proper circumstances, of approximate odds posted during the wagering on each race.

(4) These odds, however, are approximate and not the exact figures used in the payoff.

(f) Wagering shall cease not later than off time, and no tickets shall be sold after the totalisator has been locked or wagering ceased.

(g)(1) If, for any reason other than power failure or accidental locking, the pari-mutuel ticket issuing machines are closed during the wagering on a race, and before off time, they shall remain closed until after the race.

(2) Wagering shall cease on that race, and the payoff for that race shall be computed on the sums then wagered in each pool.

(h) If a horse or horses are locked in the gate, the proper racing official shall promptly notify the manager of the Pari-mutuel Department of the name and number of said horse or horses.

(i) At the end of each race, the Placing Judges shall advise the manager of the Pari-mutuel Department of the official placement of the horses, and no payoff shall be made until the receipt of such notice.

(j)(1) If an error is made in posting the payoff figures on the tote board, it shall be corrected promptly and only the correct amounts shall be used in the payoff, irrespective of the error on the tote board.

(2) If, because of mechanical failure, it is impossible to promptly correct the posted payoff, a statement shall be made over the public address system stating the facts and corrections.

(k)(1) In the event of an irreparable breakdown of the totalisator or the ticket-issuing machines or both during the wagering on a race, the wagering for that race shall be declared closed.

(2) The payoff for that race shall be computed on the sums wagered in each pool up to the time of the breakdown.

(l) In all cases when a horse has been excused by the stewards after wagering has started, but before off time, all money wagered on the horse so excused shall be deducted from the pool and be refunded.

(m) Should an accident in the starting gate, malfunction of the starting gate, or other unusual event caused by outside elements compromise the fairness of the race or safety of race participants, the stewards, in consultation with the official starter, may declare individual horses to be non-starters or declare a no contest, and, subject to other rules of the Arkansas Racing Commission applicable to multi-race wagers, exclude individual horses from one (1) or more pari-mutuel pools and order a refund of pari-mutuel wagers on the horses involved, as the circumstances warrant in fairness to the bettors and race participants.

(n) If no horse finishes in a race, all money wagered on that race shall be refunded.

(o) If two (2) or more horses in a race are coupled on the same mutuel ticket, there shall be no refunds unless all of the horses so coupled are excused before off time or all of the horses so coupled are locked in the gate.

(p)(1) If a jockey weighs in more than two pounds (2 lbs.) short of the weight that the jockey was assigned in the race, and his mount is disqualified by the stewards in consequence of short weight prior to the declaration of the race as official, all moneys wagered on said horse shall be deducted from the pool and refunded.

(2) If a jockey weighs in more than two pounds (2 lbs.) short of the weight that the jockey was assigned in the race, and his or her mount is disqualified by the

stewards in consequence of short weight after the results of the race have been declared official, the moneys wagered on said horse shall not be deducted from the pool or refunded and such disqualification shall not affect the results of the race for pari-mutuel wagering purposes or in so far as the pay out to patrons is concerned.

(q)(1) In the case of an entry, if one (1) of the jockeys riding the entry weighs in short of weight by more than two pounds (2 lbs.) and his or her mount is disqualified by the stewards in consequence of short weight prior to the result of the race being declared official, no refund shall be made unless the other portion of the entry also is disqualified by the stewards for short weight prior to the result of the race being declared official, in which case all moneys wagered on the entry so disqualified prior to the results of the race being declared official shall be deducted from the pool and refunded.

(2) This rule applies with equal effect to the field.

(3) See 23 CAR § 357-503(h) and 23 CAR § 357-603(p) in the event a jockey weighs in short of weight by more than two pounds (2 lbs.) after the results of the race have been declared official.

(4) Such resulting disqualification of the mount, after the results of the race have been declared official, shall not affect the results of the race for pari-mutuel wagering purposes or in so far as the payout to patrons is concerned.

(r) In the case of a race postponed beyond the day originally scheduled, all money wagered on said race shall be refunded.

(s) If a race is declared off by the stewards after wagering begins on that race, all money wagered on that race shall be refunded.

(t) If a horse wins and there is no money wagered on that horse to win, the straight pool shall be apportioned among the holders of the place tickets on that horse, if any, otherwise, among holders of the show tickets on that horse.

(u) If no money has been wagered to place on a horse which is placed first or second in a race, the place pool for that race shall be apportioned among the holders of the place tickets on the other horse which was placed first or second.

(v) If no money has been wagered to show on a horse which is placed first, second, or third in a race, the show pool in that race shall be apportioned among the holders of show tickets on the other horses which are placed first, second, or third in that place.

(w) If only one (1) horse finishes in a race, the place and show pools shall be apportioned among the holders of place and show tickets on that horse.

(x) If only two (2) horses finish in a race, the show pool shall be apportioned among the holders of show tickets on those two (2) horses.

(y) Any ruling of the stewards with regard to the reward of purse money made after the sign "Official" has been purposely displayed by the Placing Judges shall have no bearing on the mutuel payoff.

(z)(1) Whenever there is a difference in any pool or pools, i.e., a difference between the sum total of the wagers on the individual horses as compared with the grand total as shown by the tote board, the larger amount shall be used as the basis for computing the payoff.

(2) The said larger amount shall be used as the base on which the commissions are computed and paid to the franchise holder and to the commission respectively, except that at racetracks which use equipment such as computers, which make it possible to determine immediately the correct amount of money wagered, the correct amount so determined shall be used as the basis for computing the payoff and commissions.

(3) In cases where the lesser amount is used, the commission auditor on duty must be in agreement with the figure used.

(aa)(1) Payments due on all wagers shall be made in conformity with the well-established practice of the pari-mutuel system.

(2) Money wagered on winning tickets is returned in full, plus the profits.

(3) The practice is to work in dollars and not in the number of tickets.

(4) The break permitted by law is deducted in all of the calculations arriving at the payoff price, i.e., the odd cents over any multiple of ten cents (\$0.10) of winnings per dollar wagered are deducted.

(bb)(1) Any claim by a person that a wrong ticket has been delivered to him or her must be made before leaving the mutuel ticket window.

(2) No claim shall be considered thereafter and no claim shall be considered for tickets thrown away, lost, changed, destroyed, or mutilated beyond identification.

(3) Payment of wagers will be made only on presentation of appropriate pari-mutuel tickets.

(cc)(1) Should an emergency arise in connection with the operation of the Pari-mutuel Department not covered by this part and an immediate decision is necessary, the manager of the Pari-mutuel Department shall make the decision.

(2) The manager of the Pari-mutuel Department shall be properly and timely advised by the Racing Secretary, prior to the beginning of wagering of each race, of the horses that will compete in the race.

(dd) No minor shall be allowed to wager, and no jockey in colors shall enter the betting area.

(ee)(1) The minimum payout on all winning wagers in live horse racing shall be equal to the amount wagered plus ten percent (10%), i.e., the minimum payout on a one-dollar wager shall be one dollar and ten cents (\$1.10), the minimum payout on a two-dollar wager shall be two dollars and twenty cents (\$2.20), etc.

(2) However, in the event of a minus pool in live horse racing, the minimum payout on all winning wagers in that pool shall be equal to the amount wagered plus five percent (5%), i.e., the minimum payout on a one-dollar wager shall be one dollar and five cents (\$1.05), the minimum payout on a two-dollar wager shall be two dollars and ten cents (\$2.10), etc.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-604. Steps in calculating the payoff in win pool.

(a)(1) The commission authorized by law is deducted from the sum total wagered in the win pool.

(2) The balance is called the "net pool".

(b)(1) The amount wagered on the winner is then divided into the net pool.

(2) The quotient thus obtained is the payoff price on the winner for each dollar wagered, and it includes the dollar wagered on the winner.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-605. Steps in calculating the payoff in a place pool.

(a)(1) The commission authorized by law is deducted from the sum total wagered in the place pool.

(2) The balance is called the "net pool".

(b)(1) The sum total of the amount wagered in the place pool on the horses placed first and second is deducted from the net pool.

(2) This gives a remainder, which is the profit or winnings.

(3) The said profit is divided into two (2) equal parts between those who wagered in the place pool, on the winner, and those who wagered on the horse that was placed second.

(c) Using the amount wagered in the place pool on the winner to place as a divisor and one-half (1/2) of the profits of the place pool as specified in subsection (b) of this section as a dividend, the quotient thus obtained is the profit per dollar wagered in the place pool on the winner to place.

(d) Using the amount wagered in the place pool on the horse placed second to place as a divisor and the other half of the profits as specified in subsection (b) of this section as a dividend, the quotient thus obtained is the profit per dollar wagered in the place pool on the second horse to place.

(e)(1) In each of subsections (c) and (d) of this section, the profit per dollar wagered is the resultant.

(2) The sums wagered on the horses placed first and second must be returned, therefore add to the quotient the dollar taken out of the net pool in subsection (b) of this section.

(3) The result is the payoff for each dollar wagered on horses placed first and second in the place pool.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-606. Steps in calculating the payoff in a show pool.

(a)(1) The commission authorized by law is deducted from the sum total wagered in the show pool.

(2) The balance is called the "net pool".

(b)(1) The sum total of the amount wagered in the show pool on the horses placed first, second, and third is deducted from the net pool.

(2) This gives a remainder, which is the profit or winnings.

(3) The said profit is divided into three (3) equal parts among those who wagered in the show pool on the:

(A) Winner;

(B) Second horse; and

(C) Third horse.

(c) Using the amount wagered in the show pool on the winner to show as a divisor and one-third ($1/3$) of the profits of the show pool as specified in subsection (b) of this section as a dividend, the quotient thus obtained is the profit per dollar wagered in the show pool on the winner to show.

(d) Using the amount wagered in the show pool on the horse placed second to show as a divisor and one-third ($1/3$) of the profits as specified in subsection (b) of this section as a dividend, the quotient thus obtained is the profit per dollar wagered in the show pool on the second horse to show.

(e) Using the amount wagered in the show pool on the horse placed third to show as a divisor and one-third ($1/3$) of the profits as specified in subsection (b) of this section as a dividend, the quotient thus obtained is the profit per dollar in the show pool wagered on the third horse to show.

(f)(1) In each of subsections (c), (d), and (e) of this section, the profit per dollar wagered is the resultant.

(2) The sums wagered on the horses placed first, second, and third must be returned, therefore add to the quotient the dollar taken out of the net pool in subsection (b) of this section.

(3) The result is the payoff price for each dollar wagered on horses placed first, second, and third in the show pool.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-607. Steps in calculating the payoff in dead heat.

(a) In the case of a dead heat in the straight pool, the payoff prices shall be figured as in a place pool.

(b) In the case of a dead heat for second in the place pool, the winner of the race receives its half share of the profits in that pool, and each of the two (2) horses that dead heat for second receives one-half (1/2) of the remaining half of the profit.

(c) In the case of a dead heat for third or "show" in the show pool, the first and second horses each receive a normal one-third (1/3) of the profits in that pool, and the two (2) horses that dead heat for third each receive one-half (1/2) of the remaining third of the profits.

(d)(1) Where two (2) or more horses racing for one (1) interest or field horses participate in dead heats, each horse of the entry or field is entitled to his or her proportionate share of the profits in the pool in which the dead heat occurs and the other pools affected.

(2) For example: Where two (2) horses of an entry or field dead heat for win, the win and place prices are calculated as straight pools, and the entry is entitled to two-thirds (2/3) of the profits of the show pool.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-608. Daily Double.

(a) Two (2) Daily Doubles will be permitted during any single racing program.

(b) If no ticket is sold combining the two (2) winners of the Daily Double, the pool shall then be apportioned equally between those having tickets including the winner in the first race of the Daily Double and those having tickets including the winner in the last race of the Daily Double in the same manner in which a place pool is calculated and distributed.

(c) If no ticket is sold including the winner of the first race of the Daily Double, then the entire pool will be paid to the holders of tickets which include the winner of the last race of the Daily Double.

(d) Likewise, if no ticket is sold including the winner of the last race of the Daily Double, the entire pool will be paid to the holders of tickets which include the winner of the first race of the Daily Double.

(e) If no ticket is sold including a winner of either race of the Daily Double, then the pool shall be paid to holders of tickets which include the horses finishing second in the two (2) races of the Daily Double.

(f) If no ticket is sold that would require distribution of the Daily Double pool to a winner under subsections (b), (c), (d), and (e) of this section, the association shall make a complete and full refund of the Daily Double pool.

(g)(1) There shall be a refund of Daily Double wagers in the event of a horse being scratched before the betting on the Daily Double has closed.

(2) This refund is to apply only to wagers on the horse scratched.

(h) It is required that a complete tabulation of sale or take-off of all combinations of tickets in the Daily Double pool be made, and a copy of said take-off be in the hands of the Arkansas Racing Commission auditor as soon as practicable.

(i) In the event a horse is scratched or excused in the second half of the Daily Double, after the first half is official, all tickets combining the scratched horse with the winner of the first half of the Daily Double shall be paid a price per dollar denomination calculated as follows:

(1) The net Daily Double pool (gross pool less commission) shall be divided by the purchase price of all tickets combining the winner of the first half, and the quotient thus obtained shall be the price to be paid to holders of tickets combining the winner of the first half and the scratched or excused horse in the second half; and

(2) The entire consolation pool (number of eligible tickets times the consolation), shall be deducted from the Daily Double pool.

(j) Before the running of the race comprising the last half of the Daily Double pool, there shall be displayed in a prominent place, easily visible from the grandstand, clubhouse, and bleachers, the payoff of each combination coupled with the winner of the first half of the Daily Double.

(k)(1) In case of a dead heat for winner in the first half of the Daily Double, the payoff of the Daily Double need not be posted until after the running of the second half of the Daily Double, owing to the complicated calculations involved.

(2) However, announcement of this fact must be made over the loudspeaker and notice to this effect be posted on the tote board at the conclusion of the first half of Daily Double.

(l) If a dead heat should result in either the first or second race of the daily double, the total pool is figured as a place pool.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-609. Exacta wagering.

(a)(1) The Exacta pool is a contract by the purchaser of one (1) ticket combining two (2) horses in a single race, selecting the two (2) horses that will subsequently finish first and second in that race.

(2) Payment of the ticket shall be made only to the purchaser who has selected the same order of finish as officially posted.

(b) The exacta is not a parlay and has no connection with or relation to the win, place, and show betting and will be calculated as an entirely separate pool.

(c) If no ticket is sold on the winning combination of an Exacta pool, the net pool shall be distributed equally between holders of tickets selecting the winning horse to finish first and/or holders of tickets selecting the second place horse to finish second.

(d) If no ticket is sold that would require distribution of an Exacta pool to winner as above defined, the association shall make a complete and full refund of Exacta pool.

(e)(1) In case of a dead heat between two (2) horses for first place, the net Exacta pool shall be calculated and distributed as a place pool to holders of tickets of the winning combinations.

(2) In case of a dead heat between two (2) horses for second place, the Exacta pool shall be figured as a place pool, the holders of tickets combining the winning horse and the two (2) horses finishing second participating in the payoff.

(f)(1) In the event of a dead heat for second place, if no ticket is sold on one (1) of the two (2) winning combinations, the entire net pool shall be calculated as a win pool and distributed to those holding tickets on the other winning combination.

(2) If no tickets combine the winning horse with either of the place horses in the dead heat, the Exacta pool shall be calculated and distributed as a place pool to holders of tickets representing any interest in the net pool.

(g) In the event of any entry finishing first and second, the net Exacta pool shall be distributed to holders of tickets selecting the entry to win combined with the horse finishing third.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-610. Minus pool.

(a) In the event of a minus pool, the deficiency shall be absorbed by the breaks accruing for that day.

(b) In the event the breaks accruing for that day are not sufficient to absorb such minus pool, the remaining deficiency will be borne solely by the franchise holder.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-611. Claiming.

(a)(1) In claiming races on the flat, any horse is subject to claim by:

(A) Any owner in good standing; or

(B) A person who has been issued a claiming authorization as provided below in subsection (b) of this section (a "claiming authorization").

(2) However, no owner (who has not otherwise been issued a claiming authorization) may claim a horse at Oaklawn unless that owner (either individually or through co-ownership, partnership, limited liability company, corporation, or other entity in which the owner owns an equity interest) has:

(A) Foal papers on file in the Oaklawn racing office with respect to a horse eligible to race at Oaklawn; or

(B) Started a horse at the Oaklawn meeting and does not currently have foal papers on file in the racing office with respect to a horse eligible to race at Oaklawn because the owner's last horse or horses was claimed, i.e., in the case of subdivision (a)(2)(A) of this section or this subdivision (a)(2)(B), that owner is not required to obtain a claiming authorization and is immediately eligible to claim a horse at Oaklawn, provided such claim is in compliance with all other applicable claiming rules.

(b) Claiming authorization.

(1) The stewards or their appointed representatives shall issue a claiming authorization to any person who makes application therefor on forms prescribed for that purpose and who:

(A) Meets all requirements for the issuance of an owner's license;

(B) Either:

(i) Is not presently involved, and does not have a spouse presently involved, as an owner of a horse in thoroughbred racing able and eligible to race at Oaklawn;

(ii) Was an owner, either individually or through co-ownership, partnership, limited liability company, corporation, or other entity in which the owner

owns an equity interest, of a horse that had an official start in a prior race at Oaklawn during the immediately preceding Oaklawn race meet; or

(iii) Has foal papers on file in the Oaklawn racing office with respect to a horse eligible to race at Oaklawn;

(C) Has an agreement with a licensed trainer to take charge of, care for, and train any horse claimed pursuant to the claiming authorization (and the holder of a claiming authorization and the trainer shall each promptly notify the stewards in writing if such agreement is terminated before a horse is successfully claimed);

(D) Has at least the amount of the claim on deposit or credited with the horsemen's bookkeeper; and

(E)(i) A claiming certificate may not be utilized until twenty-four (24) hours shall have elapsed since the application was received and approved by the stewards.

(ii) However, notwithstanding the foregoing, a claiming authorization may not be issued to any thoroughbred horse trainer licensed as such in any jurisdiction unless the trainer is a member of a partnership, limited liability company, corporation, or other entity that would otherwise be eligible for a claiming authorization and the claim is being made by that partnership, limited liability company, corporation, or other entity.

(2)(A) The claiming authorization shall be valid for the race meet in which it is issued or until such earlier time as the person to whom the claiming authorization was issued:

(i) Executes a claim and becomes an owner of a horse through use of the claiming authorization; or

(ii) In the case of a claiming authorization issued to a person under subdivision (b)(1)(B)(i) of this section, through private purchase.

(B) A person shall not be eligible for issuance of more than one (1) claiming authorization for the same race meeting unless the person presents evidence to the satisfaction of the stewards that the person is no longer the owner (either individually or through co-ownership, partnership, limited liability company, corporation,

or other entity in which the owner owns an equity interest) of a horse able to race at Oaklawn because of illness or injury to the horse.

(3)(A) If the applicant has not been issued an owner's license for the current race meet, the same fee charged for an owner's license shall be payable to the Arkansas Racing Commission by the applicant prior to issuance of a claiming authorization.

(B) The holder of a claiming authorization shall not, by virtue thereof, be entitled to admission to the grandstand, clubhouse, or other spectator facility at prices less than those charged the general public.

(4)(A) An application for claiming authorization may be denied or revoked for any reason that would justify denial, suspension, or revocation of an owner's license.

(B) Any person whose claiming authorization is denied or revoked shall have the same rights to notice and hearing as an owner whose license is denied, suspended, or revoked.

(5) A holder of a claiming authorization for the current race meet who has not previously been granted an owner's license for the current race meet will be issued an owner's license without payment of any additional fees, but subject to the other requirements for issuance of an owner's license.

(c)(1) **First waiver.** At the time of entry into a claiming race, the owner (or trainer acting under authorization from the owner) may opt to declare a horse ineligible to be claimed provided:

(A) The horse has not been an official starter in a race at any racetrack for a minimum of one hundred twenty (120) days since its last race as an official starter;

(B) The horse's last race as an official starter was a claiming race in which the horse was eligible to be claimed;

(C) The horse is entered for a claiming price equal to or greater than the claiming price at which it last started as an official starter;

(D) Failure to declare the horse ineligible at the time of entry may not be remedied; and

(E) Ineligibility to be claimed under this subdivision (c)(1) shall apply only to the horse's first start as an official starter following each such one hundred twenty-day or longer layoff.

(2) **Second waiver.** At the time of entry into a claiming race, the owner (or trainer acting under authorization from the owner) may opt to declare a horse ineligible to be claimed provided:

(A) The horse was properly declared ineligible to be claimed in its immediately preceding race at Oaklawn under subdivision (c)(1) of this section, i.e., its "first race back";

(B) The horse was an official starter in its first race back and was not the official winner in its first race back;

(C) The horse has not been an official starter in a race at any racetrack since its first race back;

(D) The horse is entered for a claiming price equal to or greater than the claiming price at which it last started as an official starter;

(E) Failure to declare the horse ineligible at the time of entry may not be remedied; and

(F) Ineligibility to be claimed under this subdivision (c)(2) shall apply only to the horse's next start as an official starter following the horse's first race back.

(d) A claim may be made by an authorized agent, but the agent may claim only for the account of those for whom he or she is licensed as agent.

(e) No person shall claim his or her own horse or cause his or her own horse to be claimed, directly or indirectly, for his or her own account.

(f) No person shall claim more than one (1) horse from any one (1) race.

(g) When a stable consists of horses owned by more than one (1) person and trained by the same trainer, no more than one (1) claim (in the aggregate) may be entered on behalf of such stable or any member of such stable in any one (1) race.

(h) The claiming price of each horse in a claiming race shall be printed in the official program, and all claims for said horse shall be for the amount so designated.

(i)(1) Each claim shall be made in writing on a form supplied by the franchise holder.

(2) It shall be properly signed and enclosed in an envelope provided for the purpose by the Racing Secretary.

(3) The envelope shall have no identification mark on it, but it shall be marked with the number of the race.

(4) It shall be sealed and deposited in a locked box provided for this purpose by the Racing Secretary.

(j)(1) No money or its equivalent shall be put in the claiming box.

(2) For a claim to be valid, the person making the claim must have a credit balance in his or her account with the franchise holder's horseman's account of not less than the amount of the claim plus any applicable sales tax.

(3) All claims shall be deposited in the claiming box at least fifteen (15) minutes before the established post time of the race out of which the claim is made.

(k)(1) Claims are irrevocable except as otherwise provided in subdivision (k)(5) of this section.

(2)(A) At the time of filing the claim form, claimants shall have the right to designate on the claim form a request for a post-race test of the claimed horse for beta-2 agonists, anabolic steroids, and blood doping agents determined from time to time by the Commission Veterinarian, including, but not limited to:

- (i) Clenbuterol;
- (ii) Erythropoietin;
- (iii) Darbepoetin;
- (iv) Oxyglobin; and
- (v) Hemopure, a blood doping agent.

(B) In the event a request for the post-race test for beta-2 agonists, anabolic steroids, and blood doping agents is marked on the successful claimant's claim form, the claimed horse shall be taken to the test barn immediately after the race, a blood, urine, and/or hair sample shall be obtained from the horse by the Commission Veterinarian or Commission Veterinarian's assistant, and the sample shall be submitted

to a commission-approved laboratory to test for the presence of beta-2 agonists, anabolic steroids, and blood doping agent antibodies.

(C) The blood, urine, or hair sample shall be taken, contained, and submitted to the commission-approved laboratory in accordance with the rules and procedures, including split samples, applicable to other post-race tests for foreign substances.

(D) The beta-2 agonists, anabolic steroids, and blood doping agents to be tested for shall include clenbuterol, Erythropoietin, Darbepoetin, Oxyglobin, Hemopure, and such other beta-2 agonists, anabolic steroids, and blood doping agents determined from time to time by the Commission Veterinarian.

(3)(A) The successful claimant shall be responsible for paying the cost for the test for beta-2 agonists, anabolic steroids, and blood doping agents.

(B) This cost shall be posted by the Commission Veterinarian and shall be deducted from the successful claimant's account with the horsemen's bookkeeper.

(4)(A) If for any reason the claimed horse is unable to go to the test barn following the race, the Commission Veterinarian or Commission Veterinarian's assistant will make reasonable efforts to reach the horse and obtain a blood, urine, and/or hair sample for testing.

(B) If for any reason the Commission Veterinarian or Commission Veterinarian's assistant is unable or otherwise fails to obtain a blood, urine, or hair sample, the successful claimant's right to revoke the claim under this subsection shall be forfeited.

(5) The successful claimant shall have the right to void the claim if the stewards determine that the blood, urine, or hair sample from the claimed horse exhibited a positive response to the test for any beta-2 agonist, anabolic steroid, or blood doping agent under the testing guidelines established by the Commission Veterinarian, provided, any such revocation of the claim must be submitted in writing to the stewards within the forty-eight-hour period after the stewards' decision on the positive test result is made public, as set forth below.

(6)(A) Once the stewards' determination of the positive test result for beta-2 agonists, anabolic steroids, and a blood doping agent is made public, the successful claimant shall have forty-eight (48) hours thereafter to exercise his or her right to revoke the claim.

(B) Such revocation must be in writing and must be submitted to the stewards within said forty-eight-hour time period.

(C) If no such revocation is received by the stewards within the designated forty-eight-hour time period, the successful claimant shall forfeit the right to revoke the claim.

(7) If the successful claimant revokes the claim in accordance with this subsection, the stewards shall order that the:

(A) Horse be returned promptly to the former owner from whom the horse was claimed; and

(B) Claim money be returned promptly to the claimant revoking the claim, regardless of any appeals, hearings, or other delays of any type.

(8) The successful claimant shall be responsible for all expenses for the care and maintenance of the horse from the time the horse is transferred to the claimant until the time the horse is returned to the prior owner following revocation of the claim in accordance with this subsection.

(9)(A) In the event a claimed horse suffers a fatality during the running of the race (or on the racetrack after the running of the race and before control of the horse is transferred to the claimant), or the horse is otherwise removed from the racetrack in the horse ambulance, the claim shall be declared void by the Board of Stewards unless the claimant notifies the Board of Stewards within fifteen (15) minutes after the race is declared official that the claimant desires for the claim to remain in effect.

(B) Any such notice must be provided within said fifteen-minute period by the claimant-owner or the claimant-owner's trainer, or by a representative thereof designated in writing for this purpose by the claimant-owner or claimant-owner's trainer to the Board of Stewards prior to the running of the race with respect to which the claim was submitted.

(10)(A) In the event a claimed horse suffers an injury during the running of the race (or on the racetrack after the running of the race and before control of the horse is transferred to the claimant), but the horse is not removed from the racetrack in the horse ambulance pursuant to instructions from the Association Veterinarian, contrary to instructions from the Association Veterinarian, because of unavailability of a horse ambulance, or because of other extenuating circumstances, e.g., horse is injured in the race, loses jockey, and runs loose off the track, the Board of Stewards may, after consultation with the Association Veterinarian, declare the claim void unless the claimant notifies the Board of Stewards within fifteen (15) minutes after the race is declared official that the claimant desires for the claim to remain in effect.

(B) Any such notice must be provided within said fifteen-minute period by the claimant-owner or the claimant-owner's trainer, or by a representative thereof designated in writing for this purpose by the claimant-owner or claimant-owner's trainer to the Board of Stewards prior to the race with respect to which the claim was submitted.

(l)(1) When claiming time has expired, the claiming box shall be delivered to the Racing Secretary or the Racing Secretary's deputy.

(2) The Racing Secretary or the Racing Secretary's deputy shall open the box, and thereafter all claims are in their possession.

(3) The claiming box shall be available in the office of the Racing Secretary each racing day until fifteen (15) minutes before scheduled post time of each race.

(4) Where after the claiming box shall be available in the possession of the Racing Secretary or the Racing Secretary's deputy.

(m) The Racing Secretary or the Racing Secretary's deputy, shall open the claim envelope for each race as soon as, but not until, the horses for said race enter the track on the way from paddock to post, and immediately thereafter check with the horsemen's bookkeeper to ascertain whether or not the proper credit balance has been established with the franchise holder.

(n) The stewards may at any time, in their discretion, require any person filing a claim to make affidavit in writing that they are claiming in accordance with the rules.

(o) Claims that are made not in keeping with the rules shall be void.

(p) A claimed horse shall run in the interest and for the account of the owner from whom claimed.

(q)(1) Title to a claimed horse shall be vested in the successful claimant at the time the horse becomes a starter, unless the claim is voided by the stewards or revoked by or on behalf of the claimant in accordance with this part.

(2) A horse is a starter when the stall doors of the starting gate open in front of it at the time the starter dispatches the horses.

(r)(1) Any horse that has been claimed shall, after the race has been run, be taken to a claimed horse exchange area approved by the Board of Stewards for delivery to the claimant.

(2) However, if a urine or other test is to be made, the horse shall be taken to the test barn and the test made immediately.

(3) Thereafter, possession of the horse shall be delivered to the claimant.

(s) A horse claimed shall not be delivered by the original owner to the successful claimant until written authorization is given by the Racing Secretary.

(t) No person shall refuse to deliver to the person legally entitled thereto a horse claimed out of a claiming race.

(u) **Multiple claims determined by draw — Invalid claims.**

(1) If more than one (1) claim is filed for the same horse, the title to the horse shall be determined by lot under the direction and supervision of one (1) or more of the stewards.

(2) After title to the claimed horse is determined by lot under this subsection, all other claims on that horse in the race shall be deemed null and void.

(3) Accordingly, if the winning claim determined by lot under this subsection is subsequently ruled invalid for any reason, title to the horse shall be returned to the owner of the horse prior to the lot draw.

(4) The successful claimant shall be responsible for all expenses for the care and maintenance of the horse from the time the horse is transferred to the claimant

until the time the horse is returned to the prior owner following invalidation of the winning claim.

(v)(1) For a period of twenty-seven (27) days after the claim, a claimed horse shall not start in a race in which the determining eligibility price is less than twenty-five percent (25%) more than the price at which it was claimed.

(2) The day claimed shall not count for purposes of counting the applicable twenty-seven-day period, and for this purpose, the immediate following calendar day after the day claimed shall be the first day.

(3) The horse shall be entitled to enter whenever necessary so that the horse may start on the twenty-eighth calendar day following the claim, for any claiming price.

(w)(1) No horse claimed in a claiming race shall be sold or transferred, wholly or in part, to anyone within thirty (30) days after the day claimed except in another claiming race.

(2) Further, when a horse is claimed at a recognized race meeting under rules that are at variance with this subsection, title to such horse shall be recognized in Arkansas to follow the rule of the race meeting under which it was claimed.

(x) No claimed horse shall remain in the same stable or under the care or management of the owner or trainer from whom claimed.

(y) A horse claimed at a recognized race meeting under rules which are at variance with those of Arkansas shall, while racing in Arkansas, pay the penalties imposed on claimed horses by the Arkansas rules, and shall pay any additional penalty imposed by the rules under which it was claimed.

(z)(1) The engagements of a claimed horse pass automatically with the horse to the claimant.

(2) Notwithstanding any designation of sex or age appearing on the racing program or in any racing publication, the claimant of a horse shall be solely responsible for determining the age or sex of the horse claimed.

(aa)(1) The holder of a claim, whether it be a mortgage, bill of sale, or lien of any kind against a horse, shall be required to file the same with the Racing Secretary previous to the time the horse is entered.

(2) Failure to do so shall forfeit his or her rights in the winnings of the horse previous to the time his or her claim is properly filed.

(bb) No person shall enter a horse in a claiming race without disclosing its true ownership.

(cc) An allegation of ownership of a horse entered in a claiming race will not be considered after closing time for claims on that race.

(dd) No person shall offer or enter into an agreement to claim or not to claim, or attempt to prevent another person from claiming, any horse in a claiming race.

(ee) No person shall attempt by intimidation to prevent anyone from running a horse in any claiming race for which it is entered.

(ff) No owner or trainer shall make any agreement for the protection of each other's horses in a claiming race.

(gg)(1) Any horse claimed at Oaklawn Jockey Club will not be eligible to start at any other track until the current Oaklawn meeting is closed, unless approved by the stewards.

(2) See also subsection (hh) of this section for additional restrictions on starting horses at other racetracks after the current Oaklawn meeting is closed.

(hh)(1) Except as otherwise provided in this subsection, no horse claimed during an Oaklawn race meet shall be eligible to race at another track for a period of thirty (30) days following the end of the Oaklawn racing season unless the claimed horse has subsequently run back in another race at Oaklawn following the claim.

(2) Horses claimed during the final twenty-one (21) calendar days of an Oaklawn race meet are excepted from the requirements of subdivision (hh)(1) of this section.

(3) Horses entered in good faith in a subsequent race at Oaklawn with appropriate conditions that are unable to run back because of failure of the subsequent race at Oaklawn to fill or failure to draw in from the also eligible list may be excepted from the requirements of subdivision (hh)(1) of this section, if approved by the Racing Secretary.

(4) Horses also may be excused from the requirements of subdivision (hh)(1) of this section with approval by the Racing Secretary and stewards in other appropriate circumstances where the horse was unable for good cause to run back in a subsequent race at Oaklawn.

Authority. Arkansas Code § 23-110-204.

History. Ark. R. 2025-32 (eff. December 12, 2025)

23 CAR § 357-612. Oaklawn Jockey Club Classix rules.

(a) The Classix pari-mutuel pool is not a parlay and has no connection with or relation to any other pari-mutuel pool conducted by Oaklawn, nor to any win, place, and show pool shown on the totalisator, nor to the rules governing the distribution of such other pools.

(b)(1) The Classix pari-mutuel pool consists of amounts contributed for a selection for win only in each of six (6) races designated by Oaklawn.

(2) Each person purchasing a Classix ticket shall designate the winning horse in each of the six (6) races comprising the Classix.

(c)(1) Those horses constituting an entry of coupled horses or those horses coupled to constitute the mutuel field in a race comprising the Classix shall race as a single wagering interest for the purpose of the Classix pari-mutuel pool calculations and payouts to the public.

(2) However, if any part of either an entry or the field racing as a single wagering interest is a starter in a race, the entry or the field selection shall remain as the designated selection to win that race for the Classix calculation and the selection shall not be deemed a scratch.

(d) The Classix pari-mutuel pool shall be handled as follows:

(1)(A) The net amount in the Classix pari-mutuel pool will be divided into the major share (seventy-five percent (75%)) and the minor (consolation) share (twenty-five percent (25%)).

(B) The major share (seventy-five percent (75%)) will be distributed among holders of Classix tickets which correctly designate the official winner in each of the six (6) races comprising the Classix.

(C) The minor share (twenty-five percent (25%)) will be distributed among the holders of Classix tickets which correctly designate the most official winners, but fewer than six (6), of the six (6) races comprising the Classix;

(2) In the event there is no pari-mutuel ticket properly issued which correctly designates the official winner in each of the six (6) races comprising the Classix, the major share (seventy-five percent (75%)) shall not be distributed, but shall be carried over to the next racing day and be added to the major share for distribution among holders of Classix tickets which correctly designate the official winner in each of the six (6) races comprising the Classix;

(3)(A) The management of Oaklawn reserves the right to cancel (terminate) Classix wagering.

(B) Public notice must be given at least seventy-two (72) hours prior to the date of cancellation (termination); and

(4) Should no distribution be made pursuant to subdivision (d)(1)(B) of this section on the last day of Oaklawn's meeting in which Classix wagering is offered (held), then that portion of the distributable pool and all moneys accumulated therein shall be distributed to the holders of tickets correctly designating the most winning selections of the six (6) races comprising the Classix for that day.

(e) In the event a Classix pari-mutuel ticket designates a selection in any one (1) or more of the races comprising the Classix and that selection is scratched, excused, or determined by the stewards to be a nonstarter in the race, the actual favorite, as evidenced by the amounts wagered in the win pool at the time of the start of the race, will be substituted for the nonstarting selection for all purposes, including pool calculations and payoffs.

(f) In the event of a dead heat for win between two (2) or more horses in any Classix race, all such horses in the dead heat for win shall be considered as winning horses in the race for the purpose of calculating the pool.

(g)(1)(A) No Classix shall be refunded except when all six (6) legs are cancelled or declared as "no contest".

(B) The refund shall apply only to the Classix pool established on that racing card.

(C) Any net pool carryover accrued from a previous Classix feature shall be further carried over to the next scheduled Classix pool operated by Oaklawn.

(2)(A) In the event that any number of races less six (6) comprising the Classix are completed, one hundred percent (100%) of the net pool for the Classix shall be distributed among holders of pari-mutuel tickets that designate the most winners in the completed races.

(B) No carryover from a previous day shall be added to the Classix pool in which less than six (6) races have been completed.

(C) Any net pool carryover accrued from a previous Classix feature shall be further carried over to the next scheduled Classix Pool operated by Oaklawn.

(h) No pari-mutuel ticket for the Classix Pool shall be sold, exchanged, or canceled after the time of the closing of wagering in the first of the six (6) races comprising the Classix, except for such refunds on Classix tickets as required by this part, and no person shall disclose the number of tickets sold in the Classix Pool, or the number or amount of tickets sold in the Classix Pool, or the number or amount of tickets selecting winners of the Classix races, until such time as the stewards have determined the last race comprising the Classix each day to be official.

(i) A Classix pari-mutuel ticket shall constitute a binding contract between the holder of the ticket and Oaklawn, and said ticket shall constitute an acceptance of the Classix rules.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-613. Pick-3 wagering.

(a) The Pick-3 pari-mutuel pool is not a parlay and has no connection with or relation to any other pari-mutuel pool conducted by the association, nor to any win, place, or show pool, nor to the rules governing the distribution of such other pools.

(b) A valid Pick-3 ticket shall be evidence of a binding contract between the holder of the ticket and the racing association, and the said ticket shall constitute an acceptance of Pick-3 provisions and rules.

(c)(1) The Pick-3 pari-mutuel pool consists of amounts contributed for a selection for win only in each of three (3) races designated by the association with prior approval of the Arkansas Racing Commission.

(2) Each person purchasing a Pick-3 ticket shall designate the winning horse in each of the three (3) races comprising the Pick-3.

(d)(1) Those horses constituting an entry of coupled horses or those horses coupled to constitute the field in a race comprising the Pick-3 shall race as a single wagering interest for the purpose of the Pick-3 pari-mutuel pool calculations and payouts to the public.

(2) However, if any part of either an entry or the field racing as a single interest is a starter in a race, the entry or the field selection shall remain as the designated selection to win in that race for the Pick-3 calculation, and the selection shall not be deemed a scratch.

(e) The net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of tickets that correctly designate the winners in all three (3) races comprising the Pick-3.

(f) If no ticket is sold combining the three (3) winners of the Pick-3, the net amount in the Pick-3 pari-mutuel pool shall be distributed among holders of tickets which include the winners of at least two (2) of the three (3) races comprising the Pick-3.

(g) If no ticket is sold combining at least two (2) winners of the Pick-3, the net amount in the Pick-3 pari-mutuel pool shall be distributed among holders of tickets which include the winner of any one (1) race comprising the Pick-3.

(h) If no ticket is sold that would require distribution of the Pick-3 pool to a winner under this section, the association shall make a complete and full refund of the Pick-3 pool.

(i) If for any reason one (1) of the races comprising the Pick-3 is cancelled, the net amount of the Pick-3 pari-mutuel pool shall be distributed as provided in subsections (f), (g), and (h) of this section.

(j) If for any reason two (2) or more of the races comprising the Pick-3 are cancelled, a full and complete refund will be made of the Pick-3 pool.

(k) In the event a Pick-3 ticket designates a selection in any one (1) or more of the races comprising the Pick-3 and that selection is scratched, excused, or determined by the stewards to be a nonstarter in the race, the actual favorite, as evidenced by the amounts wagered in the win pool at the time of the start of the race, will be substituted for the nonstarting selection for all purposes, including pool calculations and payoffs.

(l) In the event of a dead heat for win between two (2) or more horses in any Pick-3 race, all such horses in the dead heat for win shall be considered as winning horses in the race for the purpose of calculating the pool.

(m) No pari-mutuel ticket for the Pick-3 pool shall be sold, exchanged, or cancelled after the time of the closing of wagering in the first of the three (3) races comprising the Pick-3, except for such refunds on Pick-3 tickets as required by this section, and no person shall disclose the number of tickets sold in the Pick-3 pool or the number or amount of tickets selecting winners of Pick-3 races until such time as the stewards have determined the last race comprising the Pick-3 to be official.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-614. Trifecta wager.

(a) The Trifecta requires selection of the first three (3) finishers, in their exact order for a single race.

(b) The net Trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(1) As a single priced pool to those whose combination finished in correct sequence, as the first three (3) betting interests;

(2) If there are no such wagers in subdivision (b)(1) of this section, then as a single priced pool to those whose combination included, in correct sequence, the first two (2) betting interests;

(3) If there are no such wagers in subdivision (b)(1) or subdivision (b)(2) of this section, then as a single priced pool to those whose combination correctly selected the first place betting interest only; and

(4) If there are no such wagers in subdivision (b)(1), subdivision (b)(2), or subdivision (b)(3) of this section, then the entire pool shall be refunded on Trifecta wagers for that race.

(c)(1) If less than three (3) betting interests finish and the race is declared official, payoffs will be made based upon the order of finish of those interests completing the race.

(2) The balance of any selection beyond the number of betting interests completing the race shall be ignored.

(d) If there is a dead heat for first involving:

(1) Contestants representing three (3) or more betting interests, all of the wagering combinations selecting three (3) betting interests that correspond with any of the betting interests involved in the dead heat shall share in a profit split; or

(2) Contestants representing two (2) betting interests, both of the betting interests, irrespective of order, along with the third place betting interests shall share in a profit split.

(e) If there is a dead heat for second, all of the combinations correctly selecting the winner combined with any two (2) of the betting interests involved in the dead heat for second shall share in a profit split.

(f) If there is a dead heat for third, all wagering combinations correctly selecting the first two (2) finishers, in correct sequence, along with any of the betting interests involved in the dead heat for third shall share in a profit split.

(g)(1) Entries coupled as a single wagering interest and a field of horses when designated as a single wagering interest are permitted.

(2) Such a single wagering interest constitutes an individual wagering selection, and a scratch of any horse that is part of an entry or the field shall not constitute a scratch of the single wagering interest.

(h)(1) For Trifecta races, at least five (5) betting interests shall be carded, provided, if only four (4) betting interests are carded, or if scratches occurring after opening the Trifecta pool reduce the race to four (4) betting interests, Trifecta wagering on the race will still be permitted.

(2) However, in no event shall Trifecta wagering be allowed on a race with fewer than four (4) betting interests.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-615. Quinella wager.

(a)(1) The Quinella is not a parlay and has no connection with or relation to the win, place, and show pools.

(2) All tickets on the Quinella will be calculated in a separate pool.

(b)(1) All Quinella tickets will be for the win and place combination only.

(2) When purchasing a Quinella ticket, two (2) horses are selected, which must finish 1-2 or 2-1.

(3) For example, if numbers three (3) and six (6) are selected, they must come in three (3) first and six (6) second, or six (6) first and three (3) second.

(c)(1) Entries or field horses in a race comprising the Quinella shall race as single wagering interests for the purpose of pari-mutuel pool calculations and payouts to the public.

(2) If, in the event that any part of the entry or the field is a starter, there shall be no refund to persons wagering on such entry or field.

(3) In the event any part of an entry or the field finishes first, the order of finish of all other horses making up such entry or field will be disregarded in determining which horse finished second for the purpose of this section.

(d) Should any horse or horses entered in a Quinella race be scratched or excused by the stewards after wagering has commenced, or should any horse or horses be prevented from racing because of the failure of stall doors on the starting gate to open, all tickets including such horse or horses shall be deducted from the Quinella pool and refunded to the purchasers of tickets on the horse or horses so excused or prevented from racing.

(e) Should there be no tickets sold on the winning combination in a Quinella race, any and all Quinella tickets bearing the number of the individual win horse and any and all Quinella tickets bearing the number of the individual place horse shall be deemed winning tickets, and the payoff shall be calculated as a place pool.

(f) Should there be no tickets sold on the winning combination in a Quinella race and should there be no Quinella tickets sold bearing the number of the individual win horse, any and all Quinella tickets bearing the number of the individual place horse shall be deemed winning tickets, and the payoff shall be calculated as a win pool.

(g) Should there be no tickets on the winning combination in a Quinella race, and should there be no Quinella tickets sold bearing the number of the individual place horse, any and all tickets bearing the number of the individual win horse shall be deemed winning tickets, and the payoff shall be calculated as a win pool.

(h) Should there be no tickets on the winning combinations in a Quinella race, and should there be no Quinella tickets sold bearing the number of the individual win horse, and should there be no Quinella tickets sold bearing the number of the individual place horse, the Quinella shall be deemed no contest, and all money in the Quinella shall be promptly refunded.

(i) Should, after an official start is effected, only one (1) horse finish the Quinella race, the total money is figured as a win pool, with those who have picked that one (1) horse in the race participating in the pool.

(j) Should a two-horse dead heat for win result in a Quinella race, the two (2) horses involved in the dead heat shall be the winners of the Quinella race.

(k)(1) Should a multiple dead heat for win result in a Quinella race, all horses involved in the dead heat shall be winners of the Quinella and payoffs figured accordingly.

(2) Example: Should numbers one (1), three (3), and five (5) dead heat for win, the winning Quinella combinations would be 1-3, 1-5, 3-1, 3-5, 5-1, 5-3.

(3) The net pool, after deducting the amount wagered on the winning combinations, will be equally distributed in payoff calculations on the winning combinations.

(l) Should a two-horse dead heat for place result in a Quinella race, the total pool is calculated as a place pool.

(m) Should a multiple dead heat for place result in a Quinella race, all combinations coupling the winning horse with the individual place horses shall be winners of the Quinella race, and payoffs calculated accordingly.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-616. Superfecta pool.

(a) The Superfecta requires the selection of the first four (4) finishers, in their exact order, for a single race.

(b) The net Superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(1) As a single price pool to those whose combination finished in correct sequence as the first four (4) betting interests;

(2) If there are no such wagers in subdivision (b)(1) of this section, then as a single price pool to those whose combination included, in correct sequence, the first three (3) betting interests;

(3) If there are no such wagers in subdivisions (b)(1) or (b)(2) of this section, then as a single price pool to those whose combination included, in correct sequence, the first two (2) betting interests;

(4) If there are no such wagers in subdivision (b)(1), (b)(2), or (b)(3) of this section, then as a single price pool to those whose combination correctly selected the first place betting interest only; and

(5) If there are no such wagers in subdivision (b)(1), (b)(2), (b)(3), or (b)(4), then the entire pool shall be refunded on Superfecta wagers for that race.

(c)(1) If fewer than four (4) betting interests finish and the race is declared official, payoffs will be made based upon the order of finish of those betting interests completing the race.

(2) The balance of any selection beyond the number of betting interests completing the race shall be ignored.

(d) If there is a dead heat for first involving:

(1) Contestants representing four (4) or more betting interests, all of the wagering combinations selecting four (4) betting interests that correspond with any of the betting interests involved in the dead heat shall share in a profit split;

(2) Contestants representing three (3) betting interests, all of the wagering combinations selecting the three (3) dead heat betting interests, irrespective of order, along with the fourth place betting interest shall share in a profit split; and

(3) Contestants representing two (2) betting interests, both of the wagering combinations selecting the two (2) dead-heated betting interests, irrespective of order, along with the third place and fourth place betting interests shall share in a profit split.

(e) If there is a dead heat for second involving:

(1) Contestants representing three (3) or more betting interests, all of the wagering combinations correctly selecting the winner combined with any of the three (3) betting interests involved in the dead heat for second shall share in a profit split; and

(2) Contestants representing two (2) betting interests, all of the wagering combinations correctly selecting the winner, the two (2) dead-heat betting interests, irrespective of order, and the fourth place betting interest shall share in a profit split.

(f) If there is a dead heat for third, all wagering combinations correctly selecting the first two (2) finishers, in correct sequence, along with any two (2) of the betting interests involved in the dead heat for third shall share in a profit split.

(g) If there is a dead heat for fourth, all wagering combinations correctly selecting the first three (3) finishers, in correct sequence, along with any of the betting interests involved in the dead heat for fourth shall share in a profit split.

(h)(1) Entries coupled as a single wagering interest and a field of horses when designated as a single wagering interest are permitted.

(2) Such a single wagering interest shall constitute an individual wagering selection, and a scratch of any horse that is part of an entry or the field shall not constitute a scratch of the single wagering interest.

(i)(1) In the event that more than one (1) component of a field or coupled entry finishes within the first four (4) finishing positions, the first member of the field or coupled entry to finish shall determine the position (first, second, third, or fourth) of the single betting interest.

(2) The net pool shall then be distributed to those whose selection included the field or coupled entry and each of the other three (3) betting interests in accordance with the priorities otherwise set forth in this Superfecta rule.

(j) For Superfecta races, at least six (6) betting interests shall be carded, provided, however, if only five (5) betting interests are carded, or if scratches occurring after opening reduce the Superfecta pool to five (5) betting interests, Superfecta wagering on the race shall still be permitted, but in no event shall Superfecta wagering be allowed on a race with fewer than five (5) betting interests.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-617. Pick-4 wagering.

(a)(1) The Pick-4 requires selection of the first-place finisher in each of four (4) designated races.

(2) The association shall designate the four (4) races comprising the Pick-4, with prior approval of the Arkansas Racing Commission.

(3) Any changes to the approved Pick-4 format shall require prior approval from the commission.

(b)(1) The net Pick-4 pool shall be distributed as a single price pool among the holders of valid tickets that designate the first-place finisher in the greatest number of races comprising the Pick-4, based upon the official order of finish.

(2) For example, the net amount in the Pick-4 pool shall be distributed among the holders of valid tickets that correctly designate the official winner of all four (4) races comprising the Pick-4.

(3) If there is no valid ticket sold that correctly designates the official winner of all four (4) of the Pick-4 races, the net amount in the Pick-4 pool shall be distributed among the holders of valid tickets that correctly designate the official winner of any three (3) of the races comprising the Pick-4.

(4) If there is no valid ticket sold that correctly designates the official winner of at least three (3) of the Pick-4 races, the net amount in the Pick-4 pool shall be distributed among the holders of valid tickets that correctly designate the official winner of any two (2) of the races comprising the Pick-4.

(5) If there is no valid ticket sold that correctly designates the official winner of at least two (2) of the Pick-4 races, the net amount in the Pick-4 pool shall be distributed among the holders of valid tickets that correctly designate the official winner of any one (1) of the races comprising the Pick-4.

(6) If there are no winning wagers, i.e., if there is no valid ticket sold that correctly designates the official winner of at least one (1) of the Pick-4 races, the Pick-4 pool shall be refunded.

(c) If there is a dead heat for first in any of the Pick-4 races involving horses representing:

(1) The same betting interest, the net Pick-4 pool shall be distributed as if no dead heat occurred; and

(2) Two (2) or more betting interests, all such horses in the dead heat for win shall be considered as winning horses in the race for purposes of calculating the Pick-4 pool and payouts to the public.

(d)(1) Should a betting interest in any of the Pick-4 races be scratched, the actual favorite, as evidenced by total amounts wagered in the win pool at the host association for the race at the close of wagering on that race, shall be substituted for the scratched betting interest for all purposes of the Pick-4, including Pick-4 pool calculations.

(2) In the event that the win pool total at the host association for the race at the close of wagering on that race for two (2) or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number.

(3) The totalisator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

(e)(1) Those horses constituting an entry of coupled horses or those horses coupled to constitute the field in a race comprising the Pick-4 shall race as a single wagering interest for purposes of the Pick-4 pool calculations and payouts to the public.

(2) If only part of an entry or part of the field racing as a single interest scratch and any part of the entry or part of the field racing as a single interest is a starter in the race, the entry or the field selection shall remain as the designated selection to win in that race for the Pick-4 calculation, and the selection of the entry or field, as the case may be, shall not be deemed a scratch.

(f) The Pick-4 pool shall be canceled and all Pick-4 wagers for that Pick-4 shall be refunded if at least three (3) contests included as part of such Pick-4 are canceled or declared no contest.

(g) If one (1) or two (2) contest or contests included as part of a Pick-4 are canceled or declared no contest, the net Pick-4 pool shall be distributed as a single price pool among the holders of valid tickets that designate the first-place finisher in the greatest number of remaining Pick-4 races for that Pick-4.

(h)(1) Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of live tickets remaining is strictly prohibited until such time as the stewards have determined the last race comprising the Pick-4 to be official.

(2) This shall not prohibit necessary communication between totalisator and Pari-mutuel Department employees for processing of pool data.

(i) The association may suspend previously approved Pick-4 wagering with the prior approval of the commission.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-618. Pick-5 wagering.

(a)(1) The Pick-5 requires the selection of the first-place finisher in each of five (5) designated races.

(2) The association shall designate the five (5) races comprising the Pick-5 with prior approval of the Arkansas Racing Commission.

(3) Any changes to the approved Pick-5 format shall require approval from the commission.

(b)(1) The net Pick-5 pool shall be distributed as a single price pool among the holders of valid tickets that designate the first-place finisher in the greatest number of races comprising the Pick-5, based upon the official order of finish.

(2) For example, the net amount in the Pick-5 pool shall be distributed among the holders of valid tickets that correctly designate the official winner of all five (5) races in the Pick-5.

(3) If there is no valid ticket sold that correctly designates the official winner of all five (5) of the Pick-5 races, the net amount in the Pick-5 pool shall be distributed among the holders of valid tickets that correctly the designate the official winner of any four (4) of the races comprising the Pick-5.

(4) If there is no valid ticket sold that correctly designates the official winner of at least four (4) of the Pick-5 races, the net amount in the Pick-5 pool shall be

distributed among holders of valid tickets that correctly designate the official winner of any three (3) of the races comprising the Pick-5.

(5) If there is no valid ticket sold that correctly designates the official winner of at least three (3) of the Pick-5 races, the net amount in the Pick-5 pool shall be distributed among holders of valid tickets that correctly designate the official winner of any two (2) of the races comprising the Pick-5.

(6) If there is no valid ticket sold that correctly designates the official winner of at least two (2) of the Pick-5 races, the net amount in the Pick-5 pool shall be distributed among holders of valid tickets that correctly designate the official winner of any one (1) of the races comprising the Pick-5.

(7) If there are no winning wagers, i.e., if there is no valid ticket sold that correctly designates the official winner of at least one (1) of the Pick-5 races, the Pick-5 pool shall be refunded.

(c) If there is a dead heat for first in any of the Pick-5 races involving:

(1) Horses representing the same betting interest, the net Pick-5 pool shall be distributed as if no dead heat occurred; and

(2) Horses representing two (2) or more betting interests, all such horses in the dead heat for win shall be considered as winning horses in the race for purposes of calculating the Pick-5 pool and payouts to the public.

(d)(1) Should a betting interest in any of the Pick-5 races be scratched, the actual favorite, as evidenced by total amounts wagered in the win pool at the host association for the race at the close of wagering on that race, shall be substituted for the scratched betting interest for all purposes of the Pick-5, including the Pick-5 pool calculations.

(2) In the event that the win pool total at the host association for the race at the close of wagering on that race for two (2) or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number.

(3) The totalisator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

(e)(1) Those horses constituting an entry of coupled horses or those horses coupled to constitute the field in a race comprising the Pick-5 shall race as a single wagering interest for purposes of the Pick-5 pool calculations and payouts to the public.

(2) If only part of an entry or part of the field racing as a single interest scratch and any part of the entry or part of the field racing as a single interest is a starter in the race, the entry or the field selection shall remain as the designated selection to win in that race for the Pick-5 calculation, and the selection of the entry or field, as the case may be, shall not be deemed a scratch.

(f) The Pick-5 pool shall be canceled and all Pick-5 wagers for that Pick-5 shall be refunded if at least three (3) contests included as part of such Pick-5 are canceled or declared no contest.

(g) If one (1) or two (2) contests included as part of a Pick-5 are canceled or declared no contest, the net Pick-5 pool shall be distributed as a single price pool among the holders of valid tickets that designate the first-place finisher in the greatest number of remaining Pick-5 races for that Pick-5.

(h)(1) Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of live tickets remaining is strictly prohibited until such time as the stewards have determined the last race comprising the Pick-5 to be official.

(2) This shall not prohibit necessary communication between totalisator and Pari-mutuel Department employees for processing of pool data.

(i) The association may suspend previously approved Pick-5 wagering with the prior approval of the commission.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-619. Instant Racing #5, Instant Double

(a)(1) **Summary.** Instant Double is a method of pari-mutuel wagering which requires selection of one (1) or more of the first three (3) finishers for each of two (2)

races selected from a historical library of previously run races that are replayed from a central video server according to the following procedures:

(A) (The first race from the historical library is selected at random before the player enters any selection;

(B) The player may examine one (1) or more charts including past performance information showing the relative merits of the horses as they actually were on the day of the first race;

(C) After the player's selections are registered, the identity of the first race is revealed, a video segment of the race finish is shown, and the actual official results are displayed;

(D)(i) A player qualifies to play the bonus game by matching some or all of the first three (3) finishers of the first race in one (1) of several different ways.

(ii) See ways to qualify for bonus game;

(E)(i) In the bonus game, the player's selections are matched with a second race, the bonus race, selected from the historical library.

(ii) Any winnings may be collected instantly; and

(F) The results of the bonus game are displayed as a pattern of symbols for easy identification.

(2) **Wager amounts.**

(A) Acceptable wagering units shall be no lower than "5¢ Per Play" (\$0.05) and no higher than "\$20 Per Play" (\$20.00).

(B) The franchise holder shall designate a maximum number of unit bets per wager, no higher than ten (10).

(C) For players who purchase the maximum number of unit bets in one (1) wager, the highest value pool shall be augmented by the maximum bet jackpot pool, if available.

(3) **Pool split.** After the applicable takeout as approved by the Arkansas Racing Commission has been deducted from the wager, the remaining amount shall be apportioned among several separate pools which have been carried over from previous races played by all players:

(A) The remaining amount after takeout of the bet amount shall be apportioned among a pool for each of several ways to win, the maximum bet jackpot pool if available, and to the seed pool, depending on its current amount;

(B) The takeout rate and allocation to each pool may be different for each of the bet amounts from one to the maximum number of bet units.

(4) **Ways to qualify for bonus game.** Some or all of the following ways to qualify for the bonus game may be included, or other similar ways may be declared with approval of the commission:

(A) **3 Exact Order.** The player's selections correctly match the first three (3) finishers of the first race in exact order;

(B) **3 Any Order.** The player's selections correctly match the first three (3) finishers of the first race in any order;

(C) **Top 2 Exact Order.** The player's top two (2) selections correctly match the first two (2) finishers of the first race in exact order;

(D) **Top Pick Wins Race.** The player's top selection correctly matches the first (winning) finisher of the first race;

(E) **Any 2 of 3.** The player's selections correctly match any two (2) of the first three (3) finishers of the first race in any order; and

(F) **In the Money.** Any one (1) of the player's three (3) selections correctly matches the first, second, or third finisher of the first race.

(5) **Ways to win the bonus game.** A wager may qualify to win the bonus game using the following procedure:

(A) The bonus race shall be selected using various designated permutations of the player's selections in a manner set by the franchise holder and reported to the commission;

(B) The franchise holder may elect to associate each of the several separate pools with a group of two (2) or more of these ways to win so that either:

(i) Each such way to win shall be an equivalent way to win that pool;

or

(ii) One (1) such way to win shall be paid a designated multiple of the payment calculated for another way to win;

(C) One (1) or more of the ways to win may be designated to participate in the maximum bet jackpot pool, only for those players who purchase the maximum number of unit bets in one (1) wager; and

(D) Some or all of the following ways to win may be included, or other similar ways may be declared with approval of the commission:

(i) **3 Exact Order.** The player's selections correctly match the first three (3) finishers of the bonus race in exact order;

(ii) **3 Any Order.** The player's selections correctly match the first three (3) finishers of the bonus race in any order;

(iii) **Third-Second-First.** The player's selections match the first three (3) finishers of the bonus race in reverse order;

(iv) **Top 2 Exact Order.** The player's top two (2) selections correctly match the first two (2) finishers of the bonus race in exact order, and the player's third selection is ignored;

(v) **Top Pick Wins Race.** The player's top selection correctly matches the first (winning) finisher of the bonus race, and the player's second and third selections are ignored;

(vi) **Top 2 Exact Order Only.** The player's top two (2) selections correctly match the first two (2) finishers of the bonus race in exact order, but the player's third selection matches nothing;

(vii) **Top Pick Wins Race Only.** The player's top selection correctly matches the first (winning) finisher of the bonus race, but the player's second and third selections match nothing; and

(viii) **3 Any Order Consolation.** The player's selections fail to match any other way to win in the bonus race, but do correctly match the first three (3) finishers of the first race in any order.

(6) Payment calculation.

(A) The winning price for a pool shall be calculated as follows:

(i) The entire amount in the pool after takeout shall be divided by the maximum number of unit bets, then;

(ii) If there are other ways to win this pool that specify a multiple, the result shall be further divided by the largest multiple, then;

(iii) The result shall be rounded down if necessary for price round-off (breakage), then;

(iv) The result shall be raised if necessary to the minimum payoff amount, then;

(v) The result shall be multiplied by the actual number of unit bets wagered, then;

(vi) If the way to win this pool specifies a multiple, the result shall be further increased by that multiple; and

(vii) Only for players who purchase the maximum number of unit bets in one (1) wager, if this way to win has been designated to be paid the maximum bet jackpot pool, then that amount shall be added to the winning price, rounded down if necessary for price round-off (breakage).

(B) When a wager qualifies for more than one (1) way to win, only the largest single amount qualified for shall be paid.

(C) Each way to win has a minimum payoff amount for winning wagers, which shall be posted.

(D) In the case of a minus pool, the minimum payoff amount shall not be less than the amount of one (1) unit bet wagered.

(E) If two (2) players qualify to win the same pool within a short time, the first winner shall be paid an amount calculated from the current pool and the second shall be paid an amount calculated from the new pool, which may begin with the minimum payoff amount.

(7) **Dead heat.** A race that has a dead heat for first, second, or third shall not be used for Instant Double wagering.

(8) **Coupled entries, mutuel fields.**

(A) A race involving coupled entries or mutuel fields shall not be used for Instant Double wagering if there are two (2) or more betting interests live for a single horse number.

(B)(i) The one (1) remaining live betting interest of a coupled entry or mutuel field shall be represented by its horse number without a letter.

(ii) For example, horse number "1" represents either horse "1" or "1A".

(9) Seed pool.

(A) To cover the cases when one (1) of the minimum payoff amounts is paid, the seed pool is accumulated from a designated percent of wagers.

(B) Each time the application of the minimum payoff results in a payoff amount in excess of the actual amount available in the pool, the shortfall shall be deducted from the seed pool.

(C) After a pool is paid, the actual amount of the pool may be seeded from the seed pool to a specified initial amount.

(D) While the seed pool is below a designated threshold amount, the allotments to the other pools are each decreased and the difference shall increase the allotment to the seed pool.

(10) Commission approval.

(A) The takeout rate may not exceed seventeen percent (17%).

(B) The method of apportioning wagers to each of the pools shall be set by the franchise holder and reported to the commission.

(C) The method of seeding pools shall be set by the franchise holder and reported to the commission.

(D) The number of pools and specific ways to win, and specific ways to qualify for the bonus game, declared from time to time by the franchise holder from the list set forth above or other similar ways approved by the commission, shall be set by the franchise holder and reported to the commission.

(E) The bonus race selection method shall be approved by the commission.

(F) Should the Instant Double pools be designated for termination or mandatory distribution on a specific date, a method approved by the commission shall be used.

(G) The percents for apportioning the wager among takeout and the various pools will be posted.

(b)(1)(A) Only wagers that are pari-mutuel and processed through a recognized pari-mutuel totalisator system may be accepted.

(B) Wagers placed in accordance with the Instant Double rules adopted by the commission contemporaneously herewith are pari-mutuel.

(2)(A) Races shall be randomly selected from a historical library of actual races that have previously been run.

(B) Only races that were run at licensed racetracks may be used.

(C) It shall not be necessary that each patron be wagering on the same race.

(3)(A) All wagers, less the applicable takeout, will be placed in pari-mutuel pools as approved by the commission.

(B) The takeout may not exceed seventeen percent (17%).

(4)(A) Minimum payout on winning wagers will be ten cents (\$0.10) on the dollar, unless that results in a minus pool, in which event, the minimum payout on winning wagers may be as low as the amount of the wager itself.

(B) The effective breakage will be ten cents (\$0.10) on the dollar, except when minimum payouts are less than ten cents (\$0.10) on the dollar.

(5) The total amount in each pari-mutuel pool shall be posted at all times.

(6) Minimum payouts shall be posted at all times.

(7) The tax rate will be the same as for simulcasting.

(8)(A) Except as provided in Arkansas Code § 23-110-405(b)(3)(B), no purse and construction fund amounts will be withheld from the wager or included as part of the takeout.

(B) Except as provided in Arkansas Code § 23-110-405(b)(3)(B), no portion of the takeout shall be allocated to the purse and construction fund.

(9)(A) Oaklawn will receive this simulcast product on replayed races from RaceTech, LLC, pursuant to agreements with the racetracks where the races were actually run, and shall relay the product to Southland and ultimately later on to other racetracks.

(B) Southland, and eventually other racetracks, will wager through Oaklawn's pools.

(10) Reports and tax payments to the state will be made on a monthly basis.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-620. Purse, construction, and patronage and tourism promotion fund.

(a)(1) Pursuant to Arkansas Code § 23-110-407(a)(3)(A), the franchise holder shall retain four and one-half percent (4.5%) of all moneys wagered on races where the wagerer is required to select one (1) horse, and three and one-half percent (3.5%) of all moneys wagered on races where the wagerer is required to select more than one (1) horse, i.e., the "purse, construction, and patronage and tourism promotion moneys", which retained amounts shall be reflected in a separate account on the franchise holder's books designated "purse, construction, patronage and tourism fund".

(2) In addition, the franchise holder shall retain and deposit into the purse, construction, and patronage and tourism fund account the amount required to be withheld by the franchise holder for such purposes pursuant to Arkansas Code § 23-110-405(b)(3)(B), and such amounts shall likewise be considered purse, construction, and patronage and tourism promotion money.

(b)(1) The purse, construction, and patronage and tourism promotion fund account shall be established and maintained in federally insured financial institutions selected by the franchise holder.

(2) Such financial institutions shall be located in the State of Arkansas, provided, however, if the franchise holder obtains a loan for construction purposes from a financial institution located outside the State of Arkansas, the purse, construction, and

patronage and tourism promotion fund account may be maintained there as long as the loan is outstanding.

(3) All such funds shall be maintained in interest-bearing accounts whenever reasonably possible.

(4) Purse, construction, and patronage and tourism promotion moneys shall be used only for purses and construction, for debt service on money borrowed by the franchise holder for construction, or for promotions to encourage patronage and tourism consistent with the provisions of Arkansas Code § 23-110-407(a)(3).

(c)(1) "Construction", as used in this section, shall include all items and expenditures incurred in keeping the overall racing facility in the best possible condition for the patrons, horsemen, and franchise holder, including, without limitation, land acquisition (provided that the franchise holder submits plans for utilizing the acquired land for an approved purpose within five (5) years of the acquisition), new construction with related equipment, and reconstruction, renovation, reconditioning, and repairing of facilities with related equipment.

(2) "Construction", as used in this section, shall not include ordinary or routine maintenance of the overall racing facility and shall not include the construction or improvement of areas of the racing facility not generally accessible by or used for the benefit of the horsemen or patrons, or both.

(3) "Construction", as used in this section, shall not apply to office furniture, office telephones, or other office equipment primarily devoted to the use of the franchise holder and providing little or no benefit to either horsemen or patrons, or both.

(d) The franchise holder may be reimbursed only for construction and patronage and tourism promotion expenditures from the purse, construction, and patronage and tourism promotion fund after submitting a claim that itemizes each expenditure listing the specific expenditure and the payee of the expenditure and stating in specific terms with respect to construction expenditures how the expenditure jointly benefits the patrons, horsemen, and franchise holder.

(e)(1) The Arkansas Racing Commission shall have jurisdiction and shall seek the assistance of the Department of Finance and Administration to check and verify compliance by the franchise holder with the provisions of this section.

(2) The commission shall make periodic determinations as to compliance under this section and under such other rules as the commission shall adopt.

(f)(1) The franchise holder must deliver to the commission any documents reasonably requested by the commission, and the franchise holder must deliver to the department any documents reasonably requested by the department, to check and verify compliance with this section, within thirty (30) days of receiving a written request for the documents.

(2) If the commission does not receive the documents requested by the commission within the time period provided, or if the department does not receive the documents requested by the department within the time period provided (and the Secretary of the Department of Finance and Administration so notifies the commission), no reimbursement shall be approved from the purse, construction, and patronage and tourism promotion fund until the documents are delivered.

(g)(1) The franchise holder may seek prior approval from the commission for expenditures.

(2) The application for the approval must contain the information required by subsection (d) of this section, provided if the exact amount of the expenditure is not then known, the franchise holder shall use its best estimate, and if the precise contractor or payee is not then known, the franchise holder may provide that information prior to final approval of the expenditure by the commission as set forth below.

(3) The initial approval will be subject to a final approval by the commission that the expenditures were made for the approved purposes in compliance with the requirements of this part and Arkansas Code § 23-110-407(a)(3), and the commission shall seek assistance from the department to verify that the expenditures were made for the approved purposes.

(h)(1) The franchise holder shall be solely responsible for planning and accomplishing all construction and for accountings.

(2) Before undertaking any construction project estimated to cost one hundred thousand dollars (\$100,000) or more, the franchise holder shall give the committee (identified in subsection (l) of this section) at least fifteen (15) days' notice of the proposed project and its estimated cost, which notice shall contain sufficient information to adequately apprise the committee of what is being undertaken.

(3) If the committee wants a meeting concerning the proposed project, it shall advise the franchise holder within the fifteen (15) days.

(4) If there is no request for a meeting, the franchise holder may proceed with the project.

(5) If there is a request for a meeting, the franchise holder may proceed after the meeting in accordance with the action taken by the committee at the meeting.

(6) If the estimated cost of a project is less than one hundred thousand dollars (\$100,000), the franchise holder may proceed immediately, but must notify the committee within sixty (60) days of the project and its estimated cost, which notice shall contain sufficient information to adequately apprise the committee of what is being undertaken.

(7) If the committee wants a meeting concerning the proposed project, it shall advise the franchise holder within fifteen (15) days after receipt of the notice.

(8) If there is no request for a meeting, the franchise holder may proceed with the project.

(9) If there is a request for a meeting, the franchise holder may proceed after the meeting in accordance with the action taken by the committee at the meeting.

(i)(1) On or before June 1 of each year the franchise holder shall file a report with the committee reflecting the purpose and amounts of expenditures for construction and promotions to encourage patronage and tourism during the preceding calendar year.

(2) The report shall be accompanied by a statement from the franchise holder's independent certified public accounting firm that the report accurately reflects

the purposes and amounts of construction and patronage and tourism promotion expenditures.

(3) Also, on or before June 1 of each year, the franchise holder shall file a report with the committee specifying the amount of purse, construction, and patronage and tourism promotion moneys used for purses during the preceding calendar year.

(j)(1) The purse, construction, and patronage and tourism promotion moneys shall not be subject to the provisions of any contract or agreement between the franchise holder and the organization representing horsemen, to the end that any contractual obligations for the use of moneys for purses shall not apply to any expenditures for construction or patronage and tourism promotion out of the purse, construction, and patronage and tourism promotion moneys, and any expenditures for purses out of the purse, construction, and patronage and tourism promotion moneys shall be in addition to contractual purse obligations affecting moneys other than the purse, construction, and patronage and tourism promotion moneys.

(2) The franchise holder shall determine the amount of the purse, construction, and patronage and tourism promotion moneys to be used for the authorized purposes, except that at least one-half (1/2) of the purse, construction, and patronage and tourism promotion moneys must be used for purses.

(k) No expenditures shall be made from the purse, construction, and patronage and tourism promotion fund to any construction company, material supplier, or other entity directly involved in an actual construction project in which an officer, director, employee, or shareholder of the franchise holder or their spouse, children, or grandchildren have any type of significant financial interest, or receive significant financial benefits.

(l)(1) The commission shall appoint a three-member committee, to include the secretary (the "committee"), to examine and to approve or disapprove, in whole or in part, the reports filed by the franchise holder pursuant to subsection (i) of this section.

(2) Committee action shall be reported to the full commission for approval or ratification, but the franchise holder may proceed on the basis of any committee action until it shall be notified that the full commission has taken contrary action.

(3) The committee may, in its discretion, have an auditor from the department conduct an audit of all deposits and expenditures of purse, construction, and patronage and tourism promotion fund moneys for any calendar year.

(4) In that event, the franchise holder shall make available to the auditor all records necessary for the audit.

(m)(1) As authorized by Arkansas Code § 23-110-407(a)(3), accountings for expenditures for construction and patronage and tourism promotion out of the purse, construction, and patronage and tourism promotion fund moneys may utilize a multi-year approach based on a multi-year program being undertaken by the franchise holder so that accountability for expenditures may be based on expenditures made during the entire multi-year period out of the purse, construction, and patronage and tourism promotion fund moneys derived during the multi-year period, provided that the multi-year period shall not exceed five (5) years, unless the commission makes a specific determination that a longer period is necessary to finance long-term construction projects for the joint benefit of patrons, horsemen, and the franchise holder.

(2) Authorized expenditures will be determined on the basis of what is expended during the entire multi-year period and not on what is expended in any one (1) year.

(3) For example, if in the first year less is expended for construction than the eligible amount, the unused amount will carry over to the next year and if in that year more is expended than the eligible amount plus any carry over, the excess shall be carried forward to the next year and credited against the franchise holder's expenditures, and so forth.

(n)(1) If money is borrowed for an authorized purpose, then purse, construction, and patronage and tourism promotion moneys may be used for debt service (principal, interest, and service charges) on the loan.

(2) The franchise holder shall account to the commission for expenditures from the proceeds of any loan, to ensure that eligible items are involved.

(o) If the amount of approved expenditures exceeds the balance of the purse, construction, and patronage and tourism promotion fund, the excess amount will

remain payable to the franchise holder out of the purse, construction, and patronage and tourism fund, provided that, with respect to expenditures incurred by the franchise holder on or after January 1, 2001, interest shall not accrue on the deficit balance, unless the interest is payable to an unrelated third-party lender with respect to indebtedness directly incurred to finance construction expenditures as contemplated by this section and Arkansas Code § 23-110-407(a)(3).

(p)(1) If the franchise holder makes any expenditure of purse, construction, and patronage and tourism promotion moneys in good faith and it is subsequently determined that all or part of that expenditure does not qualify as an authorized purpose under this part or Arkansas Code § 23-110-407(a)(3), the franchise holder may use the unqualified amount for another purpose that is qualified.

(2) If, after the franchise holder is afforded that opportunity, there is a final determination that there remains at the end of the applicable multi-year period an amount that represents an unauthorized expenditure, that amount shall be paid to the commission for the use and benefit of the State of Arkansas.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-621. Instant Racing purse and awards.

(a) The franchise holder shall pay to the Arkansas Racing Commission for deposit in the Arkansas Racing Commission Purse and Awards Fund, to be used for purse supplements, breeders' awards, owners' awards, and stallion awards as provided in Arkansas Code § 23-110-409, an amount equal to one percent (1%) of the net takeout from pari-mutuel wagering at the franchise holder's racetrack facility under the Electronic 1-2-3 (thoroughbred) rules.

(b) For this purpose, net takeout shall be the amount of the applicable takeout from the wagering pool remaining after payments for system and race rights usage fees.

Authority. Arkansas Code § 23-110-204.

23 CAR § 357-622. Advance deposit wagering.

(a) As used in this section:

(1) "ADW" means advance deposit wagering;

(2) "Commission" means the Arkansas Racing Commission;

(3) "Federal Interstate Horseracing Act" means the federal Interstate Horseracing Act of 1978, as amended, 15 U.S.C. § 3001 et seq., as in effect on the effective date of this section;

(4) "Franchise holder" means the holder of a franchise to conduct pari-mutuel wagering on:

(A) Horse racing under the Arkansas Horse Racing Law, Arkansas Code § 23-110-101 et seq.; or

(B) Greyhound racing under the Arkansas Greyhound Racing Law, Arkansas Code § 23-111-101 et seq;

(5) "Greyhound racing franchise holder" means the holder of a franchise to conduct pari-mutuel wagering on greyhound racing under the Arkansas Greyhound Racing Law, Arkansas Code § 23-111-101 et seq;

(6) "Horse racing franchise holder" means the holder of a franchise to conduct pari-mutuel wagering on horse racing under the Arkansas Horse Racing Law; and

(7) "Other ADW provider" means any individual or entity licensed in a jurisdiction other than Arkansas to engage in ADW on horse or greyhound racing that accepts advance deposit wagers from Arkansas residents, under the applicable law of the jurisdiction where the individual or entity is so licensed, and in the case of horse racing, under the federal Interstate Horseracing Act of 1978.

(b)(1) Horse racing franchise holders may conduct ADW under Arkansas Code § 23-110-405(e) and in accordance with this section.

(2) Greyhound racing franchise holders may conduct ADW under Arkansas Code § 23-111-508(e) and in accordance with this section.

(c) A franchise holder's patrons may, with money on deposit in an account with the franchise holder, place wagers by communication through telephone or other mobile

device, or through other electronic means, on races conducted at the franchise holder's racetrack facility and races (horse and greyhound) at other racetracks, whether or not the patron is located on the grounds of the franchise holder's racetrack facility when placing the wager.

(d) A franchise holder or other ADW provider may not accept advance deposit wagers under this section on any horse or greyhound race unless the franchise holder or other ADW provider, as the case may be, has the consent of the host racetrack, i.e., the racetrack where the race is conducted, allowing the franchise holder or other ADW provider, as the case may be, to accept wagers on such race.

(e)(1) Prior to conducting ADW under this part, the franchise holder shall provide to the Arkansas Racing Commission the franchise holder's proposed rules governing patrons' ADW accounts, and such rules shall be subject to approval by the commission.

(2) Such ADW account rules, as approved by the commission, shall be made available to each account holder at the time the ADW account is opened, either online at the franchise holder's internet website or ADW platform, or in other written form delivered, mailed, or otherwise made reasonably available to the account holder.

(f)(1)(A) ADW accounts may be opened only by an individual eighteen (18) years of age or older.

(B) An applicant for an ADW account with a franchise holder must provide to the franchise holder the applicant's name, resident address, mailing address if different, Social Security number, date of birth, and such other information required by the franchise holder's ADW account rules.

(C) Any person that submits a birth date that indicates they are under eighteen (18) years of age shall be denied the ability to register for an ADW account.

(2)(A)(i) Identity verification shall be undertaken before a player is allowed to place a wager using an ADW account.

(ii) Third-party service providers may be used for identity verification as allowed by the commission.

(B) Identity verification shall authenticate the legal name, physical address, and age of the individual at a minimum as required by the commission.

(C) Identity verification shall also confirm that the person is not on any exclusion list held by the franchise holder or the commission to the extent disclosed to the franchise holder by the commission or prohibited from establishing or maintaining a wagering account for any other reason under this part.

(D) Details of identity verification shall be kept in a secure manner.

(3) The ADW account can only become active once age and identity verification are successfully completed, the patron is determined to not be on any exclusion lists as provided in this part or prohibited from establishing or maintaining an account for any other reason under this part, the patron acknowledged the necessary privacy policies and terms and conditions, and the ADW account registration is complete.

(4) A patron shall only be permitted to have one (1) active player ADW account at a time unless specifically authorized by the commission.

(5)(A) The system shall allow the ability to update passwords, registration information, and the account used for financial transactions for each patron.

(B) A multi-factor authentication process may be employed for these purposes.

(6)(A)(i) A player accesses their ADW account using a username (or similar) and password, or a secure alternative means for the patron to perform authentication to log in to the ADW account.

(ii) Authentication methods are subject to the discretion of the commission as necessary.

(iii) The requirement does not prohibit the option for more than one (1) method of authentication being available for a patron to access their wagering accounts.

(B) If the system does not recognize the username and/or password when entered, an explanatory message shall be displayed to the patron which prompts the patron to re-enter the information.

(C) Where a patron has forgotten their username and/or password, a multi-factor authentication process may be employed for the retrieval of the username/resetting of the password.

(D) Current account balance information and transaction options shall be available to the patron once authenticated.

(E)(i) The ADW account shall support a mechanism that allows for an ADW account to be locked in the event that suspicious activity is detected, e.g. too many failed attempts for login.

(ii) A multi-factor authentication process may be employed for the ADW account to be unlocked.

(g)(1) Franchise holders and other ADW providers conducting ADW under this section shall operate a secure ADW platform consistent with, or exceeding, current security standards and protocols in the ADW industry.

(2) Each ADW account shall have a separate unique username and passcode or personal identification number.

(h) Funds in ADW accounts shall be segregated from the franchise holder's own funds, and shall be maintained in a separate account or accounts separate and apart from the franchise holder's other accounts.

(i) A franchise holder may contract with another AWD provider to utilize the other ADW provider's ADW platform as the franchise holder's ADW platform under this part.

(j) Wagers accepted under Arkansas Code § 23-110-405(e) or Arkansas Code § 23-111-508(e), as applicable to the franchise holder, and this part shall be treated for all purposes under the provisions of Arkansas Horse Racing Law, Arkansas Code § 23-110-101 et seq. or the Arkansas Greyhound Racing Law, Arkansas Code § 23-111-101 et seq., as applicable to the franchise holder, and the rules of the commission, as if the wagers were made by the patron on the grounds of the franchise holder's racetrack facility, e.g., advance deposit wagers accepted by the franchise holder on its live races, shall be treated as if the patron made a wager at the franchise holder's racetrack facility on a live race conducted at the franchise holder's racetrack facility, and advance deposit wagers accepted by the franchise holder on simulcast races from other racetracks shall

be treated as if the patron made a wager at the franchise holder's racetrack facility on the simulcast race.

(k)(1) On or before January 7, 2014, and continuing on or before January 7 (if a business day, or if not, by the next business day) of each calendar year thereafter, each other ADW provider shall register as such with the commission on forms supplied by the commission, and shall provide to the commission information reasonably requested by the commission to verify that the other ADW provider is:

(A) Duly licensed by the applicable regulatory agency; and

(B) In good standing in the jurisdiction where the other ADW provider is licensed to conduct ADW.

(2) Other ADW providers accepting wagers on horse racing from Arkansas residents shall comply, as applicable, with the federal Interstate Horseracing Act of 1978.

(l)(1) Another ADW provider may not accept advance deposit wagers on horse racing from Arkansas residents unless the other ADW provider has a mutually acceptable written agreement in place with the Arkansas horse racing franchise holder to pay the Arkansas horse racing franchise holder commercially reasonable source market fees consistent with generally prevailing standards in the horse racing ADW industry relating to such source market fees.

(2) The Arkansas horse racing franchise holder shall have a mutually acceptable written agreement in place with the organization representing horsemen at the horse racing franchise racetrack regarding the portion of such source market fees to be dedicated and used for purses on live horse races conducted at the horse racing franchise holder's racetrack.

(m)(1) Another ADW provider may not accept advance deposit wagers on greyhound racing from Arkansas residents unless the other ADW provider has a mutually acceptable written agreement in place with the Arkansas greyhound racing franchise holder to pay the Arkansas greyhound racing franchise holder commercially reasonable source market fees consistent with generally prevailing standards in the greyhound racing ADW industry relating to such source market fees.

(2) The Arkansas greyhound racing franchise holder shall have a mutually acceptable written agreement in place with the organization representing greyhound owners and trainers at the greyhound racing franchise holder's racetrack regarding the portion of such source market fees to be dedicated and used for purses on live greyhound races conducted at the greyhound racing franchise holder's racetrack.

Authority. Arkansas Code § 23-110-204.