

# NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* first as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council or the Attorney General. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Register* after the final rules have been submitted for filing and publication.

## NOTICE OF FINAL RULEMAKING

### TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

#### CHAPTER 2. ARIZONA RACING COMMISSION

*Editor's Note: The following Notice of Final Rulemaking was reviewed per Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 3481). The Governor's Office authorized the notice to proceed through the rulemaking process on March 11, 2013.*

[R13-184]

#### PREAMBLE

<u>1. Articles, Parts, and Sections Affected (as applicable)</u>	<u>Rulemaking Action</u>
R19-2-101	Amend
R19-2-102	Amend
R19-2-106	Amend
R19-2-109	Amend
R19-2-110	Amend
R19-2-111	Amend
R19-2-112	Amend
R19-2-113	Amend
R19-2-114	Amend
R19-2-115	Amend
R19-2-115.01	Repeal
R19-2-115.02	Repeal
R19-2-115.03	Repeal
R19-2-115.04	Repeal
R19-2-115.05	Repeal
R19-2-115.06	Repeal
R19-2-115.07	Repeal
R19-2-115.08	Repeal
R19-2-115.09	Repeal
R19-2-115.10	Repeal
R19-2-119	Amend
R19-2-120	New Section
R19-2-121	Amend
R19-2-123	Amend
R19-2-124	Amend
R19-2-302	Amend
R19-2-306	Amend
R19-2-307	Amend
R19-2-309	Amend
R19-2-311	Amend
R19-2-322	Amend
R19-2-323	Amend
<u>2. Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):</u>	
Authorizing statute: A.R.S. § 5-104(A)(2) and (T)	
Implementing statute: A.R.S. §§ 5-104(A)(3), 5-104(F), 5-105, 5-107, 5-107.01, 5-108, 5-108.01, 5-108.02, 5-108.05, and 5-115	
<u>3. The effective date for the rules:</u>	

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November 30, 2013

- a. **If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**

Not applicable

- b. **If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):**

Not applicable

4. **Citation to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:**

Notice of Rulemaking Docket Opening: 19 A.A.R. 1600, June 14, 2013

Notice of Proposed Rulemaking: 19 A.A.R. 1531, June 14, 2013

5. **The agency's contact person who can answer questions about the rulemaking:**

Name: William J. Walsh, Director

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Phoenix, AZ 85007

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6. **An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**

The Department is responsible for regulating all commercial and county-fair horse race meets, greyhound race meets, and pari-mutuel wagering. In this rulemaking, the Department focuses on achieving two objectives. First, in response to a recommendation made by the Auditor General in a performance audit report issued in May 2007, the Department is aligning its animal drug-testing practices with standards established in a Model Rule published by the Association of Racing Commissioners International. Second, in response to a five-year-review report approved by Council on June 7, 2011, the Department is amending many, but not all, of the rules identified in the five-year review as needing to be amended. The rules not included in this rulemaking were identified in the five-year-review report as having issues only with clarity. The Department chose in this rulemaking to concentrate on the substantive issues needing its attention.

7. **A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None

8. **A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

9. **A summary of the economic, small business, and consumer impact:**

In response to a recommendation made by the Auditor General in a performance audit report issued in May 2007, and to protect the health and safety of jockeys, the racing public, and horses, the Department is aligning its animal drug-testing practices with standards established in a Model Rule published by the Association of Racing Commissioners International.

- This rulemaking will have positive economic benefit for all persons involved with the horse-racing industry.
- Protecting riders from long-term catastrophic injury may lower insurance costs for jockeys, track owners, and those who own race horses.
- Reduced insurance costs may lower an economic barrier to entry into the racing industry. This may encourage more people to get involved in the racing industry.
- More people owning race horses will strengthen the industry and have positive economic benefit for the state.
- The Department will incur additional costs for testing but the benefits of a strengthened racing industry may offset the additional costs.

10. **A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking:**

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In both R19-2-102 and R19-2-302, the term “program” was defined. However, throughout the rule text, the phrase “official race program” was used. The definition of “program” was changed in both locations to “official race program.” All other changes made between the proposed and final rules were minor and non-substantive.

**11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to comments:**

The Department received no comments regarding the rulemaking.

**12. All agencies shall list any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**

None

**a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**

A.R.S. § 5-104(A)(3) requires the Commission to conduct hearings on applications for and approve permits. A.R.S. § 5-104(N) requires that an applicant for a permit submit fingerprints for a criminal background investigation. Because of these requirements, the permits issued by the Commission are not general permits as defined at A.R.S. § 41-1001.

**b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**

Federal law is not applicable to this rulemaking. The Interstate Horse Racing Act of 1978 is applicable to pari-mutuel wagering on races televised by simulcasting (See A.R.S. § 5-112(B)). This rulemaking does not address pari-mutuel wagering or simulcasting.

**c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**

No analysis was submitted.

**13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:**

None

**14. Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:**

None of the rules were previously made, amended, or repealed as an emergency rule.

**15. The full text of the rules follows:**

**TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING**

**CHAPTER 2. ARIZONA RACING COMMISSION**

**ARTICLE 1. HORSE RACING**

Section

- R19-2-101. Power and Authority
- R19-2-102. Definitions
- R19-2-106. Licensing
- R19-2-109. Jockeys and Apprentice Jockeys
- R19-2-110. Jockey Agents
- R19-2-111. Trainers
- R19-2-112. Prohibited Acts
- R19-2-113. Entries and Subscriptions
- R19-2-114. Penalties and Allowances
- R19-2-115. Claiming Races: Eligibility for Claiming
- R19-2-115.01. Claiming Races: Duration of Race Meetings Repealed
- R19-2-115.02. Claiming Races: Steward Claiming Authorization Repealed
- R19-2-115.03. Claiming Races: Claiming Restrictions Repealed
- R19-2-115.04. Claiming Races: Delivery of Claimed Horse Repealed
- R19-2-115.05. Claiming Races: Irrevocability of Claim Repealed
- R19-2-115.06. Claiming Races: Claimed Horse Racing and Ownership Restrictions Repealed
- R19-2-115.07. Claiming Races: Claiming Price and Determination of Winner of Claim Repealed

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- R19-2-115.08. ~~Claiming Races: Responsibility for Determining Sex of Horse~~ Repealed
- R19-2-115.09. ~~Claiming Races: Claiming Procedures~~ Repealed
- R19-2-115.10. ~~Claiming Races: Disciplinary Action~~ Repealed
- R19-2-119. ~~Rules~~ Running of the Race and Winnings
- R19-2-120. ~~Repeated~~ Veterinary Practices, Animal Medication, and Animal Testing
- R19-2-121. Officials
- R19-2-123. Procedure before the Department
- R19-2-124. Procedure before the Commission

ARTICLE 3. GREYHOUND RACING

Section

- R19-2-302. Definitions
- R19-2-306. Licensing
- R19-2-307. Kennel Names
- R19-2-309. Officials
- R19-2-311. Prohibited Acts
- R19-2-322. Procedure before the Department
- R19-2-323. Procedure before the Commission

ARTICLE 1. HORSE RACING

**R19-2-101. Power and Authority**

- A. All powers of the Department and Commission not specifically defined in ~~these rules~~ this Chapter are reserved to the Department and Commission under the law creating the Department and Commission and specifying its powers and duties.
- B. The jurisdiction of the Department and Commission over matters covered by ~~the statutes and the rules~~ A.R.S. Title 5, Chapter 1 and this Chapter is continuous throughout the year.
- C. ~~The statutes of the state of Arizona and the rules~~ A.R.S. Title 5, Chapter 1, this Chapter, and the orders of the Department and Commission take precedence over the conditions of a race or the conditions of a ~~racine meeting~~ race meet.
- D. The Director may sustain, reverse, or modify any penalty or decision imposed by the stewards.
- E. The Commission may sustain, reverse, or modify any penalty or decision imposed by the Director.

**R19-2-102. Definitions**

~~The definitions in A.R.S. § 5-101 apply to this Chapter. Additionally, in these rules,~~ unless the context requires otherwise, requires in this Article:

- 1. "Added money" means ~~the~~ money a permittee adds to the nominating and starting fees in a race.
- 2. "Age" means the age of a horse as computed from the first day of January in the year in which the horse is foaled.
- 3. "Allowance race" means an overnight race for which a horse's eligibility and weight to be carried are determined according to specified conditions that include age, sex, earnings, and number of wins.
- 4. "Also eligible" means a horse, properly entered for a race, which is not drawn for inclusion in the race but becomes eligible according to preference or lot if an entry is scratched before the scratch-time deadline.
- ~~3-5.~~ "Authorized agent" means a person appointed ~~pursuant to under R19-2-106(I) of these rules~~ R19-2-106(G).
- 6. "Breakage" means net pool minus payout.
- ~~4-7.~~ "Breeder" ~~of a horse~~ means the owner or lessee of ~~its~~ a horse's dam at the time of ~~foaling~~ foaling the horse is foaled.
- ~~5-8.~~ "Breeding place" means the place of birth of a horse.
- 9. "Business day" means a day on which live racing is conducted or a day on which entries are taken.
- 10. "Carryover" means non-distributed pool monies that are retained and added to a corresponding pool in accordance with this Chapter.
- 11. "Claiming race" means a horse race in which each owner declares in advance the price at which the owner's horse will be offered for sale after the race.
- ~~6.~~ "Commission" means ~~the Arizona Racing Commission.~~
- 12. "Complaint" means a written allegation of a violation of A.R.S. Title 5, Chapter 1, or this Chapter.
- 13. "Contest" means a competitive racing event on which pari-mutuel wagering is conducted.
- 7. "Course" means ~~the track over which horses race.~~
- ~~8-14.~~ "Declaration" means the act of withdrawing an entered horse from a race.
- 9. "Department" means ~~the Arizona Department of Racing.~~
- 10. "Director" means ~~the Director of the Arizona Department of Racing.~~
- ~~11-15.~~ "Entrance fee" means a fee set by ~~the~~ a permittee ~~which that~~ must be paid ~~in order~~ to make a horse eligible for a stakes race.
- ~~12-16.~~ "Entry" means, according to its context, either:
  - a. A horse eligible and entered in a race, or

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- b. Two or more horses ~~which that~~ are entered in a race as a single wagering unit and are:
  - i. ~~owned~~ Owned, in whole or in part, by the same owner; ~~or are trained~~
  - ii. Trained by a trainer who owns any an interest in any of the other horses another horse in the race.
- ~~13-17.~~ “Equipment” as applied to a horse means whips, blinkers, tongue straps, muzzles, hoods, nose bands, shadow rolls, martingales, breast plates, bandages, boots, plates (shoes), and all other paraphernalia which that is or might be used on or attached to a horse while racing.
- ~~14-18.~~ “Field” means:
  - a. ~~The entire group of horses in a race; or~~
  - b. The highest numbered horse within the capacity of the tote and all horses of a higher number grouped together in the wagering Two or more starting horses running as a single wagering unit when there are more starting horses in a race than positions of the tote.
- ~~15-19.~~ “Foreign substance” means any drug, medicine, metabolite, or any other substance which that does not exist naturally in the an untreated horse and which that may have a pharmacological effect on the racing performance of a horse or which may affect sampling or testing procedures. Foreign substances include but are not limited to stimulants, depressants, local anesthetics, narcotics, and analgesics.
- ~~16-20.~~ “Foul” means any action by a horse or jockey which that interferes with another horse or jockey in the running of a race.
- ~~17-21.~~ “Grounds” means the entire area used by the a permittee to conduct a racing meetings race meet including, but not limited to, the track, grandstand, stables, concession areas, and parking facilities.
- ~~22.~~ “Handicap” means a race in which the weight to be carried by each entered horses is adjusted to equalize each horse’s chance of winning.
- ~~18-23.~~ “Horse” includes means a filly, mare, colt, horse, gelding, and ridgling except when referring to sex. “horse” means a male that is five years or older and retains all reproductive organs.
  - a. ~~In general when referring to sex, a horse is an entire male 5 years old or older.~~
  - b. ~~Ridgling shall mean a half-castrated male horse or a horse with one or both organs of reproduction absent from the sac.~~
- ~~24.~~ “Hurdle race” means a race over a track in which jumps or hurdles are used.
- ~~25.~~ “Immediate,” for the purpose of suspension or revocation of a license issued under this Chapter, means the first date that the suspension or revocation does not negatively impact another licensee, as determined by the Department.
- ~~26.~~ “Inactive person” means an individual who has never been licensed or whose license has expired, been revoked, or been suspended for more than 30 days.
- ~~27.~~ “Inquiry” means an investigation of possible interference in a contest conducted by the stewards before the stewards declare the result of the contest official.
- ~~28.~~ “In-today horse” means a horse that is entered and has drawn a position to run on one race day and also is entered for the next race day.
- ~~19-29.~~ “Lawfully issued prescription” means a prescription-only drug, as defined in at A.R.S. § 13-3401, obtained directly from or pursuant to under a valid prescription or order from written by a licensed physician acting in the course of professional practice.
- ~~20-30.~~ “Lessee” or “lessor” means a person who has leased leases a horse for racing purposes.
- ~~21-31.~~ “Maiden” means a horse which that at the time of starting has never won a race on the flat in any country on a recognized track or which has been that was disqualified after finishing first.
- ~~32.~~ “Match race” means a race between two or more horses, each of which is the property of different owners, on terms agreed to by the owners and approved by the Department.
- ~~22.~~ “Meeting” means the entire period for which a permit to conduct racing has been granted to any permittee by the Commission.
- ~~33.~~ “Minus pool” means there is not enough money, after deductions of state tax and statutory commissions, to pay the legally prescribed minimum on each winning wager.
- ~~34.~~ “Net pool” means the sum of all wagers on a race minus refundable wagers and statutory commissions.
- ~~35.~~ “Net take” means the amount of a track’s commission minus allowed deductions.
- ~~23-36.~~ “Nominating fee” means a fee set by the a permittee which that must be paid in order to make a horse eligible for a stakes or handicap race.
- ~~24-37.~~ “Nomination” means the naming of a horse or its foal in utero to compete in a specific race or series of races, eligibility for which may be conditional upon the payment of require paying a fee at the time of naming.
- ~~25-38.~~ “Nominator” means the person in whose name a horse is nominated for a stakes or handicap race.
- ~~39.~~ “Official laboratory” means the facility with which the Department contracts under A.R.S. § 5-105(A).
- ~~40.~~ “Official race program” means a published listing of all contests and contestants for a specific performance.
- ~~26-41.~~ “Off time” means the moment at which, on signal of the starter, the horses break and run.
- ~~42.~~ “Overnight race” means a race for which entries close 96 or fewer hours before the time set for the first race of the day on which the race is to be run.

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- ~~27-43.~~ "Overpayment" means the amount by which purses paid ~~exceeds~~ exceed the amount due horsemen based ~~upon~~ on the net take and ~~break calculation~~ breakage.
- ~~28-44.~~ "Owner" means any person possessing all or part of the legal title to a horse.
- ~~45.~~ "Payout" means the amount of money payable to winning wagers.
- ~~46.~~ "Performance" means a schedule of races run consecutively as one program.
- ~~29-47.~~ "Place" means ~~the position in which~~ a horse finishes in one of the first three positions in a race, ~~and more specifically win first, place second, and show third.~~
- ~~48.~~ "Pool" means the sum of all wagers on a race.
- ~~30-49.~~ "Post position" means the position assigned to a horse for the start of a race.
- ~~31-50.~~ "Post time" means the time set for ~~the arrival~~ horses in a race to arrive at the starting point ~~of the horses in a race.~~
- ~~51.~~ "Preferred list" means a record of a horse with a prior right to starting usually because the horse was previously entered in a race that did not fill with the required minimum number of horses.
- ~~52.~~ "Program trainer" means a licensed trainer identified in the official race program as the trainer of a horse that is actually under the control of and trained by another individual who may or may not hold a trainer's license in any jurisdiction and who is not identified in the official race program as the trainer of the horse.
- ~~32-53.~~ "Prohibited substance" means any substance regulated by A.R.S. Title 13, Chapter 34.
- ~~54.~~ "Purse" means the total dollar amount for which a race is contested.
- ~~55.~~ "Purse race" means a race for money or other prize to which owners of horses engaged in the race do not contribute an entry fee.
- ~~56.~~ "Quarter race" means a race on the flat of 1,000 yards or less.
- ~~33-57.~~ "Race" means a contest among horses for purse, stakes, premium, or wager for money, that is run in the presence of the racing officials of the track and of the a Department representative.
- a. "Claiming race" means a race in which any horse entered may be claimed in conformity with these rules.
- b. "Graded quarter race" means a quarter race for which horses are classified by the racing secretary on the basis of prior racing times and past performances.
- e. "Handicap" means a race in which weights to be carried by the entered horses are adjusted by a handicapper for the purpose of equalizing their respective chances of winning.
- d. "Hurdle race" means a race over a course in which jumps or hurdles are used.
- e. "Match race" means a race between two or more horses, each the property of different owners, on terms agreed upon by the owners and approved by the Department.
- f. "Overnight race" means a race for which entries close 96 hours or less before the time set for the first race of the day on which such race is to be run.
- g. "Purse race" means a race for money or other prize to which the owners of the horses engaged in the race do not contribute an entry fee.
- h. "Quarter race" means a race on the flat at 870 yards or less.
- i. "Race on the flat" means a race over a course in which no jumps or other obstacles are placed.
- j. "Stakes race" means a race in which any monies are to be deposited by the owners of the horses engaged in the race, including a race in which money or other prize is added, and in which nominations must close more than 72 hours before the time for the first race of the day on which such stakes race is to be run.
- ~~58.~~ "Race meet" means the period for which a permit to conduct racing is granted to a permittee by the Commission.
- ~~59.~~ "Race on the flat" means a race over a track on which no jumps or other obstacles are placed.
- ~~34-60.~~ "Racing Regulation Fund" ~~is a~~ means the fund established by under A.R.S. § 5-113.01 and administered by the Department; to receive funding for regulation of racing from various pari-mutuel racing industry sources.
- ~~61.~~ "Racing secretary" means the official who drafts conditions of races.
- ~~35-62.~~ "Recognized track" means a track where pari-mutuel wagering is authorized by law or ~~which~~ that is recognized by the American Quarter Horse Association.
- ~~63.~~ "Restricted area" means an enclosed portion of a permittee grounds to which access is limited to licensees whose occupation or participation requires access.
- ~~64.~~ "Result" means the part of the official order of finish used to determine the pari-mutuel payout of pools for each contest.
- ~~65.~~ "Ridgling" means a male horse that has one or both testicles absent from the scrotum.
- ~~36-66.~~ "Ruled off" means the act of: barring
- a. Barring a licensee from the grounds of a permittee and denying the licensee all racing privileges; or
- b. Preventing a horse from being entered because the stewards have determined that preventing the horse from racing is in the best interest of the health, safety, and welfare of licensees and the state.
- ~~37-67.~~ "Scratch" means ~~the act of withdrawing~~ to withdraw an entered horse from a race after ~~the closing of~~ overnight entries have been closed.
- ~~38-68.~~ "Scratch time" means the time set by the permittee for ~~the withdrawing of entries~~ withdrawing entered horses from the races of that a particular day.

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69. “Stakes race” means a race for which the owner of an entered horse is required to pay a fee to which the track may add money or other prize to make up the total purse and for which nominations close more than 72 hours before the time for the first race of the day on which the stakes race is to be run.
70. “Starter race” means an allowance or handicap race restricted to horses that have previously started for a specified claiming price or less and for which the racing secretary may establish other conditions.
- 39-71. “Starting fee” means a fee the amount of money, specified by the conditions of the race and set by the permittee, which must be paid by a horse’s owner in order for the horse to start in a race.
- 40-72. “Starting horse” means a horse which that leaves the paddock for the post, excluding:
- A horse subsequently excused by the stewards, or
  - A horse whose for which the starting gate stall doors do not open in front of it the horse at the time the starter dispatches the field.
73. “Steward” means an official of a race meet responsible for enforcing A.R.S. Title 5, Chapter 1 and this Chapter.
- 41-74. “Subscription” means the act of nominating to fee paid by the owner to nominate a horse for a stakes race.
- 42-75. “Supplemental fee” means a fee set by the a permittee that must be paid by a horse’s owner at a time prescribed by the permittee to make a the horse eligible for a stakes race after the time for nominations is closed.
- 43-76. “Suspended” means that any a privilege granted by the officials of a racing meeting race meet or by the Commission or the Department has been temporarily withdrawn.
- 44-77. “Sustaining fees” mean fees which that must be paid periodically, as prescribed by the conditions of the a race, in order to keep a horse eligible for that the race.
78. “TCO<sub>2</sub>” means total carbon dioxide.
- 45-79. “Tote/totalizator” “Tote or totalisator” means the machines which sell mutuel from which pari-mutuel tickets are sold and the board on which the approximate odds for a race are posted.
- 46-80. “Track” means the course over which races take a race takes place.
- 47-81. “Trainer” means the a person employed by an owner or lessee to condition horses a horse for racing.
- 48-82. “Underpayment” means the amount by which the amount due horsemen, based upon on the net take and break calculation breakage, exceeds the amount of purses paid.
- 49-83. “Walkover” means a race in which there are not two or more horses of separate interest sent postward to post.
- 50-84. “Weight” means the standard weight according to the scale set forth described in R19-2-118.

**R19-2-106. Licensing**

- A. A person ~~participating~~ that participates in any capacity in a ~~racing meeting race meet~~, including ~~any a~~ person who performs services in connection with the conduct of the ~~racing meeting race meet~~, shall obtain a license from the Department, except:
- A person ~~performing~~ that performs services during a county fair ~~race meet~~ who and is identified by a steward as a volunteer; or
  - A person ~~owning~~ that owns less than 10 percent of outstanding shares of stock, regardless of classification or type, of ~~any a~~ permittee or licensee.
- B. ~~Applications.~~ License application.
- To apply for a license, a person shall complete the license application prescribed by the Department, which requires the following information, and submit the completed application to a steward:
    - Name, including all aliases or other names ever used;
    - Mailing and local addresses;
    - Telephone number;
    - Date of birth;
    - Physical description;
    - Social Security or alien status number;
    - Documentation, as specified under A.R.S. § 41-1080(A), of lawful presence in the U.S.;
    - Complete criminal history information including any racing-related sanctions; and
    - License category for which application is made.
  - The Department may issue written instructions regarding ~~the~~ preparation and execution of the license application, ~~and the.~~ The instructions may be a part of or separate from the application ~~form~~, or both.
  - When an applicant submits a license application, the applicant shall also submit the fee established by the Department ~~pursuant to~~ under R19-2-202(C). The Department shall ensure that a schedule of license and fingerprint processing fees is displayed prominently at each track and ~~also~~ on its web site.
  - An applicant who is at least 18 years ~~of age old~~ shall submit ~~a two full set~~ sets of fingerprints to the Department. The applicant shall ensure that the fingerprints shall be are taken by the Department, or certified by a municipal police department, sheriff’s office a law enforcement agency, or other authority acceptable to the Department and in a format acceptable to the Arizona Department of Public Safety and the Federal Bureau of Investigation.
  - An applicant for a trainer license who has not been licensed as a trainer in any jurisdiction during the last 10 years shall demonstrate knowledge and skill in protecting and promoting the safety and welfare of animals participating in

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~~racetrack meetings~~ race meets by passing an examination, ~~which may include written, oral, and skill demonstration parts,~~ prescribed by the Department. An applicant who fails to pass the examination shall wait at least ~~six months~~ 90 days before retaking the examination.

6. An applicant for a racing license shall indicate on the license application whether the applicant hires employees or independent contractors to work at an Arizona racetrack. For the purposes of this Section, "employee" has the meaning in A.R.S. § 23-902(B) and "independent contractor" has the meaning in A.R.S. § 23-902(C).

a. ~~An applicant that hires employees to work at an Arizona racetrack shall provide proof of compliance with A.R.S. § 23-961(A) by providing to the Department a copy of the declaration page of the applicant's workers' compensation insurance policy.~~

b. ~~The Department shall notify the Industrial Commission of Arizona of an applicant that fails to provide proof of workers' compensation insurance as required in this Section. The Department shall notify the Industrial Commission of Arizona of an applicant that hires independent contractors to enable the Industrial Commission of Arizona to investigate the characterization of the applicant's workers as independent contractors.~~

C. ~~Each~~ The Department shall presume that an applicant and or licensee shall know and follow ~~knows~~ the rules law governing racing in Arizona. An applicant or licensee shall follow A.R.S. Title 5, Chapter 1 and this Chapter.

**D. License procedure.**

1. Under delegation from the Director, on receipt of a license application, a steward shall grant or deny a temporary license and transmit the license application to the Director.

2. In considering each application for a license, a steward may require the applicant, as well as ~~the~~ the individuals attesting to the applicant's endorser's abilities, to appear before the steward and show that the applicant is qualified to receive the license requested. The steward shall grant a temporary license only if the steward determines that the applicant meets all the requirements in A.R.S. Title 5, Chapter 1, and ~~these rules~~ this Chapter.

3. ~~Licensing time-frame~~ time-frames.

a. Administrative completeness review time-frame.

i. Within 85 days after receiving a license application, the Department shall determine whether the license application contains the information required ~~by~~ under subsection (B).

ii. If the license application is incomplete, the Department shall issue a written notice that specifies what information is required and return the license application. If the license application is complete, the Department shall provide a written notice of administrative completeness.

iii. The Department shall deem a license application withdrawn if the applicant ~~or licensee~~ fails to file a complete license application within ~~40~~ 15 days ~~of being notified of the date on the notice~~ that the license application is incomplete.

b. Substantive review time-frame: Within five days after determining that a license application is administratively complete, the Department shall determine whether the applicant ~~or licensee~~ meets all substantive requirements and the Director, or designee, shall issue a written notice granting or denying a license.

c. Overall time-frame: For the purpose of A.R.S. § 41-1073, the Department establishes the following time-frames for issuing a license:

i. Administrative completeness review time-frame: 85 days.

ii. Substantive review time-frame: five days.

iii. Overall time-frame: 90 days.

4. Temporary license. All licenses are temporary for 90 days under A.R.S. § 5-108(F). Unless the Director denies a license to an applicant, a temporary license automatically becomes the license after 90 days.

5. The Department shall perform a background investigation of an applicant who is at least 18 years old, including fingerprint processing through the Department of Public Safety and the FBI, and reviewing records of ~~the Association of Racing Commissioners International, Inc., North American Pari-mutuel Regulators Association~~ a national database containing license information and rulings, information systems, courts, law enforcement agencies, and the Department within the time-frame prescribed ~~in~~ under subsection ~~(D)(3)~~ (D)(3)(a).

**E. Denials.**

1. ~~A~~ The Department shall base a decision to deny a license ~~may be denied if on an assessment of whether~~ the applicant:

a. Has been or is intoxicated at the time of application or has a history as a user of a narcotic drug, as defined at A.R.S. § 36-2501(A)(8), within the grounds of the permittee, or

b. Fails to disclose the true ownership or interest in any horse.

2. When a license is denied, the Director shall report the reason for the denial in writing to the applicant and ~~to the Association of Racing Commissioners International, Inc. and the North American Pari-mutuel Regulators Association~~ a national database listing license information and rulings.

**F. General requirements and restrictions.**

1. A licensee who is employed in more than one license category or who changes from one category to another shall be licensed in each category.

2. A licensee who is an official at ~~different types of tracks~~ more than one type of track (horse, harness, or greyhound)



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shall be licensed at each type of track. The requirement in this subsection does not apply to a pari-mutuel manager who may use the same license at any type of track.

3. The Director or designee shall not license a person who is ~~less younger~~ than 16 years ~~of age~~ old in any capacity other than as an owner, and shall not license a person who is ~~less younger~~ than 18 years old as an official, trainer, or assistant trainer. A person ~~less who is younger~~ than 18 years old ~~who is not eligible to be licensed as an owner, shall have a~~ unless the person's parent or guardian sign signs the owner's license application, ~~assuming and assumes~~ full financial responsibility for the owner, ~~before that owner is eligible to be licensed.~~
4. When present in the barn area of a horse track, the paddock area, or any other restricted area, a person shall wear in full view a photo identification badge issued by the Department or a pass issued by the permittee.

**G. Authorized agents.**

1. A person may hold a license ~~solely~~ only as an authorized agent or be licensed as an authorized agent and ~~be licensed~~ in another category.
2. The principal shall sign ~~the~~ a license application on behalf of an authorized agent and clearly identify the powers of the agent, including whether the agent is empowered to collect money from the permittee. The principal shall have the license application shall be either notarized or signed in the presence of a Department employee and a copy filed with the horsemen's bookkeeper and the Department. If there is a separate power of attorney, the principal shall file a copy of the instrument with the bookkeeper and the Department.
3. To change an agent's powers or revoke an agent's authority, the principal shall describe the changed powers or revoked authority in writing that is either notarized or signed in the presence of a Department ~~official,~~ employee and filed with the Department and the horsemen's bookkeeper.

**R19-2-109. Jockeys and Apprentice Jockeys**

**A. Generally:** In this Chapter, unless the context requires otherwise:

1. A jockey shall pass a physical examination by a physician designated by a permittee. ~~An~~ A physical examination is valid for ~~a 12-month period~~ 12 months. A steward may require that a jockey take an additional physical examination if the steward reasonably ~~suspects~~ believes a jockey's ~~health~~ physical condition may endanger himself, his mount, or others. A steward may refuse to allow ~~any~~ a jockey to ride until the jockey successfully passes another physical examination. A steward or a steward's designee may require that ~~any~~ a jockey provide blood or urine samples for analysis upon request under A.R.S. § 5-104(C).
2. ~~A~~ Unless excused by the stewards, a jockey ~~who rides in a race~~ engaged to ride in a race shall report to the jockey room ~~at the time posted in the jockey room~~ at least one hour before post time of the first race in which the jockey is scheduled to ride and, unless excused by the stewards, shall remain in the jockey room between races until all engagements for the day have been fulfilled.
3. A jockey shall wear standard jockey attire in official races.
4. Only a jockey, an attendant, and a racing official are permitted in the jockey room.
5. A jockey is entitled to a mount fee as established by agreement between the jockey and the owner or trainer when the jockey is weighed out by the clerk of scales ~~except in the following cases when:~~
  - a. The jockey refuses to ride a mount without proper cause; and
  - b. A steward replaces ~~a~~ the jockey with a substitute jockey, unless the jockey is being replaced because of an injury received after weighing out and before the start of a race.
6. ~~A~~ An owner or trainer may replace a jockey named at the draw by lot or by a steward ~~can be replaced by an owner or trainer~~ without payment of a mount fee by notifying a steward or the steward's designee by 9:00 a.m. MST the following entry day following the draw.
7. An owner or trainer shall pay a mount fee to a replaced jockey that is equal to the fee of paid to the jockey who rides the race unless:
  - a. ~~An~~ The owner or trainer replaces ~~a~~ the jockey by notifying a steward or the steward's designee no later than 9:00 a.m. MST on the next business day immediately preceding the day of the race after the jockey is replaced. In such a case If this notice is made, ~~an~~ the owner shall pay a losing fee ~~for~~ to each jockey the owner ~~replaces~~ replaced in a race. The Director may establish an earlier deadline for jockey changes in consultation with a permittee, steward, jockey, owner, and trainer, or their representatives at the race ~~meeting meet~~. The Director shall not establish a deadline for jockey changes later than noon of a race day at any race ~~meeting meet~~ with an average daily handle of \$100,000.00 or less; or
  - b. ~~A~~ The replaced jockey or jockey's agent waives the fee.

**B. Equipment.**

1. A steward shall ensure that a bridle used in a race does not ~~that exceeds~~ exceed two pounds in weight ~~shall not be used in a race.~~
2. ~~A~~ If a jockey shall use uses a whip in a race, the jockey shall ensure that the whip is at least 1/4 inch in diameter ~~but~~ and not more than one pound in weight or ~~29~~ 30 inches in length including the popper.
3. When a jockey races without a whip, notice that the jockey is racing without a whip shall be made in the official race program or announced to the general public through effective, usual, and customary means intended and expected to

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reach the majority of the racing public.

~~3.4.~~ A jockey, apprentice jockey, exercise rider, pony person, and any other person ~~mounted on a racing surface~~ shall wear a properly fastened helmet at all times when mounted on a racing surface.

5. A jockey, apprentice jockey, and exercise rider shall wear an industry-approved safety vest at all times when mounted on a racing surface.

C. Weight; weighing.

1. An owner shall deposit a losing mount fee with a permittee before a jockey is weighed out for a race. If an owner fails to comply with this subsection, a steward may declare the owner's horse out of the race.

2. A jockey shall weigh out and weigh in for a race without a whip or a bridle.

3. A jockey's weight is measured against the jockey's assigned weight as published in the official race program.

4. A jockey shall not ~~weigh~~ ride in a race if the jockey weighs out more than one pound less than the jockey's assigned weight published in the official race program.

5. A jockey shall ~~declare the amount of overweight at the time of weighing out~~ report the jockey's weight to the clerk of scales one hour before the time set for the first scheduled race of the race day.

a. A jockey shall not ride in a race if more than two pounds overweight without the consent of the owner or trainer of the horse the jockey is to ride.

b. A jockey shall not ride in a race if more than seven pounds overweight without the consent of a steward.

c. A steward shall not disqualify a horse because of any overweight the horse ~~might carry~~ carries.

d. A permittee shall ~~publicly post~~ notify the public of any change of weight different from that published in the official race program through effective, usual, and customary mechanisms intended and expected to reach the majority of the wagering public.

6. Immediately after pulling up, a jockey shall ride to the place of weighing in, dismount after obtaining permission from the official in charge, and wait to be weighed by the clerk of the scales.

7. A jockey shall not intentionally touch any person or thing other than the jockey's own equipment before weighing in.

a. A jockey shall unsaddle the jockey's own horse, unless the jockey ~~has obtained~~ obtains permission from an official in charge.

b. An attendant ~~may~~ shall touch a horse only by ~~it's~~ the horse's bridle unless the attendant ~~has obtained~~ obtains permission from an official in charge.

c. A person shall not touch the equipment of a jockey who has returned to the winner's circle to dismount until the jockey has been weighed in unless the person ~~has obtained~~ obtains permission from ~~the~~ an official in charge.

8. A jockey who is not able to ride to the place of weighing in because of an accident or illness ~~which~~ that disables either the jockey or the horse shall walk or be assisted to the scales.

D. Apprentice jockey.

1. Licenses.

a. An applicant for an apprentice jockey license shall ~~provide~~ submit to the Department a certified copy of the applicant's birth certificate or other satisfactory evidence of date of birth.

b. A steward shall issue an apprentice jockey license if an applicant:

i. Is more than 16 years ~~of age~~ old and, if less than age 18 ~~years old~~, a parent or guardian signs the license application assuming full financial responsibility for the applicant;

ii. Is approved by a starter for working a horse out of the gate ~~by the starter~~;

iii. Successfully demonstrates to a steward the ability to gallop or exercise a horse; and

iv. Has the necessary tack and ~~wearing~~ wearing apparel.

2. Expiration of license; weight allowance.

a. An apprentice jockey license expires when the apprentice jockey can no longer claim the weight allowances under subsection ~~(b)~~ (D)(2)(b). ~~Upon expiration~~ When an apprentice jockey license expires, the apprentice jockey shall surrender the apprentice jockey license to the Department. If a ~~an~~ an apprentice jockey license expires during the term of the current licensing cycle, the Department shall issue a jockey license at no additional cost.

b. An apprentice jockey who has not been licensed previously in any country may claim ~~an~~ a weight allowance as follows in all overnight races except handicaps and stakes ~~as follows~~:

i. Five pounds for one year from the date of the apprentice jockey's fifth winner; ~~or~~

ii. If ~~an~~ the apprentice jockey has not ridden ~~a total of at least~~ at least 40 winners within one year from the date of the apprentice jockey's fifth winner, ~~the Department shall allow the jockey to claim the five-pound allowance~~ five pounds for three years from the date of the apprentice jockey's first winner or until the apprentice jockey has ridden a total of 40 winners, whichever comes first.

c. The calculation of the time for which an apprentice jockey ~~can~~ may claim ~~an~~ a weight allowance shall not include time:

i. In the armed forces; ~~or~~

ii. The apprentice jockey is physically incapacitated from performing as a jockey.

d. An apprentice jockey may ride quarter horses, ~~provided that~~ under the following conditions:

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- i. ~~An~~ The apprentice jockey ~~shall~~ does not claim an apprentice jockey weight allowance in the race; and
- ii. The Department does not consider a winner in the race for the purpose of computing the expiration of the right of the apprentice jockey to claim ~~an~~ a weight apprentice jockey allowance.

**E. Prohibited acts.**

1. A jockey shall not fail or refuse to fulfill an engagement for a race ~~or for a specified time~~ unless:
  - a. The race or race card is canceled; or
  - b. A steward excuses the jockey.
2. A jockey shall not own, either in whole or in part, a horse registered for racing at a track where the jockey is riding.
3. A jockey shall not engage in any pari-mutuel wagering transaction except through the owner of and on the horse that the jockey rides.
4. A jockey attendant, jockey valet, or any licensee employed inside a jockey room shall not place a ~~bet~~ wager for themselves or for another person ~~during the time that~~ while they are acting under the authority of their license.
5. A jockey shall not ride against a horse trained by the jockey's spouse except as part of an entry.
6. A jockey shall not whip a horse:
  - a. On the head, flanks, or any part of the horse's body other than the shoulders or hind quarters;
  - b. During the post parade except when necessary to control the horse;
  - c. Excessively or brutally causing welts or breaks in the skin;
  - d. When the horse clearly is out of the race or has obtained its maximum placing; or
  - e. Persistently even though the horse is showing no response to the whip.

**R19-2-110. Jockey Agents**

- A.** ~~A~~ When applying for a jockey agent license, an applicant shall be accompanied by the a jockey such that the applicant will represent as jockey agent will represent when applying for a jockey agent's license.
- B.** A person who has not previously been licensed as a jockey agent in any jurisdiction shall demonstrate the knowledge to be licensed as a jockey agent by passing an examination prescribed by the Department. An applicant who fails to pass the examination shall wait 60 days before retaking the examination.
- ~~B.C.~~ A jockey agent shall not contract riding engagements for more than ~~two~~ three jockeys ~~and one apprentice jockey~~ at the same time.
- ~~C.D.~~ Only The Department shall charge only one fee shall be charged for a jockey agent's license no matter how many jockeys the jockey agent represents.
- ~~D.E.~~ A jockey agent may shall not change a rider with the permission of unless the stewards grant permission.
- ~~E.F.~~ A jockey agent shall not work in any other capacity at the track where such the jockey agent is licensed without permission of the stewards and without being licensed in the other capacity.
- ~~F.G.~~ A jockey agent may enter ~~horses~~ a horse in a race if such the jockey agent has the permission of the horse's trainer.
- ~~G.H.~~ Riding engagements shall be made only by a jockey or by such the jockey's jockey agent.
- ~~H.I.~~ A jockey agent shall not communicate with the a jockey such the jockey agent represents during racing hours. A jockey agent shall notify the a jockey such the jockey agent represents of late riding engagements made during racing hours through the stewards or a designated official.
- ~~I.J.~~ A jockey may act as such the jockey's own agent. If such a jockey chooses to ~~do so~~ act as the jockey's own agent, the jockey shall:
  1. The jockey shall notify Notify the stewards of such jockey's that intention to represent him or herself.
  2. The jockey shall comply Comply with all rules provisions of this Chapter governing jockey agents.
  3. The jockey is not required to Not obtain a jockey agent's license, and
  4. Be present at the time entries are drawn unless other arrangements have been made with the stewards.
- ~~J.K.~~ When a jockey or such the jockey's jockey agent wishes to terminate the agent agreement, the jockey and the jockey agent shall appear together before the stewards to advise them the stewards that their the agent agreement has been terminated.
- L.** A jockey agent or jockey acting as the jockey's own agent shall honor a call given to an owner or trainer for a mount in a race. If the Department determines that a jockey agent or jockey violated this subsection, the Department shall fine the jockey agent or jockey, suspend the license of the jockey agent or jockey, or both.

**R19-2-111. Trainers**

- A.** ~~Trainers~~ A trainer shall be obligated to know and follow the provisions of the rules A.R.S. Title 5, Chapter 1 and this Chapter governing racing in the state of Arizona.
- B.** ~~Trainers~~ A trainer and their the trainer's employees shall accept comply with the decisions of the stewards on all questions to which their the stewards' authority extends, subject to the right of appeal to the Department pursuant to under R19-2-123.
- C.** ~~Trainers shall be~~ A trainer is responsible for the condition of horses under their the trainer's care and are required to shall protect such the horses from acts of other parties.
- D.** ~~Trainers~~ A trainer shall be responsible for determining ensure that each person employed by them the trainer at a licensed

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track is licensed by the Department and that the owner of each horse ~~which that~~ is to be entered by ~~them~~ the trainer in ~~any~~ a race is licensed by the Department at least one hour before the scheduled post time of the race in which the horse is entered.

1. ~~Trainers~~ A trainer shall refuse to act on behalf of any participant at a licensed track if ~~they have reason~~ the trainer has reasonable cause to believe, ~~in the exercise of reasonable discretion,~~ that ~~such a~~ the participant is not licensed by the Department.
  2. A trainer shall not start a horse in ~~any~~ a race if the trainer has reason to believe that ~~the an~~ an owner ~~or owners~~ of the horse ~~are~~ is not licensed by the Department ~~before the race.~~ A trainer may enter a horse for an unlicensed owner ~~or owners~~ in a race. If there are no horses on the also-eligible list for the race; and the owner ~~or owners must be of the horse entered by the trainer is not~~ licensed at least one hour before post time of the first race of the day, ~~or the trainer shall have the horse scratched.~~ If there are horses on the also-eligible list, a trainer who entered a horse of an owner ~~or owners who remain~~ remains unlicensed at the designated scratch time for the race; shall have the horse scratched.
  3. ~~Trainers~~ A trainer shall report to the stewards the existence of the circumstances ~~set forth~~ described in subsections (D)(1) and (2) ~~of this Section to the stewards.~~
  4. A trainer shall present the trainer's horse in the paddock at least 17 minutes before post time or at another time specified by the stewards before the race in which the horse is entered.
- E.** ~~Trainers~~ A trainer shall file all registration papers with the racing secretary within 48 hours of ~~their~~ the trainer's arrival on the grounds of the permittee.
- F.** ~~Trainers~~ If track colors are not in use, a trainer shall ensure that each of ~~their owners~~ the trainer's horses has a set of colors registered in the office of the racing secretary and possessed by the jockey room custodian before ~~a horse is~~ the horses are entered in a race ~~if track colors are not in use.~~
- G.** ~~Trainers~~ A trainer shall pick up all registration papers and colors at the close of the ~~meeting~~ race meet.
- H.** A trainer shall notify the stewards before the transfer of a horse to or from ~~a~~ another trainer during a ~~meeting~~ race meet. ~~The trainer shall not make a transfer until the transfer is approved by the stewards shall approve any transfer.~~
- I.** A trainer shall not shoe a horse that is not under the trainer's care except by permission of the stewards.
- J.** When a trainer is absent from the grounds where the trainer's ~~horses are~~ horse is racing, the trainer shall provide a substitute licensed trainer to be responsible for the horse ~~or horses.~~ If there is a violation of subsection (C) or ~~R19-2-112(16)~~ R19-2-120(O)(1), the stewards shall ~~determine whether the absent or substitute trainer is~~ take appropriate action against the responsible party. No provision of ~~these rules~~ this Chapter relieves an absent trainer of responsibility or limits the absent trainer's responsibility under subsection (C). Both the absent and substitute trainers shall sign a "Trainers' Responsibility Form" provided by the Department, which shall be submitted to and be approved by a steward.
- K.** A trainer shall not have an ownership interest in a horse unless the trainer trains the horse and the horse is located at the track where the trainer trains. For purposes of this ~~rule~~ subsection, a reversionary interest created by an agreement transferring control of a horse is not an ownership interest.
- L.** A trainer may employ an assistant trainer with the approval of the stewards. An assistant trainer shall comply with all requirements for a trainer prescribed by this Section ~~and shall be responsible for all horses under the assistant trainer's care.~~
- M.** A trainer shall not train a horse for the benefit, credit, reputation, or satisfaction of an inactive person at a location under the jurisdiction of the Department.
1. A trainer shall not:
    - a. Assume the responsibilities of an inactive person at a location under the jurisdiction of the Department,
    - b. Complete a race entry form for or on behalf of an inactive person or an owner for whom the inactive person works,
    - c. Pay or advance an entry fee for or on behalf of an inactive person or an owner for whom the inactive person works, or
    - d. Pay or provide consideration in any form to an inactive person or a person associated with the inactive person; and
  2. If a trainer fails to comply fully with this subsection, the trainer shall not:
    - a. Be paid a salary directly or indirectly by or on behalf of the inactive person, and
    - b. Receive consideration in any form however denominated.

**R19-2-112. Prohibited Acts**

~~Generally:~~ In addition to other prohibitions described in A.R.S. Title 5, Chapter 1 and this Chapter:

1. A licensee shall not enter, or cause or permit to be entered, or start a horse ~~a~~ that the licensee knows or has reason to believe should be disqualified or may be ineligible to race.
2. A veterinarian or plater, licensed to practice on a track under the jurisdiction of the Department, shall not own, lease, or train ~~horses~~ a horse racing at the track on which ~~they practice~~ the veterinarian or plater practices.
3. A licensee shall not enter a stall, shed row, tack room, or feed shed assigned to another licensee without prior approval from the licensee to whom the area is assigned. The Department shall discipline a licensee determined to have violated this subsection, including voiding the transfer of a horse to which the licensee has made a successful

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- claim.
4. A licensee shall not subject or permit an animal under the licensee's control, custody, or supervision to be subjected to any form of cruelty, mistreatment, neglect, or abuse and shall not abandon, injure, maim, kill, administer a noxious substance to, or deprive the animal of necessary care, sustenance, or shelter.
  - 3-5. A ~~person~~ licensee shall not participate in an unauthorized race on a track while a ~~racing meeting~~ race meet is in progress ~~on the track.~~
  - 4-6. A ~~person~~ licensee shall not offer or receive money or other consideration for declaring an entry out of a purse or stakes race.
  - 5-7. A ~~person~~ licensee shall not possess, within the grounds of ~~any a~~ permittee, an electrical, mechanical, or other device, ~~other than ordinary equipment, which except a whip, which~~ may be used to affect the speed or racing condition of a horse. Possession includes, but is not limited to, ~~possession~~ having the device:
    - a. On the licensee's person;
    - b. In living or sleeping quarters;
    - c. In an assigned stall, tack room, or other area; and
    - d. In a motor vehicle or trailer.
  6. ~~Other than a physician or veterinarian licensed by the Department, a person shall not possess, within the grounds of any permittee, any foreign or prohibited substance, injectable vial, hypodermic needle, syringe, or any other instrument which might be used for injection, without written permission of the stewards. Possession includes, but is not limited, to possession:~~
    - a. ~~On the person;~~
    - b. ~~In living or sleeping quarters;~~
    - c. ~~In an assigned stall, tack room, or other area;~~
    - d. ~~In a motor vehicle or trailer.~~
  - 7-8. A licensee ~~person holding a license~~ listed in A.R.S. § 5-104(F)(C) shall not apply, inject, inhale, ingest, be under the influence of, possess, or use ~~any a narcotic, dangerous drug, or controlled or prohibited substance regulated under A.R.S. Title 13, Chapter 34~~ while on permittee grounds; unless, ~~upon~~ on the request of a steward, the licensee can produce evidence that the licensee has a lawfully issued prescription for possession or use of a the narcotic, dangerous drug, or controlled or prohibited substance is legitimized by a lawfully issued prescription.
  - 8-9. A jockey, apprentice jockey, exercise rider, or pony rider shall not consume ~~intoxicating liquor~~ any quantity of an alcoholic beverage on a race day, ~~prior to~~ before completing riding commitments for the day.
  - 9-10. A licensee or ~~race track~~ employee of a permittee shall not accept, either directly or indirectly, a bribe, gift, or gratuity in any form ~~which that~~ is intended to or might influence the results of a race or the conduct of a ~~racing meeting~~ race meet.
  - 10-11. A licensee, while on the premises of ~~the a~~ permittee, shall not create a disturbance, be intoxicated, interfere with a racing operation, or act in an abusive or threatening manner to a racing official or other person.
  12. A licensee shall not engage in conduct that is prohibited by the Department or detrimental to the best interests of horse racing including, but not limit to, soliciting, aiding, or abetting another person to participate in conduct prohibited by the Department or detrimental to the best interests of horse racing.
  11. Only veterinarians licensed by the Department shall administer to or prescribe for horses on the premises of any permittee:
    - a. A licensed veterinarian shall maintain a written record of the name, date, and amount of any drugs or treatments prescribed or administered at the track.
    - b. Notwithstanding the provisions of subsection (11) of this rule, any veterinarian may treat a horse if an emergency involving the life or health of such horse exists.
  12. Notwithstanding the provisions of subsection (16) of this Section, a person shall not administer or cause to be administered a foreign substance, internally or externally, to a horse entered in a race, prior to the race on the calendar day in which the horse is to run, except that:
    - a. ~~With permission of the Department veterinarian, a licensed veterinarian may administer furosemide or conjugated estrogens on the day of the race to control exercise-induced pulmonary hemorrhage, subject to the restrictions prescribed in R19-2-121(P)(5), (6), and (7). The Department veterinarian shall place these horses on the lasix list. The Department veterinarian shall grant permission for placement of a horse on the lasix list if a veterinarian licensed by the Department determines that a horse suffers from exercise-induced pulmonary hemorrhage or a racing regulatory agency has placed the horse on a bleeders' list at a track outside of Arizona.~~
    - b. A person shall not administer furosemide within four hours prior to post time of a race in which the horse is run.
    - c. A permittee shall clearly identify horses given furosemide on the program or on a list located in areas where mutuel tickets are sold.
  13. The Commission has established permissible trace levels of the following foreign substances, as defined in R19-2-102(15):
    - a. The trace level of Phenylbutazone shall not exceed 5 micrograms per milliliter of plasma of the horse.

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- b. ~~The trace level of Oxyphenbutazone shall not exceed 5 micrograms per milliliter of plasma of the horse.~~
- 14. ~~A person shall not participate in the nerving of a horse intended to be entered in a race at a track within the state of Arizona.~~
  - a. ~~Registration papers will not be accepted on nerved horses.~~
  - b. ~~A person shall not enter a nerved horse in a race.~~
  - e. ~~A person shall not race a horse which is desensitized by the application of cold, chemical, or mechanical freezing devices at the time of arrival at the receiving barn or saddling paddock.~~
- 15. ~~Test samples~~
  - a. ~~Animal testing~~
    - i. ~~A steward or Department veterinarian may subject an entry in a race to saliva, urine, blood, or other tests for the purpose of finding foreign substances.~~
    - ii. ~~Persons approved by the Department shall take samples of saliva, urine, blood, or other substances.~~
    - iii. ~~A steward may authorize the splitting of any sample.~~
    - iv. ~~A Department veterinarian may require blood, urine, or saliva samples to be stored in a frozen state for future analysis.~~
    - v. ~~The owner, trainer, or their representative may be present at all times during the taking and sealing of such tests and samples.~~
    - vi. ~~The owner, trainer, or representatives of either shall sign documents evidencing the procedure.~~
    - vii. ~~A person shall not interfere with the collection or procedures conducted under this rule Section.~~
  - b. ~~Human testing~~
- i. ~~13. As set forth in A.R.S. § 5-104(C) and R19-2-112(8) and (10), a licensee A licensee shall immediately submit to blood, urine, breath, or other tests ordered by the stewards; if the stewards have reason to believe the licensee is under the influence of or in possession of ~~any~~ a prohibited substance or has consumed alcohol in violation of subsection (8) (10) or (10) of this Section (11).~~
  - ii. ~~a. A licensee ordered by a steward to submit to a test under this subsection shall provide a test sample in the presence of a the steward or the steward's designee, ~~submitted and submit the sample to the steward or the steward's designee~~ in a container furnished by the Department; ~~and immediately sealed by the~~~~
  - b. ~~The steward or steward's designee shall immediately seal the sample container in the presence of the licensee being tested;~~
  - iii. ~~c. The steward or steward's designee shall mark the sample container with the following items: sample identification number; time, date, and location ~~where~~ at which the sample was given; and ~~the~~ signature of Department personnel sealing the container;~~
  - iv. ~~d. The steward or steward's designee shall submit the container sample to a Department-approved the official laboratory for analysis;~~
  - v. ~~e. If laboratory analysis of the sample provided under this subsection indicates the ~~positive~~ presence of ~~any~~ a prohibited substance or alcohol ~~in the tested licensee's sample~~, the licensee ~~may who provided the sample~~ shall be subject to ~~license suspension or revocation or civil penalties, as set forth in R19-2-121(E)(3)(f) and disciplinary action authorized under~~ A.R.S. § 5-108.05(A);~~
  - vi. ~~f. Test The Department shall ensure that results and information obtained ~~during the testing process~~ as a result of analysis of the sample provided under this subsection are accessible only to members of the Commission, the Director or designees of the Director, and the tested licensee until any disciplinary action or administrative proceeding is complete; ~~and The Department shall keep the information in a locked, secured area of the Department office.~~~~
  - vii. ~~g. The steward's or designee's compliance Compliance with these rules this subsection by the steward or steward's designee constitutes prima facie evidence that the chain of custody of the test ~~samples~~ sample is secure. The presiding officer or administrative law judge in an administrative proceeding of the Department or Commission shall admit the results of ~~such~~ the tests as evidence.~~
- 16. ~~The trainer, groom, and any other person charged with the custody and care of a horse is required to protect and guard the horse against the administration, either internally or externally, of any foreign substance. A positive test indicating the presence of a foreign substance (except as set forth in subsections (12) and (13) of this Section) creates the presumption of failure to meet the duty imposed by this rule.~~
- 17. ~~The owner of a horse disqualified in a race because of an infraction of these rules shall forfeit and return the purse or stakes, the trophy received from the race, and the entry or subscription money.~~
  - a. ~~The stewards shall distribute winnings forfeited pursuant to this subsection among the remaining entitled entries in the race.~~
  - b. ~~The stewards shall disqualify and may declare a horse unplaced for every purpose except pari-mutuel wagering if the chemical analysis performed pursuant to subsection (15)(a) of this Section indicates the presence of a foreign substance classified as Class 1 or Class 2 under the Association of Racing Commissioners International, Inc., February 14, 1995, Uniform Classification Guidelines for Foreign Substances incorporated by reference, on file~~

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- ~~with the Office of the Secretary of State, and not including any later amendments or editions.~~
- ~~e. The stewards may disqualify and declare a horse unplaced for every purpose except pari-mutuel wagering if the chemical analysis performed pursuant to subsection (15)(a) of this Section indicates the presence of a foreign substance classified as Class 3, Class 4, or Class 5 under the Association of Racing Commissioners International, Inc., February 14, 1995, Uniform Classification Guidelines for Foreign Substances incorporated by reference, on file with the Office of the Secretary of State, and not including any later amendments or editions.~~
  - ~~d. The stewards may disqualify and declare a horse unplaced for every purpose except pari-mutuel wagering if the chemical analysis performed pursuant to subsection (15)(a) of this Section shows that a horse on the lasix list raced without the medication described in subsection (12) of this Section, or that the plasma of the horse contained trace levels of medication in excess of the level permitted by subsection (13) of this Section.~~
  - ~~e. The Department veterinarian shall review all reports indicating the presence of a foreign substance and consult with the stewards prior to the initiation of disciplinary action. When a report indicates the presence of a substance classified as Class 3, Class 4, or Class 5, the Department veterinarian's review shall specifically address trace-level detection to prevent the initiation of disciplinary action based upon pharmacologically insignificant traces of a substance.~~
- ~~18.14. The Department may suspend the license of a licensee who refuses to make a payment for A licensee shall promptly pay any financial obligation incurred in connection with racing in this state. If failure or refusal to pay a financial obligation incurred in connection with racing in this state results in the financial obligation being reduced to a judgment against a licensee, the Department shall take disciplinary action against the licensee as authorized under A.R.S. § 5-108.05.~~

**R19-2-113. Entries and Subscriptions**

**A. Entry.**

- 1. An owner, ~~or~~ trainer, or authorized agent shall not register a horse for racing under ~~these rules~~ this Chapter unless the horse is registered by the Jockey Club, American Quarter Horse Association, Arabian Horse Club Registry of America, Inc., Appaloosa Horse Club Inc., American Paint Horse Association, American Donkey and Mule Society, or American Mule Association.
- 2. An owner, ~~or~~ trainer, or authorized agent shall list each person with an ownership interest in a horse on the back of the horse's registration papers.
- 3. An owner, trainer, or ~~their~~ authorized agent may enter a horse in person, by telephone, ~~by or~~ telegram, or in writing.
- 4. An owner, trainer, or authorized agent shall declare at the time of entry whether the jockey will carry a whip.
- 5. A person shall not enter a horse in a race unless the horse is eligible in all aspects at the time of entry, except with permission of the stewards.
- ~~4-6.~~ The stewards shall ~~consider~~ assume a horse entered for a purse is a "starting horse" unless ~~they~~ the stewards declare the horse out of the race.
- ~~5-7.~~ A person nominating a horse in a stakes race shall write the person's full name, mailing address, and telephone number on the nomination form.
- ~~6-8.~~ A person shall not enter a horse in more than one race in one day.
- ~~7-9.~~ An owner shall not transfer a horse to a new trainer after entry.
- ~~8-10.~~ An owner shall not enter a horse ~~if~~ unless the horse's performance records for the preceding calendar year ~~are~~:
  - a. Are not printed in the Daily Racing Form Monthly Chart Book, ~~unless the or~~
  - b. The owner provides the horse's performance records to the racing secretary prior to before entry.
- ~~9-11.~~ An owner, ~~or~~ trainer, or authorized agent shall sign and certify a horse's performance record and shall ~~include~~ provide the following information for the horse's last four races to ensure that all of the horse's races are in the record:
  - a. Where and when the horse raced;
  - b. The distance, ~~the~~ weight carried, and ~~the~~ amount earned; and
  - c. The finishing position and time of the race.
- ~~10-12.~~ If a race overfills, the racing secretary shall ensure that the ~~The~~ second half of an entry has no starting preference over a single entry except in stakes, ~~handicaps~~ handicap, and qualifying races.
- ~~11-13.~~ An owner entering two or more horses in a race shall indicate the owner's preference for the horse that is to start if the race overfills. The owner shall make the claim of preference by noting the preference on the entry blank. An owner who fails to make a claim of preference loses the preference.
- 14. A The racing secretary shall ensure that a horse excluded because a race overfills receives no consideration.
- ~~12-15.~~ Two or more horses ~~that are~~ entered in a race may be uncoupled for wagering purposes ~~in stakes, handicaps, futurities, and maturities~~ if approved by the stewards, and:
  - a. ~~Both~~ All horses are owned, in whole or in part, by the same person; or
  - b. ~~Both~~ All horses are trained by a trainer who owns an interest in one of the horses.
- ~~13-16.~~ In a race in which spouses who are both licensed trainers have entered horses, the trainers are not required to list an overfill preference unless there is common ownership of the horses entered.
- ~~14-17.~~ The racing secretary shall decide whether to use an "also-eligible" list for any ~~meeting~~ race meet:

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- a. The racing secretary shall determine the number of “also-eligibles” if the number of entries ~~of in~~ a race ~~exceed~~ exceeds the capacity of the starting gate;
  - b. If the number of entries ~~to in~~ a race exceeds the number of horses permitted to start, the racing secretary shall determine the starters ~~by lot~~ in a drawing supervised by a steward and witnessed by those making entries. If any of the starters declare out, the racing secretary shall draw, ~~by lot~~ from the “also-eligible” list, the number of horses needed to fill the vacancies in the race;
  - c. The racing secretary shall assign horses, other than quarter horses, that gain a position in a race from the “also-eligible” list, to the outside post positions in the order in which they are drawn from the list. The racing secretary shall assign a quarter horse to the stall of a horse that is declared out;
  - d. If a horse on the “also-eligible” list does not start because of insufficient declarations, the racing secretary shall place the horse on the preferred list. ~~The racing secretary shall not place a horse on the preferred list if unless the owner does not has declined to accept the an opportunity to start the horse;~~
  - e. ~~A horse whose owner, trainer, or authorized agent has drawn its position in a race and entered it again for the next race day is called an “in today horse.”~~
  - ~~i.e.~~ If a race in which a horse is entered overfills, the racing secretary shall not consider ~~the “in today an in-today horse”~~ for the race unless except in cases where the conditions for the race read “Arizona Breds Preferred,” or the race is a stakes, and handicaps or handicap race.
  - ~~ii.f.~~ The racing secretary shall not consider a horse on the “also-eligible” list as an ~~“in today in-today horse”~~ until it has been given a position in a race or an opportunity to run.
  - ~~f.g.~~ At tracks where entries are taken two or more days ~~ahead of before~~ the date of ~~the a~~ race, an owner, trainer, or authorized agent may ~~re-enter~~ enter a horse ~~on for~~ the next race date if ~~it the horse~~ has been placed on the “also-eligible” list for the first race date. If ~~it the horse~~ is drawn into a race from its position on the “also-eligible” list, the horse racing secretary shall be declared declare the horse an “in today in-today horse” and be withdrawn withdraw the horse from the race on the following next race day in favor of a horse on the “also-eligible” list of for that race.
15. ~~A person shall make a claim of preference at the time of entry by noting it on the entry blank or the preference will be lost.~~
- ~~a.~~ 18. ~~When~~ After a horse ~~has been~~ is entered in a race, a person shall withdraw ~~a the~~ horse only with permission of the stewards.
- ~~b.~~ 19. The racing secretary shall post a copy of the preferred list each afternoon, ~~and any person making a claim of error shall do so by 10:00 a.m. of the following day.~~ The stewards shall ~~not~~ recognize a claim of error ~~made after this time in the preferred list only if the claim of error is made by 10:00 a.m. of the day after the preferred list is posted.~~
- ~~16.~~ 20. If an owner, ~~or~~ trainer, or authorized agent does not declare a horse from the “also-eligible” list by the prescribed time, the racing secretary shall consider the owner or trainer willing to start the horse if another horse is scratched from the race. The racing secretary shall not place a horse on the preferred list if the owner or trainer does not accept the opportunity to start the horse.
- ~~17.~~ 21. A person shall not alter an entry after the closing of entries. The racing secretary may correct an error in an entry at any time.
- ~~18.~~ 22. If the name of a horse is changed, the racing secretary shall publish the new name and the former name in the official entries for the horse’s first three starts after the name change. If the name of an Arizona-bred horse is changed, the racing secretary shall report ~~it the name change~~ to the Department in writing within 30 days, listing both the new name and the former name names.
- B. Conditions for entry.**
- 1. A person shall not enter a horse in a race unless ~~it’s~~ the horse’s certificate of foal registration, certificate of foreign registration, or racing permit is on file in the ~~racing~~ office of the ~~track at which the horse is to race,~~ racing secretary or ~~unless~~ permission is granted by the stewards. Foal certificates, ~~which that~~ are registered with the racing secretary and are in transit between ~~that the~~ office of the racing secretary and the American Quarter Horse Association because of a transfer of ownership, are considered to be in the possession of the racing secretary.
  - 2. A horse that has reached its 14th birthday is ineligible to race in Arizona.
  - 3. The stewards shall not permit a horse to run ~~for in~~ a purse or stakes race unless ~~it the horse~~ is entered in ~~a race~~ and is eligible for the race.
  - 4. The stewards may ~~summon~~ require a person in whose name a horse is entered to produce proof that the horse entered is not the property, either in whole or in part, of a person who is disqualified, or to produce proof of the extent of ~~a the~~ the person’s interest in the horse. ~~Failure If the person fails to produce satisfactory proof, shall result in the stewards declaring shall declare~~ the horse out of the race if the stewards determine that ~~it declaring the horse~~ is necessary to protect the public peace, safety, or welfare.
  - 5. A ~~person shall not enter a horse is not qualified for entry if it the horse~~ is on the stewards’, paddock judge’s, starter’s, or veterinarian’s list, or if ~~it the horse~~ has been ruled off.
  - 6. The racing secretary shall consider the performance record of a horse racing on the county fair circuit to determine



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~~it's the horse's~~ eligibility at a commercial meet. A county fair racing secretary shall place a county fair win on the back of the horse's foal certificate.

7. The owner, trainer, or authorized agent shall ensure that a horse that has not started ~~within~~ during the 45 days before a commercial meet has one official workout before starting at a the commercial meet.
8. The racing secretary shall not allow a first-time starter to race until the horse has gate approval and at least two timed workouts, one of which is out of the gate and within 30 days before the race in which the horse is entered.
9. The racing secretary shall not allow a horse, other than a first-time starter, that has not started for one year or more to race unless the horse:
  - a. Completes at least two timed workouts within 60 days before the race in which the horse is entered; and
  - b. One of the timed workouts is performed in the presence of the track veterinarian at a distance determined by the track veterinarian.
10. The racing secretary shall not allow a quarter horse to be entered for the first time in a race around a turn unless the horse has at least one timed workout around the turn.
11. The Department shall waive workout requirements for a county fair meet not run at a commercial track except the owner or trainer of a horse that has not started for one year or more shall complete a workout schedule with and determined by the state veterinarian before entry in the country fair meet.

C. Starts.

1. A person shall not start a horse in a race unless ~~it~~ the horse is fully identified and tattooed, or otherwise authorized by the stewards. ~~A The Department shall hold a person, including the breeder, owner, trainer, and identifier, responsible for the accuracy of information the person provides regarding who participates in any manner in establishing the identity of a horse, including the breeder, owner, trainer, and identifier, is responsible for the accuracy of the information the person provides.~~
2. An owner, trainer, or authorized agent shall not start a horse in a race until all stakes, forfeits, entry fees, and arrears due on the horse have been paid.
3. ~~The racing secretary shall not permit a horse to start in a stakes race unless it has passed the entry box on the day on which entries for the stakes race are taken.~~
- 4.3. An owner, trainer, or authorized agent shall not start a horse in a race unless all persons having an ownership interest in the horse or an interest in the winnings of the horse have registered with the racing secretary.
- 5.4. The racing secretary shall ~~post~~ display the ~~saddle cloth~~ post-position numbers of the horses in a race after overnight entries are closed and post positions are drawn. If a horse with an assigned ~~saddle cloth~~ post-position number does not start or run the ~~course~~ track, the stewards may require an explanation from the owner, trainer, or jockey.

D. Fees.

1. ~~The entrance~~ Entrance to a purse race is free unless otherwise stipulated in the conditions of the race. If the conditions require an entrance fee, the fee is ~~paid due~~ paid at the time of entry.
2. The ~~person licensee~~ entering a horse is ~~liable for~~ shall pay the nominating, sustaining, and starting fees. ~~The subscriber or subscriber's transferee are not entitled to a refund in~~ Except as provided in subsection (D)(4), the permittee shall not refund any fees paid to enter a horse in a race even if the event of horse death, withdrawal dies, is withdrawn, or there is a mistake in a the horse's entry if the horse is was eligible, except as provided in subsection (D)(3) at the time of entry.
3. ~~The~~ If the conditions of a purse race require that an entrance fee be paid, the permittee shall not refund the entrance money for a fee if the purse race that is run even if a horse fails to start or dies unless otherwise except as provided in the conditions of the race.
4. The permittee shall distribute the entrance money, starting, and subscription fees, as provided in the conditions of the race. If a race is not run, the permittee shall refund all stakes or entrance money.
5. The death of a nominator or subscriber does not void an entry, subscription, or right of entry.
6. A ~~person licensee~~ shall not transfer a horse to an owner or trainer to avoid disqualification. ~~The person~~ As provided in A.R.S. § 5-108.05, the Department may fine or suspend the licensee making or receiving such a transfer may be fined and suspended to avoid disqualification.

E. Closing.

1. The racing secretary shall close ~~the~~ entries for a purse race at the time advertised in the condition book specifying the terms of the race and shall not ~~receive~~ accept an entry after that time. If a race fails to fill, additional time for entries may be granted by the stewards.
2. ~~In the absence of notice to the~~ Unless contrary notice is provided by the permittee, nominations for stakes which that close during or on the eve of a ~~racing meeting~~ race meet close at the office of the racing secretary at the published time.
3. The racing secretary shall not ~~receive~~ accept entries ~~and~~ or declarations for stakes after the designated closing time.
4. The racing secretary shall not accept an entry after a race has been drawn even ~~though~~ if the number of horses on the "also-eligible" list is insufficient to provide a full field.
5. The racing secretary shall consider a horse; to be a scratch if the horse is withdrawn from a race after the overnight

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entries are closed, ~~a scratch~~. The scratched horse loses all of ~~it's~~ the horse's accrued preferences up to ~~that the~~ the date of the scratch unless ~~it~~ the horse is excused by the stewards.

**F. Declarations.**

1. An owner, trainer, or authorized agent shall declare a horse from a stakes, handicap, or qualifying race in writing no later than one hour ~~prior to~~ before post time ~~of~~ for the race.
2. The racing secretary shall not give preference to a horse ~~which~~ that is declared from the "also-eligible" list of a race ~~for having entered in that race~~. The horse may retain the position ~~it~~ previously held on the preferred list if a full field is left in the race at scratch time.

**R19-2-114. Penalties and Allowances**

- A. ~~Eligibility, penalties, and allowances of weight for all races shall be determined after~~ After consideration of the reports, records, and statistics published by the Daily Racing Form and ~~by other racing statistical publications, the stewards shall determine eligibility, penalties, and allowances. Responsibility for weight carried and for eligibility shall remain with the~~ The owner and trainer of a horse shall ensure that the horse is eligible and carries the correct weight.
- B. Penalties and allowances ~~shall~~ are not be cumulative unless ~~so declared~~ the racing secretary declares penalties and allowances to be cumulative by the conditions of the race. ~~They~~ Penalties and allowances shall take effect at the time ~~of starting; provided, however, a race starts except that in an overnight events event,~~ a horse shall have only the allowance to which it was entitled at the time of entry.
- C. Penalties ~~shall be~~ are obligatory. Allowances ~~shall be~~ are optional in whole or in part. In ~~an overnight events event,~~ allowances must be claimed if an allowance is claimed, a horse's owner or trainer shall claim the allowance at the time of entry.
- D. ~~Failure~~ The stewards shall not disqualify a horse if the failure of the horse's owner or trainer to claim a weight allowance results by overnight from an omission shall not be a cause for disqualification made by the racing secretary on the overnight listing of races. A claim of If an owner or trainer claims a weight allowance to which a horse is not entitled, the stewards shall not be a cause for disqualification unless such disqualify the horse only if the incorrect weight is carried in the race. However, a fine may be imposed upon the The Department shall subject a person claiming who claims a weight allowance to which such the person's horse is not entitled to discipline authorized under A.R.S. § 5-108.05.
- E. ~~A~~ The stewards shall ensure that a horse shall does not receive an a weight allowance of weight or be is not relieved from extra a weight penalty as a result of having lost one or more races. This rule Section does not prohibit a maiden allowance or an allowance to a horse that has not won a race within a specified period or a race of a specified value.
- F. ~~No~~ The stewards shall ensure that a horse;
  1. ~~shall~~ Does not incur a weight penalty for ~~a placement placing in a race from which it is the horse is disqualified;~~
  2. ~~but a horse~~ Incurs a weight penalty if the horse places as a result of the placed through disqualification of another horse ~~shall incur the weight penalties of that placement; and~~
  3. ~~No such placement shall make a horse ineligible for a race which has already been run. Is not disqualified for failing to take a weight penalty in a race if the penalty results from the horse placing in a previous race after the race to which the weight penalty would be applicable is run.~~
- G. ~~When~~ The stewards shall ensure that when a race is in dispute, both the horse that finished first and any horse claiming to have finished first the race shall be liable to all penalties attaching incur the weight penalty that attaches to the winner of ~~that the~~ race until the matter is decided.
- H. ~~Horses which have started~~ The stewards shall consider a horse that starts for a claiming price in optional or combination races ~~shall be considered~~ to have started in a claiming race.
- I. ~~Races written~~ When the conditions of a race indicate the race is to be run under "scale weights" or "weights for age," the stewards shall be ensure that the race is run under the scale approved by the Department.
- J. ~~In~~ The stewards shall ensure that in races of intermediate length, ~~the~~ all horses carry weights for the shorter distances ~~shall be carried.~~
- K. In all races except handicap races and races in which conditions expressly provide otherwise:
  1. Two-year-old fillies are allowed three pounds.
  2. Fillies and mares ~~that are~~ 3 years old and older are allowed five pounds before the first of September from January 1 through August 31 and three pounds thereafter from September 1 through December 31; and
  3. The provisions of subsections (K)(1) and (2) ~~of this Section shall do~~ not apply to quarter horse fillies and mares.
- L. ~~The racing secretary may write races either above or below the scale, in the racing secretary's discretion; provided that:~~
  1. ~~Not more than 10 pounds shall be deducted from the scale of weights for age with the exception of allowances in overnight races.~~
  2. ~~The total allowances of any type shall not reduce the lowest weights below 100 pounds in any race.~~
  3. ~~The provisions of subsection (L)(1) of this Section shall not apply to handicap races.~~
  4. ~~The provisions of subsection (L)(2) of this Section shall not apply to 2-year-olds racing with older horses.~~
- M. ~~Starter allowance eligibility conditions:~~
  1. ~~A horse shall have started in a claiming race, or in an optional claiming race to be claimed, in order to establish eligibility in a starter allowance race.~~
  2. ~~In addition to the provisions of subsection (M)(1) of this Section, to be eligible for a starter allowance a horse shall:~~

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- a. ~~Have started for the claiming price designated in the conditions of the race or have started for a price less than that claiming race.~~
- b. ~~Not have won for a price higher than that designated in the conditions of the race since last starting for that price or for less than that price.~~
- e. ~~Not have won a race other than a claiming race since last starting for the claiming price designated in the conditions of the race or for less than that price.~~
- 3. ~~A horse claimed in a claiming race must subsequently start for a claiming price to establish new eligibility for a starter allowance race.~~
- 4. ~~Eligibility for a starter allowance race remains unchanged following a private sale.~~

**R19-2-115. Claiming Races: Eligibility for Claiming**

**A. Eligibility for claiming.** In a claiming ~~race~~ race, any horse is subject to a ~~claim~~ being claimed for it's the horse entered price by any licensed owner of a horse duly registered for racing at the track, ~~such~~ the owner's licensed authorized agent, or the holder of a claiming authorization issued by the stewards.

**B. Duration of race meets.** For the purpose of claiming:

- 1. A commercial race meet includes county fair race meets that may be run at the commercial track before, during, or after the commercial race meet; and
- 2. A county fair race meet includes both spring and fall of the county fair circuit.

**C. Steward claiming authorization.**

- 1. The following persons may apply to the stewards for claiming authorization:
  - a. A licensed owner whose last horse was lost by claim, death, or career-ending injury during a commercial or county fair race meet;
  - b. An individual licensed in partnership or other form of multiple ownership who wants to claim a horse in sole ownership;
  - c. A currently licensed individual who wants to join in a multiple ownership venture;
  - d. A licensed owner whose horse is not participating at an Arizona track during the current Arizona licensing cycle; and
  - e. An individual who submits an application for an owner's license under R19-1-106 and intends to obtain a first horse through claiming. If the stewards determine the individual is qualified for an owner's license except for the requirement of horse ownership, the stewards may authorize the individual to claim a horse. The Department shall issue an owner's license to the individual if the individual is successful in claiming a horse.
- 2. To apply for claiming authorization, an individual shall submit to the stewards a written:
  - a. Application, using a form available from the Department; and
  - b. Acknowledgment that a successfully claimed horse will be entrusted to the care and custody of a licensed trainer only.
- 3. Claiming authorization obtained under this subsection is valid for six months or until the authorized individual successfully claims a horse, whichever occurs first.

**D. Claiming restrictions.**

- 1. An authorized agent, even if representing more than one owner, shall not submit more than one claim in any race.
- 2. An authorized agent shall not claim a horse for the authorized agent in the capacity as authorized agent.
- 3. When a stable consists of horses owned by more than one person, the stable owners shall ensure that no more than one claim is submitted in a race by or on behalf of the stable owners.
- 4. The stewards may, at their discretion, require a person making a claim for a horse to provide a written affidavit that the claim is made for the person's own account or as an authorized agent and not for any other person.
- 5. A person shall not:
  - a. Enter into or offer to enter into an agreement to claim or not to claim a horse in a claiming race,
  - b. Attempt to prevent another person from claiming a horse in a claiming race, and
  - c. Attempt to prevent anyone from running a horse in a claiming race.
- 6. The owner of one horse and the trainer of a second horse running in the same claiming race shall not make or offer to make an agreement not to claim each other's horses.
- 7. A person shall not enter or allow to be entered in a claiming race a horse against which there is a lien unless written consent from the lien holder is first filed with the clerk of the track or the racing secretary.
- 8. A person shall not assert an ownership interest in a horse after the horse has run in a claiming race in the name of another person who, at the time of the race, had peaceable and undisputed possession of the horse.
- 9. A person shall not claim or cause to be claimed, directly or indirectly, for the person's account, a horse in which the person has an ownership interest.
- 10. An owner shall not claim a horse in the care and custody of the owner's trainer.

**E. Delivery of a claimed horse.**

- 1. The owner of a claimed horse shall ensure that the horse is delivered to the claimant after the claiming race is run. The claimant shall present to the owner the written claiming authorization obtained from the stewards under subsec-

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- tion (C).
2. The owner of a claimed horse sent to the detention area for post-race testing shall deliver the horse to the claimant at the detention area. The owner of a claimed horse not sent for post-race testing shall deliver the horse to the claimant as instructed by the stewards.
  3. If the stewards do not send a claimed horse for post-race testing, the claimant may require post-race testing if physical delivery of the claimed horse has not occurred and the claimant pays for the testing. The trainer of a claimed horse sent for post-race testing shall maintain care and custody of the horse. If a post-race test of a claimed horse is positive for a prohibited substance, the claim may be voided at the direction of the stewards.
  4. The owner of a claimed horse shall not refuse to deliver the horse to the claimant.
- E.** Irrevocability of a claim. A claimed horse shall race for the account of the horse's original owner but title to the horse shall transfer to the claimant when the horse becomes a starting horse. After title to the horse transfers to the claimant, the claimant becomes the owner of the horse regardless of whether it is alive or dead, sound or unsound, or injured before, during, or after the claiming race.
- G.** Ownership restrictions.
1. If a horse is claimed, the claimant:
    - a. Shall not sell or transfer the horse to anyone, wholly or in part, except in another claiming race, for 30 days from the day of claim; and
    - b. Shall not return the horse to the same stable or under control or management of the horse's former owner or trainer for 30 days from the day of claim unless the horse is reclaimed in another claiming race.
    - c. Shall ensure that the claimed horse does not race outside of Arizona until the race meet at which the horse was claimed is closed or for 60 days from the day of claim, whichever is less, except:
      - i. To fulfill a stakes engagement that transferred automatically to the claimant, or
      - ii. If the horse was claimed for a price that causes the horse to be ineligible to be reentered at the track where claimed.
  2. The stewards shall ensure that a horse claimed in another state and entered to race in Arizona is subject to the claiming restrictions in the state where the claim was made. Restrictions preventing the horse from racing in Arizona are applicable only until the close of the race meet at which the horse was claimed or for 60 days, whichever is less, except:
    - a. To fulfill a stakes engagement that transferred automatically to the claimant, or
    - b. If the horse was claimed for a price that causes the horse to be ineligible to be reentered at the track where claimed.
  3. In this subsection, the day following the claim is the first day.
- H.** Claiming price. The permittee shall ensure that the claiming price of each horse in a claiming race is published in the official race program. A person who wishes to claim a particular horse shall submit a claim for the amount published.
- I.** Determining the winner of a claim. If more than one claim is filed for the same horse, the stewards shall ensure that the successful claimant is chosen in a drawing that is conducted under the supervision and direction of the stewards.
- J.** Responsibility for determining sex and age of horse. The claimant shall determine the sex and age of a horse before submitting a claim for the horse and shall not rely on any designation of the horse's sex and age that appears in the official race program or any other racing publication.
- K.** Claiming procedures.
1. To make a valid claim, a person who has a claiming authorization obtained under subsection (C) shall:
    - a. Deposit with the horsemen's bookkeeper an amount equal to the claiming price;
    - b. Complete a written claim using a form furnished by the permittee and approved by the Department;
    - c. Identify the horse to be claimed by the spelling of the horse's name on the horse's certificate of registration or as spelled in the official race program;
    - d. Write the following information on the outside of an envelope provided by the permittee with the claim form:
      - i. Number of the race on which the claim is made; and
      - ii. Day, month, and year of the claiming race;
    - e. Seal the completed claim form in the completed envelope and ensure there are no identifying markers on the outside of the envelope except as described in subsection (K)(d); and
    - f. Deposit the completed claim form and envelope in the claim box at least 10 minutes before post time of the race on which the claim is made.
  2. The stewards shall open the claim envelopes for a claiming race when the horses for the race enter the track on the way from paddock to post.
  3. The stewards shall ascertain from the horsemen's bookkeeper whether an amount equal to the claiming price is on deposit.
  4. After a claim form is deposited in the claim box as described in subsection (K)(1)(f), the claim is irrevocable by the claimant. The stewards shall ensure that a claim form deposited in the claim box is not withdrawn from the claim box except by the stewards at the time designated by the stewards.

**R19-2-115.01. ~~Claiming Races: Duration of Race Meetings Repealed~~**

For purposes of R19-2-115 through R19-2-115.10:

1. ~~A commercial meeting includes county fair dates which may be run at the commercial track before, during, or after the commercial meeting.~~
2. ~~A county fair meeting includes the entire county fair circuit, spring and fall.~~

**R19-2-115.02. ~~Claiming Races: Steward Claiming Authorization Repealed~~**

~~A. The following persons may apply to the stewards for claiming authorization:~~

1. ~~A licensed owner whose last horse has been lost by claim, death, or career-ending injury during a commercial or county fair meeting.~~
2. ~~A person licensed in partnership or other form of multiple ownership wanting to claim a horse in sole ownership, or currently licensed persons wanting to join in a multiple ownership venture. A licensed owner may not be a party to more than one stable name or use his or her legal name for racing purposes if already registered in a stable name.~~
3. ~~A licensed owner whose horse is not participating at an Arizona track during the current Arizona licensing cycle.~~
4. ~~A person making application for an owner's license who intends to obtain his or her first horse through claiming:
  - a. ~~At least seven days prior to entering a claim, the applicant shall submit to the Department a completed owner's license application and fingerprint card, the owner's license fee, and evidence of current employment or other indication of financial responsibility. In addition, an applicant with previous pari-mutuel racing participation shall submit documentation that the applicant is in no way disqualified in this or any other jurisdiction.~~
  - b. ~~Upon determination that an applicant has met all requirements for an owner's license, except the requirement of horse ownership, claiming authorization may be granted and claiming credentials may be issued.~~
  - c. ~~Upon the successful claim of a horse, the owner's license shall be issued.~~~~

~~B. A person applying for authorization pursuant to this rule shall submit written acknowledgment that a licensed trainer shall assume care and responsibility for any horse claimed.~~

~~C. A person who claims a horse through authorization obtained under this rule shall start the claimed horse back pursuant to R19-2-115 through R19-2-115.10 before claiming again in his or her own name or in partnership.~~

~~D. Claiming authorization obtained pursuant to this rule shall be valid for six months or until the authorized person successfully claims a horse, which occurs first.~~

**R19-2-115.03. ~~Claiming Races: Claiming Restrictions Repealed~~**

~~A. An authorized agent, although representing more than one owner, may not submit more than one claim in any one race, or claim a horse for himself or herself in the capacity of agent.~~

~~B. When a stable consists of horses owned by more than one person and trained by the same trainer, not more than one claim may be entered on behalf of the stable in any one race.~~

~~C. The stewards, at their discretion, may require any person making a claim for a horse to provide written affidavit that he or she is claiming the horse for his or her own account, or as authorized agent, and not for any other person.~~

~~D. A person shall not offer to enter into an agreement to claim or not to claim, or attempt to prevent another person from claiming, any horse in a claiming race. A person shall not attempt to prevent anyone from running a horse in any race. Owners or trainers running horses in any claiming race shall not make any agreement for the protection of each other's horses.~~

~~E. A person may not enter, or allow to be entered, in a claiming race a horse against which any lien is held, unless, when or before entering the horse, the written consent of the holder of the lien is filed with the clerk or the course or racing secretary.~~

~~F. A person may not claim an ownership interest in a horse after the horse has run in a claiming race in the name of another person who, at the time of the race, had peaceable and undisputed possession of the horse.~~

~~G. A person may not claim his own horse, or cause his own horse to be claimed, directly or indirectly, for his account.~~

~~H. An owner shall not claim any horse in the care and custody of the owner's trainer.~~

**R19-2-115.04. ~~Claiming Races: Delivery of Claimed Horse Repealed~~**

~~A. Any horse claimed shall, after the running of the race, be delivered to the claimant. The claimant shall present written authorization from the stewards or their representative to the owner of the horse.~~

~~B. Claimed horses which are sent to the detention area for post-race testing shall be delivered at the detention area. All other claimed horses shall be delivered pursuant to directions from the stewards on a meet-by-meet basis.~~

~~C. The claimant of a horse not known to be designated for testing may require such procedure, provided that physical delivery of the claimed horse has not occurred and that the claimant shall pay testing costs. The original trainer shall maintain responsibility for the condition of the horse.~~

~~D. No person shall refuse to deliver a claimed horse.~~

**R19-2-115.05. ~~Claiming Races: Irrevocability of Claim Repealed~~**

~~Claimants shall not revoke their claims. Title to a claimed horse shall be vested in the successful claimant from the time the horse becomes a starting horse, and such claimant shall become the owner of the horse whether the horse is dead, unsound, or~~

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injured during or after the race. For purposes of the race in which a horse is claimed, the claimed horse shall run in the interest of and for the account of the owner for whom claimed.

**R19-2-115.06. Claiming Races: Claimed Horse Racing and Ownership Restrictions Repealed**

**A.** If a horse is claimed:

1. It may not be sold or transferred to anyone wholly or in part, except in a claiming race, for a period of 30 days from the date of claim.
2. Unless reclaimed, the horse may not be returned to the same stable or under control or management of its former owner or trainer for a period of 30 days from the day of claim.
3. The horse may not race outside Arizona until the meeting at which it was claimed has closed or for a period of 60 days from the day of the claim, whichever is less, except to fulfill a stakes engagement transferring automatically to the new owner, or when the horse is entered and starts for a claiming price which would cause the horse to become ineligible to be reentered at the track where claimed.

**B.** All horses claimed in other states and racing here shall be subject to the conditions of the claiming restrictions in the state where the claim was made.

**R19-2-115.07. Claiming Races: Claiming Price and Determination of Winner of Claim Repealed**

The claiming price of each horse in a claiming race shall be printed on the program, and all claims for the horse shall be for the amount so designated. If more than one claim is filed for the same horse, the disposition of the horse shall be determined by lots under the direction and supervision of one or more of the stewards or their designee.

**R19-2-115.08. Claiming Races: Responsibility for Determining Sex of Horse Repealed**

Notwithstanding any designation of sex appearing on the racing program or in any racing publication, the claimant of a horse shall be solely responsible for determining the sex of the horse claimed.

**R19-2-115.09. Claiming Races: Claiming Procedures Repealed**

**A.** All claims shall be made in writing on a form provided by the permittee. The form shall be properly completed, signed and enclosed in an envelope also provided by the permittee. The envelope shall have no identification marking other than the number of the race for which the claim is being made, and the day, month and year of the race. The envelope shall be sealed and deposited in a time-locked claim box provided for this purpose by the permittee. Money shall not accompany the claim.

**B.** All claims shall be deposited in the claim box at least 10 minutes before post time of the race on which the claim is made.

**C.** The stewards or their designee shall open the claim envelopes for each race when the horses for the race enter the track on the way from paddock to post. The stewards or their designee shall ascertain from the horsemen's bookkeeper whether the proper credit balance has been established with the permittee.

**R19-2-115.10. Claiming Races: Disciplinary Action Repealed**

A person violating any of the provisions of R19-2-115 through R19-2-115.09 shall be subject to discipline by the board of stewards, pursuant to Section R19-2-121(E).

**R19-2-119. Rules Running of the Race and Winnings**

**A.** Generally,

1. ~~All~~ The permittee shall conspicuously post all track rules shall be posted conspicuously and file a copy of said the rules shall be filed with the Department.
2. ~~All~~ The permittee shall ensure that post times are based on the number of races run daily and that all races shall be are off at a regular interval intervals. Post times shall be based upon the number of races run daily. The permittee shall set the intervals shall be set by the permittee with the approval of the stewards.
3. ~~No~~ The permittee shall pay purse monies earned by a horse ~~shall be paid to anyone except~~ only the horse's registered owners ~~owner or their the owner's~~ authorized agents.
4. In a stakes race ~~which that~~ is a walkover, unless otherwise specified in the conditions ~~of the race~~, the entry ~~which that~~ appears for the race may walk over the ~~course track~~ and be declared the winner. ~~Such a~~ The permittee shall pay the walkover winner shall be entitled to the entire stakes and to the winning percentage of the purse.

**B.** Pre-race activity,

1. ~~The paddock judge shall ensure that the~~ number on the saddle cloth of a horse ~~shall correspond~~ corresponds with ~~it's~~ the horse's number on the ~~daily~~ official race program.
2. When a horse arrives in the paddock, the trainer shall remove all blankets and bandages except bandages the horse will wear during the race.
3. The stewards shall scratch a horse that arrives late in the paddock and is not ready to step onto the track with other horses entered in the same race.
- ~~2-4.~~ All horses ~~Each horse~~ shall parade and ~~shall~~ carry ~~their the horse's~~ weight from the paddock to the starting post.
- ~~3-5.~~ If a horse is led to the post with permission of the paddock judge, ~~it carries its~~ the horse shall carry the horse's weight and ~~shall~~ pass the stewards' stand on ~~its the~~ way to the post.

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- 4-6. After the horses are ordered to the starting post and until the stewards direct the track gates to be reopened, the stewards shall exclude all persons except licensees designated by the stewards ~~shall be excluded~~ from the track.
- 5-7. After the horses ~~have entered~~ enter the track, ~~not no~~ more than 12 minutes shall elapse during the parade of the horses to the post, except with the approval of the stewards.
- 6-8. After passing the stand once, the horses ~~will be allowed to~~ may break formation, canter, warm up, or move in any other manner until ~~they~~ the horses are within 100 yards of the post.

C. Races.

- 1. ~~All~~ The Department shall ensure that all races ~~shall be~~ are started by a starting gate approved by the Department.
  - a. A race may be started without a stall gate or a gate with the doors open may be used ~~in case of necessity~~ if necessary and with the permission of the stewards.
  - b. If a race is started without a stall gate, the official starter shall insure there ~~shall be~~ is no start until, and no recall after, a starter's assistant ~~has dropped his~~ drops the starter's flag in response to the order of the official starter.
- 2. ~~In the event of~~ If there is an unavoidable delay in the starting of a race, the starter shall instruct the riders to dismount and ~~to~~ lead their horses.
- 3. ~~When a~~ A horse, during the post parade, is deemed unfit to start or is injured by an accident in the gate, it may be excused by the stewards. ~~Such a horse and, if excused,~~ shall not be considered to have started in the race if the horse is:
  - a. Deemed unfit to start during the post parade, or
  - b. Injured by an accident in the gate.
- 4. ~~When a~~ A horse that misbehaves in the gate ~~and thereby unduly delays and causes an undue delay in~~ the start of a race, ~~it~~ may be excused by the starter ~~and after consultation with~~ the stewards. ~~Such a~~ The horse shall not be considered to have started in the race, but ~~it~~ shall be penalized by being put on the schooling list. As specified in R19-2-113(B)(1)(5), a horse on the starter's schooling list is not eligible for its entry in future races will be refused for a period of time to be determined by until the starter, with the approval of the stewards, removes the horse from the schooling list.
- 5. ~~No~~ A race shall ~~not~~ be run ~~when it is so dark that if conditions do not allow~~ the horses ~~cannot~~ to be plainly seen from the stand by the judges ~~or~~ and stewards.
- 6. Every horse in a race is entitled to racing room, ~~and~~ A horse or jockey shall not be deliberately ~~pocketed~~ pocket another horse. ~~and, in~~ In a straightaway race, each horse shall maintain the position in the lane in which ~~it~~ the horse starts as nearly as possible.
- 7. If a horse is ridden or drifts out of its lane in ~~such~~ a manner that ~~it~~ interferes with or impedes another horse ~~in any way,~~ a foul ~~has been~~ is committed. The ~~offending~~ stewards may disqualify the horse committing the foul may be disqualified if the outcome of the race is affected by the foul, ~~and replaced at the discretion of the~~ The stewards ~~in a manner as to correct the effect of the interference as nearly as possible may place the horse committing the foul behind the horse fouled.~~ The provisions of this subsection ~~shall~~ apply to fouls caused by the horse or the jockey and fouls caused ~~either carelessly or purposefully~~ intentionally or unintentionally.
  - a. ~~In the event of disqualification of any~~ If part of an entry is disqualified, it shall be at the discretion of the stewards shall decide as to whether ~~such~~ the disqualification ~~shall extend~~ extends to all ~~or any part~~ of the entry. If the disqualification does not extend to all of the entry, the stewards shall specify the part of the entry to which the disqualification extends.
  - b. ~~If the~~ The stewards ~~shall not penalize a jockey if the stewards rule that the foul referred to in~~ under subsection (C)(7) ~~of this Section~~ was caused by the horse, despite the obvious efforts of the jockey to maintain the horse in its lane position in its lane, the jockey shall not be penalized.
  - c. If the stewards rule that the foul ~~referred to in~~ under subsection (C)(7) ~~of this Section~~ was caused by the ~~jockey's~~ jockey failing to attempt to prevent the foul or willfully riding the horse out of its lane, the jockey shall be ~~penalized~~ subject to imposition of penalties by the stewards.
- 8-d. In a race run around a turn, a horse ~~which that~~ is in the clear may be taken to any part of the track. If the stewards determine that Weaving weaving back and forth in front of another horse ~~may be considered~~ is interference or intimidation, ~~and may the jockey shall~~ be penalized.
- 9-8. A jockey shall not cause ~~such~~ the jockey's horse to shorten stride with a view to making a complaint. If the stewards decide that an intentional foul was committed in the riding of a race or that ~~any~~ a jockey was instructed or induced to ride in ~~such~~ a manner that caused a foul, the stewards shall suspend all persons the stewards determine, following a hearing, are guilty of complicity in the foul shall be suspended.
- 10-9. When a horse is disqualified by the stewards under ~~these rules~~ A.R.S. Title 5, Chapter 1 and this Chapter, the stewards shall disqualify and replace every horse in the race ~~belonging that belongs~~ wholly or in part to the same owner; or ~~is~~ under the management of the same trainer, ~~may be disqualified and replaced upon a finding of~~ if the stewards find there is good cause by the stewards to disqualify and replace the other horses.
- 11-10. A horse shall be ridden across the finish line carrying ~~it's~~ the horse's assigned weight ~~in order~~ to participate in the purse distribution of ~~the~~ a race unless the nomination blank for the race states otherwise.

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~~12-11.~~ No A whip shall not be carried on ~~any~~ a 2-year-old in a race on the straightaway before March 1. After ~~March 1~~ April 30, following satisfactory performance out of the gate with a whip and with ~~the~~ approval of the starter, a whip may be carried in ~~such~~ a race under this subsection.

~~13-12.~~ No An owner, trainer, handler, or jockey shall not attempt to prevent ~~his~~ a horse from running ~~it's~~ the horse's best and winning.

D. Dead heats,

1. When a race results in a dead heat, the heat shall not be run off.
2. If a race results in a dead heat, all prizes to which the horses finishing in the dead heat would have been entitled shall be divided equally between them.
3. When a dead heat is run for second place, and an objection is made and sustained to the winner of the race, the horses ~~which that~~ ran the dead heat shall be deemed to have run a dead heat for first place.
4. If the dividing owners cannot agree ~~as to~~ which of ~~them~~ owner is to have a cup or other prize ~~which that~~ cannot be divided, the question shall be determined by ~~lot~~ a drawing conducted by the permittee.
5. Each horse that runs a dead heat for a race or place shall be deemed a winner of that race or place and shall be liable as ~~such~~ the winner for any penalty or disability ~~attaching to the same~~ incurred.

E. Winnings or wins,

1. ~~Winnings shall~~ To calculate the total winnings of a horse, include all prizes and wins:
  - a. ~~up to~~ Until the time ~~appointed~~ for the start of a race ~~and shall apply to all races in any~~ regardless of the country in which the prize or win occurred; provided that in county fair race meets not having an "also-eligible" list, winnings shall include all prizes and wins up to the
  - b. Until the time of entry for a county fair race meet that does not have an also-eligible list; and
  - c. ~~Maiden races~~ This subsection does not apply to a maiden race at County Fair Race Meets shall be an exception to this rule a county fair race meet.
2. Winnings ~~shall~~ include prizes earned by walking over or receiving forfeit.
3. ~~but shall~~ Winnings do not include second and third place money or the value of any non-monetary prize ~~not of~~ money or not paid in money.
- 3-4. Winnings during ~~the~~ a year shall be computed from ~~the preceding~~ January 1 of the year.
- 4-5. ~~Winner~~ If the conditions of a race refer to a winner of a certain sum, the condition means a shall mean winner of of that sum in a single race ~~of that value unless otherwise expressed in the conditions specify otherwise.~~
- 5-6. In estimating the net value of a race to the winner, all sums contributed by ~~it's~~ the winner's owner or nominator shall be deducted from the amount won.
- 6-7. Winners or losers of steeplechases, hurdle races, thoroughbred races, or mixed quarter horse races shall be considered winners or losers on the flat, and winners or losers on the flat shall be considered winners or losers of steeplechases, hurdle races, thoroughbred races, or mixed quarter horse races.

**R19-2-120. Repealed Veterinary Practices, Animal Medication, and Animal Testing**

**A. Veterinary practices.**

1. The state veterinarian and stewards have authority over a veterinarian licensed by the Department and practicing at a location under the Department's jurisdiction. The state veterinarian shall inform the stewards or Department of a licensed veterinarian who violates A.R.S. Title 5, Chapter 1 or this Chapter.
2. Treatment restrictions.
  - a. The Department shall authorize only a veterinarian licensed under A.R.S. Title 32, Chapter 21 and by the Department to administer a prescription or controlled medication, drug, or other substance, including a medication, drug, or other substance administered by injection, to a horse at a location under the Department's jurisdiction.
  - b. Subsection (A)(2)(a) does not apply to administration of the following substances if the substances are administered in levels that do not interfere with post-race testing:
    - i. A non-injectable nutritional supplement or other substance approved by the state veterinarian;
    - ii. A non-injectable substance on direction or by prescription of a licensed veterinarian; or
    - iii. A non-injectable, non-prescription, substance.
  - c. A licensee shall not possess a hypodermic needle, syringe, or other injectable device at a location under the Department's jurisdiction unless the hypodermic needle, syringe, or other injectable device has been approved by the Department. At a location under the Department's jurisdiction, a veterinarian shall use only one-time use, disposable, hypodermic needles and shall dispose of used needles in a manner approved by the Department.
  - d. A licensee who has a medical condition that makes it necessary for the licensee to have a hypodermic needle, syringe, or other injectable device at a location under the Department's jurisdiction shall make a written request for permission to the stewards or Department before bringing the device to a location under the Department's jurisdiction. The licensee shall attach to the written request for permission a letter from a licensed physician explaining why it is necessary for the licensee to possess the device and shall comply with all conditions and restriction established by the stewards or Department.
  - e. A private veterinarian employed by a horse owner shall not have contact with an entered horse on race day



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before the race in which the horse is entered except to administer furosemide according to standards established in this Section or if the contact is approved by the state veterinarian.

f. The trainer or owner of an entered horse shall ensure that the horse is present at a location under the Department's jurisdiction at least five hours before post time of a race in which the horse is entered.

g. Notwithstanding the provisions of this Section, any veterinarian may treat a horse if an emergency involving the life or health of the horse exists.

3. Veterinarians' records.

a. A veterinarian who treats a horse or performs another professional service at a location under the Department's jurisdiction or who treats a horse that is actively participating in a race meet even if the treatment is provided at a location not under the Department's jurisdiction, shall ensure that a treatment record is maintained on all horses for which the veterinarian prescribes, administers, or dispenses medication or performs other professional services. The veterinarian shall ensure that the treatment record includes at least the following information:

i. Name of horse treated;

ii. Name of medication, drug, or substance administered or prescribed and description of any other professional service performed;

iii. Date and time of treatment;

iv. Name of the horse's trainer;

v. Other information requested by the state veterinarian; and

vi. The treating veterinarian's signature.

b. The veterinarian shall ensure that treatment records are current at all times and make the treatment records available to the stewards or Department within 24 hours after a request is made. The veterinarian shall retain the treatment records for at least one year after the date of treatment.

c. The veterinarian shall retain a copy of all bills or statements provided to the owner or trainer of a treated horse for at least one year after the date of treatment and make the copies available to the Department within 48 hours after a request is made.

**B.** Prohibited practices.

1. A licensee shall not possess or use a medication, drug, or substance at a location under the Department's jurisdiction if:

a. There is no recognized analytical method to detect and confirm that the medication, drug, or substance has been administered to a horse;

b. Use of the medication, drug, or substance may:

i. Endanger the health and welfare of the horse to which it is administered,

ii. Endanger the safety of the rider of the horse to which it is administered, or

iii. Adversely affect the integrity of racing; or

c. The medication, drug, or substance has not been approved by the U.S. Food and Drug Administration for human or animal use and the Department has not approved use of the medication, drug, or substance.

2. A licensee shall not possess or use a blood doping agent, including but not limited to the following, at a location under the Department's jurisdiction:

a. Erythropoietin,

b. Darbepoetin,

c. Oxyglobin@,

d. Hemopure@,

e. ITPP, or

f. AICAR.

3. A veterinarian who uses extracorporeal shock wave or radial pulse wave therapy on a horse at a location under the Department's jurisdiction shall ensure that all of the following conditions are met:

a. The veterinarian is licensed under A.R.S. Title 32, Chapter 21 and by the Department;

b. The veterinarian informs the Department of the plan to use an extracorporeal shock wave or radial pulse wave therapy machine before the machine is used at a location under the Department's jurisdiction;

c. An extracorporeal shock wave or radial pulse wave therapy treatment is reported to the state veterinarian on a form prescribed by the Department no later than 24 hours after the time of treatment; and

d. A horse treated with extracorporeal shock wave therapy or radial pulse wave therapy does not race for at least 10 days following treatment.

4. A licensee shall not use a nasogastric tube that is longer than six inches to administer a medication, drug, or other substance to a horse within 24 hours before post time of a race in which the horse is entered without permission of the state veterinarian.

5. A licensee shall not participate in chemical or surgical desensitizing of the nerves of a horse intended to be entered in a race at a location under the Department's jurisdiction.

a. The racing secretary shall not accept registration papers for a desensitized horse.

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- b. A licensee shall not enter a desensitized horse in a race at a location under the Department's jurisdiction, and
- c. A licensee shall not race a horse that is desensitized at the time the horse arrives at the receiving barn or saddling paddock.

**C. Drug classification and penalties.**

1. If the stewards determine that a licensee has violated this Section, the stewards shall consult the Uniform Classification Guidelines of Foreign Substances and Recommended Penalties and the model rule, both of which are established by the Association of Racing Commissioners International (ARCI). After determining the classification level of the violation, the stewards shall impose a penalty on the licensee.
2. The stewards shall investigate an alleged violation of this Section and determine a penalty on a case-by-case basis. The stewards shall consider at least the following factors when determining the penalty to impose:
  - a. The disciplinary record of the licensee involving a medication, drug, or substance;
  - b. The potential of the medication, drug, or substance to influence a horse's racing performance;
  - c. The legal availability of the medication, drug, or substance;
  - d. Whether there is reason to believe the responsible licensee knew of the administration of the medication, drug, or substance or intentionally administered the medication, drug, or substance;
  - e. The steps taken by the trainer to safeguard the horse to which the medication, drug, or substance was administered;
  - f. The probability of environmental contamination or inadvertent exposure due to human drug use;
  - g. The purse of the race in which the affected horse was entered;
  - h. Whether the medication, drug, or substance found was one for which the horse was receiving a treatment as disclosed to the Department;
  - i. Whether there was a suspicious betting pattern in the race in which the affected horse was entered; and
  - j. Whether the licensed trainer was acting under the advice of a licensed veterinarian.
3. In making a penalty decision under this subsection, the stewards shall distinguish between a medication, drug, or substance that is routinely used to treat a horse and a medication, drug, or substance for which there is no reason that the medication, drug, or substance should be found in any concentration in a test sample taken from a horse on race day.
4. If a licensed veterinarian administers or prescribes a medication, drug, or substance that is not listed in materials identified in subsection (C)(1), the licensed veterinarian shall timely forward the identity of the medication, drug, or substance to the ARCI Drug Testing Standards and Practices Committee or the Racing Medication and Testing Consortium for classification.
5. The Department shall classify a medication, drug, or substance or a metabolite of the medication, drug, or substance found in a pre- or post-race sample that is not classified in the materials identified in subsection (C)(1) as ARCI Class 1 and impose a penalty commensurate with the Class 1 classification on the trainer or owner of the horse from which the sample was taken unless the trainer or owner provides information from the ARCI Drug Testing Standards and Practices Committee or the Racing Medication and Testing Consortium that a different classification is applicable.
6. The Department shall provide written notice of a hearing to a licensee alleged to be involved in a violation of this Section. The Department shall provide an opportunity for the licensee to attend the hearing and written notice of the Department's order.
7. In addition to a penalty issued by the stewards or the Department, the Department shall refer a veterinarian found to be involved in the administration of a medication, drug, or substance carrying a category "A" penalty, as specified in the materials identified in subsection (C)(a), to the Veterinary Medical Examining Board for consideration of further disciplinary action.
8. If the stewards or Department believe a licensee may have committed an act that violates state criminal law, the Department shall make a referral to an appropriate law enforcement agency. Administrative action taken by the stewards or Department does not prohibit criminal prosecution. Criminal prosecution does not prohibit administrative action by the stewards or Department.
9. If the license of a trainer is suspended, the suspended trainer shall not benefit financially during the period of suspension by transferring the custody, care, and control of a horse to another person. The Department shall approve all transfers of the custody, care, and control of a horse from one person to another.

**D. Prohibited medications.**

1. If the official laboratory finds a prohibited medication, drug, or other substance in a sample from a horse, the Department shall view this as prima facie evidence that the prohibited medication, drug, or other substance was administered to the horse. If a prohibited medication, drug, or other substance is found in a sample from a horse after the horse has raced, the Department shall conclude that the prohibited medication, drug, or substance was present in the horse's body while the horse participated in the race.
2. The following medications, drugs, and substances are prohibited:
  - a. A medication or drug for which no acceptable threshold concentration has been established.
  - b. A therapeutic medication in excess of the established threshold concentration.

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- c. A substance present in a horse in excess of the concentration at which the substance could occur naturally, and
- d. A substance foreign to a horse present at a concentration that could interfere with testing procedures.
- 3. Except as otherwise provided in this Chapter, a licensee shall not administer or cause to be administered to a horse a prohibited medication, drug, or other substance during the 24 hours before post time for a race in which the horse is entered.

**E. Medical labeling.**

- 1. Except as provided in subsection (E)(2), a licensee at a location under the Department's jurisdiction shall not have in the licensee's personal property, including a vehicle, or under the licensee's care, custody, or control, a medication, drug, or other substance that is prohibited in a horse on a race day unless the medication, drug, or other substance is prescribed and labeled as specified in subsection (E)(3).
- 2. Subsection (E)(1) does not apply to a veterinarian licensed under A.R.S. Title 32, Chapter 21 and this Chapter.
- 3. A licensed veterinarian shall ensure that a prescription is issued for a medication, drug, or other substance that is used or kept at a location under the Department's jurisdiction if federal or state law requires a prescription for the medication, drug, or other substance. The licensed veterinarian shall ensure that the medication, drug, or other substance has a securely attached prescription label containing the following information:
  - a. Name of the medication, drug, or other substance;
  - b. Name, address, and telephone number of the veterinarian prescribing or dispensing the medication, drug, or other substance;
  - c. Name of the horse for which the medication, drug, or other substance is prescribed;
  - d. Dose, dosage, duration of treatment, and expiration date of the prescribed medication, drug, or other substance;  
and
  - e. Name of the licensee to whom the medication, drug, or other substance is dispensed.

**F. Non-steroidal anti-inflammatory drugs (NSAIDs).**

- 1. A licensee who determines it is necessary to administer a NSAID to a horse, shall ensure that only the following NSAIDs are used:
  - a. Phenylbutazone,
  - b. Flunixin, or
  - c. Ketoprofen.
- 2. A licensee who administers one of the NSAIDs listed in subsection (F)(1) to a horse shall ensure that:
  - a. The administration occurs at least 24 hours before the post time for a race in which the horse is entered; and
  - b. The serum or plasma threshold concentration of the NSAID does not exceed the following, which is consistent with administration of a single intravenous injection:
    - i. Phenylbutazone – 5 micrograms per milliliter;
    - ii. Flunixin – 20 nanograms per milliliter; and
    - iii. Ketoprofen – 10 nanograms per milliliter.
- 3. A licensee shall ensure that administration of more than one of the NSAIDs listed in subsection (F)(1) to a horse is discontinued at least 48 hours before the post time for a race in which the horse is entered.
- 4. A licensee shall not administer a NSAID to a horse within 24 hours before post time for a race in which the horse is entered.
- 5. The Department shall subject a horse to which a NSAID has been administered to post-race blood or urine sampling supervised by the state veterinarian. The Department shall ensure that the samples are tested to determine the quantitative NSAID level and whether other medications, drugs, or substances are present. The Department shall take disciplinary action against the horse's trainer if the test results show:
  - a. The presence of more than one of the NSAIDs listed in subsection (F)(1) unless the second NSAID is Phenylbutazone in a concentration of less than .5 micrograms per milliliter of serum or plasma or Flunixin in a concentration of less than 5 nanograms per milliliter of serum or plasma; or
  - b. A NSAID not listed in subsection (F)(1).

**G. Furosemide.**

- 1. Unless the state veterinarian instructs otherwise, a licensee shall administer furosemide intravenously to an entered horse only after the state veterinarian places the horse on the Furosemide List.
- 2. The following procedure applies to place a horse on or take a horse off the Furosemide List:
  - a. If the horse's trainer and veterinarian determine that it is in the horse's best interest to race with furosemide, the trainer and veterinarian shall notify the state veterinarian or designee, using a form prescribed by the Department, and request that the horse be placed on the Furosemide List;
  - b. The horse's trainer and veterinarian shall ensure that the state veterinarian or designee receives the notice required under subsection (G)(2)(a) no later than the time for entering the horse in a race;
  - c. After a horse is placed on the Furosemide List, the horse shall remain on the list until the horse's trainer and veterinarian submit a written request for removal to the state veterinarian, using a form prescribed by the Department. The horse's trainer and veterinarian shall ensure that the required request for removal is submitted no later

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- than the time for entering the horse in a race:
- d. After a horse is removed from the Furosemide List, the state veterinarian shall not allow the horse to be placed on the Furosemide List for 60 days unless the state veterinarian determines that failure to put the horse on the Furosemide List is detrimental to the welfare of the horse;
  - e. If a horse is removed from the Furosemide List a second time in 365 days, the state veterinarian shall not allow the horse to be placed on the Furosemide List for 90 days; and
  - f. The state veterinarian shall ensure that the provisions in subsections (G)(2)(d) and (e) are not applied to a horse that was mandated by the conditions of entry to race without furosemide in the horse's previous race. The horse may be placed on the Furosemide List, at the election of the horse's trainer or veterinarian, by following the procedures in subsections (G)(2)(a) and (b).
3. On request by the Department, a veterinarian who administers furosemide to a horse shall surrender the syringe used in the administration for testing.
  4. A veterinarian shall administer furosemide to a horse only at a location under the Department's jurisdiction.
  5. If a location under the Department's jurisdiction is used for administration of furosemide, the trainer or veterinarian of a horse to which furosemide is to be administered shall ensure that the following conditions are met:
    - a. The horse is on the Furosemide List;
    - b. The horse is brought to the detention barn at least four hours before post time of a race in which the horse is entered;
    - c. The furosemide is administered no fewer than four hours before post time of a race in which the horse is entered;
    - d. The dose of furosemide administered is between 150 mg. and 500 mg.;
    - e. The dose of furosemide is administered by a single, intravenous injection; and
    - f. After the furosemide is administered, the horse remains in the detention barn in the care, custody, and control of the horse's trainer and under Department supervision until called to the saddling paddock.
  6. After furosemide is administered, the trainer or veterinarian of the treated horse shall deliver the following information to the state veterinarian, at least three hours before post time for a race in which the horse is entered, under oath and on a form prescribed by the Department:
    - a. Name of the horse to which furosemide was administered,
    - b. Name of the track at which the horse is entered to race,
    - c. Date and time the furosemide was administered,
    - d. Dosage of furosemide administered,
    - e. Side of the horse in which the furosemide was administered, and
    - f. Printed name and signature of the veterinarian who administered the furosemide.
  7. The state veterinarian shall ensure that a post-race urine, serum, or plasma sample from a horse is tested to determine the concentration of furosemide in the horse. If a horse was scheduled to race with furosemide, the post-race testing shall show:
    - a. A specific gravity of urine of 1.010 or greater, or
    - b. A concentration of no more than 100 nanograms of furosemide per milliliter of serum or plasma.
- H. Bleeder list.**
1. The state veterinarian or designee shall maintain a Bleeder List of all horses, regardless of age, for which the state veterinarian or designee observes external evidence of exercise-induced pulmonary hemorrhage from one or both nostrils during or after a race or workout.
  2. A horse placed on the Bleeder List shall be ineligible to race for the following periods:
    - a. First incident – 10 days;
    - b. Second incident within a 365-day period – 60 days;
    - c. Third incident within a 365-day period – 180 days; and
    - d. Fourth incident within a 365-day period – lifetime bar from racing.
  3. For the purpose of counting the number of days a horse is ineligible to run, the day the veterinarian witnessed the horse bleed externally is the first day of the required recovery period.
  4. The state veterinarian or designee shall not place a horse on the Bleeder List if furosemide is voluntarily administered to the horse under subsection (G) without an external bleeding incident.
  5. The Department shall authorize only the state veterinarian to remove a horse from the Bleeder List. To remove a horse from the Bleeder List, the state veterinarian shall certify the recommendation for removal in writing to the stewards.
  6. The state veterinarian or designee shall place a horse on the Bleeder List if the horse has been placed on a Bleeder List in another jurisdiction.
- I. Anti-ulcer medications.** A veterinarian who determines it is necessary to administer an anti-ulcer medication to a horse shall administer one of the following anti-ulcer medications, at the stated dosage, no less than 24 hours before post time for a race in which the horse is entered:
1. Cimetidine (Tagamet<sup>®</sup>) – 8 to 20 mg/kg PO BID-TID;

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2. Omeprazole (Gastrogard<sup>®</sup>) – 2.2 Grams PO SID; or
3. Ranitidine (Zantac<sup>®</sup>) – 8 mg/kg PO BID.

**J. Environmental contaminants and substances of human use.**

1. The Department shall take disciplinary action against a trainer responsible for a horse that has more than 100 nanograms of caffeine in a milliliter of serum or plasma at the time of a pre- or post-race test.
2. If a preponderance of the evidence presented during a hearing shows that a positive test conducted on a horse results from environmental contamination or inadvertent exposure to human use of a medication, drug, or other substance, the Department shall consider the evidence as a mitigating factor in determining the disciplinary action to take against the affected trainer.

**K. Androgenic-anabolic steroids (AAS).**

1. The Department shall take disciplinary action against a trainer responsible for a horse if a urine test conducted on the horse shows:
  - a. The presence of an AAS other than those listed in subsection (K)(2), or
  - b. A concentration of an AAS listed in subsection (K)(2) greater than the threshold concentration listed in subsection (K)(2).
2. The Department shall permit the presence of the following AAS at a concentration at or less than the indicated threshold in the urine of a horse:
  - a. 16 $\beta$ -hydroxystanozolol (metabolite of stanozolol (Winstrol) in all horses regardless of sex - 1 ng/ml in urine or 100 pg/ml in serum or plasma;
  - b. Boldenone (Equipoise<sup>®</sup> is the undecylenate ester of boldenone) in:
    - i. Male horses other than geldings – 15 ng/ml in urine or 100 pg/ml in serum or plasma; and
    - ii. Geldings and female horses – 100 pg/ml in serum or plasma;
  - c. Nandrolone (Durabolin<sup>®</sup> is the phenylpropionate ester and Deca-Durabolin<sup>®</sup> is the decanoate ester) in:
    - i. Geldings, fillies, and mares – 1 ng/ml in urine or 100 pg/ml in serum or plasma; and
    - ii. Intact males -- 500 pg/ml in serum or plasma; and
  - d. Testosterone in:
    - i. Geldings – 20 ng/ml in urine;
    - ii. Fillies and mares – 55 ng/ml in urine or 100 pg/ml in serum or plasma; and
    - iii. Intact males – 2,000 pg/ml in serum or plasma.
3. The state veterinarian shall ensure that a urine sample is identified with the sex of the horse from which the urine sample was obtained before the urine sample is forwarded to the official laboratory for testing.
4. The state veterinarian shall place a horse to which an AAS has been administered to assist in recovery from illness or injury on the Veterinarian's List to allow concentration of the AAS or metabolite in the horse's urine to be monitored. The state veterinarian may remove the horse from the Veterinarian's List when the concentration of the AAS or metabolite in urine is less than the threshold indicated in subsection (K)(2).

**L. TCO<sub>2</sub> testing and procedures**

1. A steward or Department veterinarian may order that a blood sample be collected from a horse before or after a race to determine the TCO<sub>2</sub> concentration in the serum or plasma of the horse. If it is determined that testing for TCO<sub>2</sub> concentration is necessary, the state veterinarian shall ensure that the following procedure is used:
  - a. The state veterinarian shall ensure that at least two tubes of blood are obtained from the horse for TCO<sub>2</sub> testing;
  - b. If the owner or trainer of a horse to be tested for TCO<sub>2</sub> concentration wishes to have split sample testing performed, the owner or trainer shall request the split sample testing before the sample is collected;
  - c. The owner or trainer of a horse to be tested for TCO<sub>2</sub> concentration who requests split sample testing shall pay all costs related to obtaining, handling, shipping and analyzing the split;
  - d. If the official laboratory determines that the concentration of TCO<sub>2</sub> in the blood of a horse exceeds 37 millimoles per liter, the official laboratory shall inform the Department immediately of the positive finding; and
  - e. If the Department, in its discretion, determines the split sample cannot be tested within five days after the sample is collected, the determination of TCO<sub>2</sub> concentration made by the official laboratory is final.
2. The stewards shall declare a horse ineligible to race if the owner, trainer, or other person responsible for the horse refuses or fails to permit a blood sample to be collected from the horse.
3. If the result obtained by the official laboratory shows that a horse has a concentration of TCO<sub>2</sub> greater than 37 millimoles per liter and the owner or trainer of the horse certifies in writing to the stewards within 24 hours after receiving notice of the test result that the concentration is normal for the horse, the owner or trainer may request that the horse be held in quarantine. If quarantine is requested, the permittee shall make guarded quarantine available for the horse for a period up to 72 hours as determined by the stewards.
  - a. The owner or trainer of the horse shall pay all expenses associated with maintaining the quarantine;
  - b. During quarantine, the state veterinarian shall ensure that the horse's TCO<sub>2</sub> concentration is re-tested;
  - c. The stewards shall not allow the horse to race during the quarantine period but may allow the horse to be exercised and trained at times and in a manner that allows monitoring of the horse by the Department;

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- d. The stewards shall ensure that the horse is fed only hay, oats, and water during the quarantine period; and
- e. If the state veterinarian is satisfied that the horse's TCO<sub>2</sub> concentration, as registered in the original test, is physiologically normal for the horse, the stewards shall:
  - i. Permit the horse to race; or
  - ii. Require that the quarantine procedure in this subsection be repeated to verify that the horse's TCO<sub>2</sub> concentration is physiologically normal.

**M.** Blood- and gene-doping agents.

- 1. The Department may subject a horse at a location under the Department's jurisdiction or under the care or control of a licensee to testing for blood- and gene-doping agents.
- 2. The state veterinarian is authorized to:
  - a. Take a urine, blood, or hair sample from a horse to test for blood- and gene-doping agents;
  - b. Select a horse for testing at random or with probable cause; and
  - c. Conduct the sampling at any time without advance notice.
- 3. The Department shall take disciplinary action against a licensee responsible for a horse if the results of a test conducted on a sample obtained under subsection (M)(2) shows the presence of:
  - a. Blood-doping agents including, but not limited to, Erthropoietin (EPO), Darbeoetin, Oxyglobin, Hemopure, Aransep, or any substance that abnormally enhances oxygenation of body tissues; or
  - b. Gene-doping agents or the non-therapeutic use of genes, genetic elements, or cells that have the capacity to enhance athletic performance or produce analgesia.
- 4. Subsection (M)(3) does not apply to a therapeutic medication that has been approved by the U.S. Food and Drug Administration for use in a horse.
- 5. A licensee at a location under the Department's jurisdiction shall cooperate with a veterinarian acting under subsection (M)(2) by:
  - a. Assisting to locate and identify a horse selected for testing.
  - b. Providing a stall or other safe location at which samples can be collected, and
  - c. Assisting the veterinarian to procure a sample properly.
- 6. A veterinarian who obtains a sample under subsection (M)(2) shall split the sample as described in subsection (N).

**N.** Testing.

- 1. Reporting to the test barn.
  - a. The trainer of an official winning horse, or a designee of the trainer, shall take the horse to the test barn immediately after the race to have blood and urine samples taken.
  - b. The Department or stewards shall order random or extra testing of any horse at a location under the Department's jurisdiction if the Department or stewards determine that the testing is in the best interest of racing. The trainer of a horse ordered to testing, or a designee of the trainer, shall take the horse directly, or at a time designated by the stewards or state veterinarian, to the test barn to have blood and urine samples taken.
  - c. A track security guard shall monitor access to the test-barn area during and immediately after each race. A person who wishes to enter the test-barn area shall:
    - i. Be at least 18 years old.
    - ii. Be currently licensed by the Department.
    - iii. Display an identification badge issued by the Department, and
    - iv. Have a reason to be in the test-barn area that the track security guard determines is legitimate.
- 2. Sample collection.
  - a. The state veterinarian or designee shall take blood and urine samples from a horse.
  - b. The state veterinarian shall ensure that blood samples are taken at a consistent time, preferably within one hour after a race.
  - c. The state veterinarian shall determine the minimum sample required for testing by the official laboratory:
    - i. If the sample obtained is less than the minimum required, the state veterinarian shall send the entire sample to the official laboratory;
    - ii. If the sample obtained is more than the minimum required but less than twice the minimum required, the state veterinarian shall secure the portion of the sample that is greater than the minimum required as a split sample; and
    - iii. If the sample obtained is more than twice the minimum required, the state veterinarian shall secure a portion of the sample equal to the minimum required as a split sample.
- 3. Storage and shipment of split samples.
  - a. The state veterinarian shall secure a split sample obtained under subsection (N)(2)(c) and make the split sample available for testing.
  - b. To secure a split sample, the state veterinarian shall:
    - i. Maintain the split sample in the test barn in the same manner as the portion of the sample from which it is split;

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- ii. Transfer the split sample to a freezer at a secure location approved by the Department when the portion of the sample from which it is split is packaged and shipped to the official laboratory;
  - iii. Ensure that the split-sample freezer is closed and locked except when depositing or removing a split sample, conducting inventory of split samples, or checking the condition of split samples;
  - iv. Maintain a log that specifies the following information for each time the split-sample freezer is opened: name of each person present; purpose of opening the freezer; identification of the split sample deposited or removed; date and time the freezer is opened; time the freezer is closed; and verification that both locks were secure before and after opening the freezer; and
  - v. Document in the log and report immediately to the Department any evidence that the split-sample freezer malfunctioned or split samples are not frozen.
  - c. If the official laboratory determines that a sample submitted under this subsection tests positive for a foreign substance, the trainer or owner of the horse from which the sample was obtained may, within 72 hours, deliver a written request to the stewards that the sample split from the sample for which the positive result was obtained be sent for testing by a Department-approved laboratory selected by the trainer or owner. The trainer or owner who requests that a split sample be tested shall:
    - i. Witness the split sample being removed from the split-sample freezer, packed for shipping, and transferred to the carrier charged with delivery of the package;
    - ii. Be allowed to inspect the package containing the split sample to verify that the package has not been tampered with before transfer to the carrier charged with delivery of the package and is correctly addressed to the Department-approved laboratory selected by the trainer or owner;
    - iii. Sign a form provided by the Department verifying that the rights described under subsections (N)(3)(c)(i) and (ii) have been provided; and
    - iv. Pay for shipping and testing the split sample.
  - d. A trainer or owner who fails to appear at the time and place designated by the state veterinarian to witness a split sample being removed from the split-sample freezer, packed for shipping, and transferred to a delivery carrier waives the right to split-sample testing.
  - e. The state veterinarian shall ensure that a split sample is packed and shipped for testing to a Department-approved laboratory within 72 hours after a written request for split-sample testing is delivered to the stewards under subsection (N)(3)(c).
  - f. When preparing a split sample for shipment, the state veterinarian shall ensure that:
    - i. The split sample is removed from the split-sample freezer and packed for shipping in the presence of the trainer or owner of the horse from which the sample was obtained;
    - ii. The split sample is packed for shipping in a safe and secure manner;
    - iii. The exterior of the package containing the split sample is secured in a manner designed to prevent tampering; and
    - iv. The package containing the split sample is transported to the location where custody is transferred to the carrier charged with delivering the package to the Department-approved laboratory selected by the trainer or owner.
  - g. During the process of retrieving, packing, and shipping a split sample, the state veterinarian shall prepare a chain-of-custody verification form containing the following information:
    - i. Date and time the split sample is removed from the split-sample freezer,
    - ii. Number of the split sample,
    - iii. Address of the Department-approved laboratory selected by the trainer or owner of the horse from which the split sample was obtained,
    - iv. Name of the carrier charged with delivering the package,
    - v. Address at which custody of the package is transferred to the carrier charged with delivering the package, and
    - vi. Date and time that custody of the package is transferred from the Department to the carrier charged with delivering the package.
  - h. The state veterinarian shall ensure that both the state veterinarian and the trainer or owner of the horse from which the split sample was obtained sign the chain-of-custody verification form indicating that:
    - i. The correct split sample was removed from the split-sample freezer,
    - ii. The split sample was packed in accordance with subsection (N)(3)(f)(ii),
    - iii. The package containing the split sample was correctly addressed to the Department-approved laboratory selected by the trainer or owner, and
    - iv. There is no evidence of tampering on the package containing the split sample.
  - i. The state veterinarian shall keep the original of the chain-of-custody verification form and provide a copy to the trainer or owner of the horse from which the split sample was obtained.
4. Frozen samples. As specified in the Department's contract with the official laboratory, the Department has authority

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to require the official laboratory to retain and preserve by freezing the left-over portion of a sample submitted for testing.

5. Laboratory minimum standards. The official laboratory and any Department-approved laboratory that conducts primary or split-sample testing shall meet the following minimum standards:
  - a. General adherence to the requirements for competence of testing and calibration specified by the International Organization for Standardization;
  - b. Have or have access to liquid chromatograph and mass spectrometer instruments for screening and confirmation purposes; and
  - c. Be able to detect medications, drugs, and other substances at the specific concentration or regulatory threshold established.

**O. Trainer responsibilities.**

1. The trainer of a horse at a location under the Department's jurisdiction shall:
  - a. Ensure that if the horse entered in an official workout, the horse is in physical condition for the workout;
  - b. Ensure that if the horse is entered in a race, the horse is in physical condition to perform creditably at the distance entered;
  - c. Prevent administration to the horse of a prohibited medication, drug, or other foreign substance;
  - d. Prevent administration to the horse of a permitted medication, drug, or other foreign substance in excess of the maximum allowable concentration;
  - e. Maintain knowledge of the medications, drugs, or other substances administered to the horse;
  - f. Report immediately to the stewards and state veterinarian knowledge of or reason to believe a prohibited medication, drug, or other foreign substance has been administered or a permitted medication, drug, or other foreign substance has been administered in excess of the maximum allowable concentration;
  - g. Maintain an assigned stable area in a clean, neat, and sanitary condition at all times;
  - h. Use the services of only a veterinarian licensed by the Department while at a location under the Department's jurisdiction;
  - i. Ensure the proper identity, custody, care, health, and safety of the horse;
  - j. Ensure that the horse has a valid health certificate and a negative Equine Infectious Anemia test certificate on file with the racing secretary;
  - k. Report no later than the time of entry to the horse identifier and racing secretary if the horse is gelded;
  - l. Report immediately to the state veterinarian when the horse has a reportable disease or unusual incidence of a communicable illness;
  - m. Report immediately to the stewards and state veterinarian when the horse has a serious injury or dies;
  - n. Comply with the provisions in subsection (R) governing postmortem examination;
  - o. Ensure that an entered horse is present at the horse's assigned stall for the pre-race inspection prescribed under subsection (P);
  - p. Ensure that the horse has proper bandages, equipment, and shoes;
  - q. Be present in the paddock at least 17 minutes before post time of a race for which the horse is entered or another time designated by the stewards;
  - r. Supervise saddling the horse in the paddock unless excused by the stewards;
  - s. Attend, or ensure that the owner or a licensed employee of the owner attend, collection of a blood or urine sample from the horse; and
  - t. Report no later than the time of entry to the state veterinarian and racing secretary that a mare is in foal.
2. If the official laboratory reports that a horse tests positive for a prohibited medication, drug, or other foreign substance or for a permitted medication, drug, or other substance in excess of the maximum allowable concentration, the Department shall view the positive test as prima facie evidence that the trainer of the horse violated subsection (O)(1).
3. A trainer whose horse has been claimed shall comply with all provisions of subsection (O)(1) until after the race in which the horse was claimed.

**P. Physical inspection of horses.**

1. A horse entered in a race at a location under the Department's jurisdiction is subject to inspection by a veterinarian before the race.
2. A pre-race inspection of an entered horse shall be conducted by the track veterinarian.
3. The trainer of an entered horse or a representative of the trainer shall present the horse for pre-race inspection as required by the track veterinarian. The trainer shall ensure that when the horse is presented for pre-race inspection:
  - a. All bandages are removed.
  - b. The horses' legs are clean.
  - c. The horse has not been placed in ice before the inspection, and
  - d. No device or substance that might impede veterinary clinical assessment is applied to the horse.
4. The track veterinarian shall ensure that a pre-race inspection of an entered horse includes the following:



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- a. Proper identification of the horse inspected;
  - b. Observation of the 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. Observation of the horse in the paddock and saddling area, during the parade to post, and at the starting gate; and
  - f. Any other inspection the state veterinarian deems necessary.
5. The track veterinarian shall maintain and regularly update a health and racing soundness record of each horse inspected.
  6. The trainer or owner of a horse at a location under the Department's jurisdiction shall allow the state or track veterinarian to have access to the horse regardless of whether the horse is entered in a race.
  7. If the state or track veterinarian determines that a horse is unfit for competition or is unable to determine the horse's racing soundness, the state veterinarian shall recommend to the stewards that the horse be scratched from a race in which the horse is entered.
  8. If a horse is scratched from a race based on the recommendation of the state or track veterinarian, the veterinarian shall ensure that the horse is placed on the Veterinarian's List described in subsection (O).

**O. Veterinarian's List.**

1. The track veterinarian shall maintain the Veterinarian's List of all horses determined to be unfit to compete in a race due to illness, physical distress, unsoundness, infirmity, or other medical condition.
2. The trainer of a horse on the Veterinarian's List shall not enter the horse in a race unless approved the track and Department veterinarians.
3. The trainer of a horse on the Veterinarian's List shall not enter the horse in a race until the horse has been on the Veterinarian's List at least 72 hours.
4. The track veterinarian shall ensure that a horse is removed from the Veterinarian's List only when the track veterinarian determines the condition that caused the horse to be placed on the Veterinarian's List is resolved and the horse has been returned to racing soundness.
5. The trainer or owner of a horse on the Veterinarian's List shall comply with all provisions of this Chapter including testing.

**R. Postmortem Examination.**

1. The trainer or owner of a horse that dies or is euthanized at a location under the Department's jurisdiction shall submit the horse for a postmortem examination if requested by the Department.
2. If required under subsection (R)(1) to submit a horse to the Department for postmortem examination, the trainer or owner of the horse shall ensure that all shoes and equipment are left on the horse's legs.
3. If an analysis of blood, urine, bodily fluids, or other biologic specimens collected during a postmortem examination shows the presence of a prohibited medication, drug, or other substance or a permitted medication, drug, or other substance in excess of the maximum allowable concentration in the horse's body, the Department shall take disciplinary action allowed under A.R.S. Title 5, Chapter 1 and this Chapter against the trainer or owner of the horse.
4. In proceeding with a postmortem examination of a horse, the Department shall coordinate with the horse's owner to determine and address any insurance requirements.

**R19-2-121. Officials**

**A. Generally.**

1. ~~The~~ In this Article, the term "track official" means the following persons employed by the permittee and approved and licensed by the Department: Director of Racing, one steward, pari-mutuel manager, patrol judges, clerk of the scales, starter, timer, ~~placing judge,~~ paddock judge, track veterinarian, track superintendent, racing secretary, assistant racing secretary, handicapper, horsemen's bookkeeper, jockey room custodian, and chief of security.
2. The term "Department official" means the following persons appointed by the Department: two stewards, state pari-mutuel supervisor, ~~Department state~~ veterinarian, identifier, and investigator. ~~Certain~~ "Other track officials" may be appointed by the Department for ~~the~~ a county fair race ~~meets~~ meet.
3. ~~One~~ A person may serve in more than one official position as a track or Department official if the person can do so without detriment to any of the other positions; and if the person has the consent and approval of the Department; ~~provided~~ except that neither the racing secretary nor the permittee director of racing may serve as a steward.
4. ~~In all rulings~~ A ruling by the stewards; ~~is controlling if made by a majority of the stewards is deemed to be controlling~~ participating in making the ruling.
5. Vacancies.
  - a. When a vacancy occurs among officials other than stewards, the stewards shall fill the vacancy ~~prior to before~~ post time of the first race of the day or ~~when the vacancy occurs~~ immediately if the vacancy occurs after post time of the first race. ~~The~~ An appointment made by the stewards is effective only for the day on which the appointment is made unless the permittee fails to fill the vacancy on the following day and ~~has notified~~ notifies the stewards of its action not less than one hour before ~~the~~ post time of the first race of the following day. ~~An appointment shall be reported promptly~~ A permittee shall promptly report the appointment of an official to the

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Department.

b. ~~Three~~ As required under subsection (E)(1), three stewards shall view the running of a race. If a vacancy occurs among the stewards, the stewards present shall appoint one or two persons to serve as temporary stewards. The stewards making ~~the~~ an appointment under this subsection shall report ~~it~~ the appointment in writing to the Department.

c. In case of emergency, the stewards may appoint a substitute official to fill a vacancy for ~~that~~ only as long as the emergency only exists.

6. The Department shall not license or appoint minors as officials.

7. A person ~~interested~~ with a financial interest in the result of a race, ~~because of such as~~ an ownership interest in any entered horse, ~~bets or a wager, or otherwise~~ shall not act as an official at the ~~meeting~~ race meet in which the race occurs.

**B. Prohibited acts.**

1. An official or an official's assistant shall not purchase pari-mutuel tickets on races.

2. An official or an official's assistant shall not consume alcoholic beverages while on duty.

3. An official shall not accept, directly or indirectly, a bribe, gift, or other form of gratuity ~~which that~~ is intended to or might influence the results of a race or the conduct of a ~~racing meeting~~ race meet.

4. An official or employee of a permittee shall not write or solicit horse insurance at a ~~racing meeting~~ race meet.

5. An official or employee of a permittee at ~~the meeting~~ a race meet shall not buy or sell a contract upon a jockey or apprentice jockey for ~~an~~ another official or employee of a permittee or for another individual, either directly or indirectly.

**C. Each** ~~An official and or employee or a permittee~~ shall report all observed violations of ~~these rules~~ this Chapter to the stewards.

**D. Complaints.**

1. A person with a grievance or complaint against a track official, an employee of the permittee, or a licensee shall submit ~~it~~ the grievance or complaint in writing to the stewards within five days of the alleged ~~objectionable act or behavior~~ omission giving rise to the grievance or complaint. The stewards shall consider the matter, take appropriate action, and make a full written report of ~~their~~ the stewards' action to the Department.

2. A person with a grievance or complaint against an official or employee of the Department shall report ~~it~~ the grievance or complaint in writing to the ~~Deputy Director of the Department or designee~~ within five days of the alleged ~~objectionable act or behavior~~ omission giving rise to the grievance or complaint.

3. The Department ~~reserves the right to demand a change of any~~ shall take disciplinary action allowed under A.R.S. Title 5, Chapter 1 against an official or employee ~~for failure of the Department who fails to comply with state rules~~ this Chapter.

**E. Stewards.**

1. Two stewards appointed by the Director, and one steward appointed by the permittee and licensed by the ~~Director~~ Department, shall supervise each ~~racing meeting~~ race meet.

a. ~~Stewards' duties include being~~ The stewards shall be in attendance at the office of the racing secretary or on the grounds of the permittee on any day in which entries are being taken or racing is being conducted and ~~representing~~ represent the Department in all matters pertaining to the enforcement and interpretation of ~~the rules adopted by the Department~~ this Chapter.

b. The stewards shall advise the Director of all hearings and rulings made.

c. If a steward is unable to perform the steward's duties for more than one day, the steward shall immediately notify the Director ~~of that fact so that~~ an alternate steward may be named to act in the steward's place.

2. The stewards shall enforce ~~the rules~~ A.R.S. Title 5, Chapter 1 and this Chapter ~~and statutes of the state of Arizona~~.

3. The stewards shall ~~have the power to interpret the rules~~ A.R.S. Title 5, Chapter 1 and this Chapter and ~~to decide all~~ questions not specifically covered by the rules A.R.S. Title 5, Chapter 1 and this Chapter. In all interpretations and decisions, ~~the orders~~ an order of the stewards supersede ~~the orders~~ an order of the permittee.

a. The stewards shall have control over and ~~shall have~~ free access to all stands, weighing rooms, enclosures, and all other places within the grounds of the permittee.

b. The stewards shall investigate and render a decision promptly on each objection properly made to them ~~pursuant to under R19-2-117 of these rules. A majority of the stewards shall sign each ruling~~ Even if all stewards agree on a ruling, only a majority need to sign the ruling.

c. The stewards shall supervise all entries and declarations. ~~They~~ The stewards may refuse entries or the transfer of entries for ~~violations~~ violation of state rules A.R.S. Title 5, Chapter 1 or this Chapter ~~or statutes~~.

d. The stewards shall regulate and control the conduct of officials and other persons attending or participating in a ~~racing meeting~~ race meet.

e. ~~The~~ When necessary to maintain safety and health conditions and protect public confidence in the sport of racing, the stewards shall ~~have the right to:~~ authorize

i. Authorize a person ~~or persons~~ to enter ~~into in~~ in or upon and examine the buildings, stables, rooms, motor

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- vehicles, trailers, or other places within the grounds of a ~~licensed race track permittee~~; inspect
- ii. Inspect and examine the person, personal property, and effects of any person within the grounds or a permittee; and seize
  - iii. Seize any items prohibited under R19-2-112(5) (7) ~~and or~~ (6) (8) or any other illegal article.
- f. Under subsection (E)(6), the stewards may impose a civil penalty in an amount not to exceed ~~\$1,000~~ \$2,500 on any person subject to the stewards' control for violation of ~~these rules~~ A.R.S. Title 5, Chapter 1 or this Chapter. After a hearing, the stewards may suspend a person violating ~~any of these rules~~ A.R.S. Title 5, Chapter 1 or this Chapter for up to ~~60 days~~ six months and may rule off a licensee violating ~~any of these rules~~ A.R.S. Title 5, Chapter 1 or this Chapter. The stewards may impose both a civil penalty and suspension for the same violation. The stewards may refer any ruling made by ~~them~~ the stewards to the Director, recommending further action, including license revocation.
  - g. ~~In all cases where~~ If a laboratory reports report or other evidence ~~show~~ shows the administration or presence of a foreign substance, the stewards shall immediately investigate the matter and may disqualify the horse, suspend the trainer or other person ~~or persons~~ involved, refer the matter to the Director, and impose a fine.
  - h. Every person or entry expelled or ruled off by any recognized turf authority for ~~corrupt or~~ fraudulent or improper practice or conduct is ruled off ~~wherever these rules have force~~ all permittee locations in the state.
  - i. Unless specifically ordered otherwise, if the stewards suspend one license held by an individual, all licenses held by the individual are suspended for the term of the suspension.
  - i-j. When a person ~~has been~~ is suspended, the stewards shall rule off ~~or expel~~ every horse wholly or partly owned by the person ~~so for as~~ long as the person's suspension continues. The ~~person is not qualified~~ suspended person shall not, whether acting as agent or otherwise, ~~to~~ subscribe for, enter, or run a horse in any race, in either the person's ~~own~~ name or that of another person. The stewards shall disqualify a horse if ~~it~~ the horse is wholly or partly owned by the suspended person or under the suspended person's care, management, training, or supervision, or the suspended person has an interest in the horse's winnings. At the time it is discovered, the stewards shall void an entry from a suspended person or of a horse that stands ruled off ~~or expelled~~. The suspended person shall forfeit the entry or subscription money and ~~shall~~ return the money or prize won.
4. The stewards may excuse a horse that has left the paddock for the post if ~~they~~ the stewards consider ~~that~~ the horse to be ~~crippled~~, disabled, or unfit to run. In claiming races, if there is a claim entered on ~~a~~ an excused horse ~~so excused~~, the claim is invalid.
  5. The stewards shall determine the finish of a race by the relative position of the noses of each horse. ~~They~~ At the end of a race, the stewards shall immediately notify the pari-mutuel department of the numbers of the first four horses.
    - a. The stewards shall promptly display the numbers of the first ~~three~~ four horses in each race in the order that they finished. If the stewards differ as to ~~their~~ the order in which the horses finished, the conclusion of the majority of the stewards shall prevail.
    - b. The stewards may review ~~the~~ a photo-finish picture provided by the permittee; to aid ~~them~~ the stewards in determining the finish of a race.
      - i. ~~In any instance where~~ If the pictures photo-finish picture furnished ~~are~~ by the permittee is not adequate or usable, the stewards shall make the final decision.
      - ii. If the stewards consider it advisable to review the photo-finish picture, the stewards may post ~~such~~ the placements ~~as are in their opinions that the stewards determine are~~ unquestionable without waiting for a picture. After reviewing the picture, ~~they may~~ the stewards shall make the other placements. The stewards shall not declare the race official until ~~they~~ the stewards have determined which horses finished first, second, ~~and~~ third, and fourth.
    - c. The stewards shall correct an error before the display of the official sign "official" or recall the official sign "official" if it ~~has been~~ is displayed through error.
  6. The stewards shall adhere to the following procedure when ~~they~~ the stewards have reason to believe that ~~a rule person has violated A.R.S. Title 5, Chapter 1 or this Chapter~~ has been violated by any person:
    - a. The stewards shall summon the person to a hearing with all the stewards present-;
    - b. The stewards shall give 24-hours' written notice of the hearing to the person, ~~in writing, or~~ using a form supplied by the Department. The stewards shall time and date the notice, and the person notified shall sign ~~it~~ the notice and return the notice to the stewards. The stewards shall retain the original notice and include ~~it~~ the notice as part of the case file. The stewards shall give a copy of the notice to the person summoned-;
    - c. ~~The~~ Except as provided in subsection (E)(6)(g), the stewards shall not impose a penalty ~~until the~~ without a hearing-;
    - d. ~~The stewards shall construe nonappearance of the~~ If a summoned party person fails to appear at a scheduled hearing, the person as a waiver of waives the right to a hearing before the stewards-;
    - e. The stewards shall permit the summoned person ~~summoned~~ to present witnesses on the person's ~~own~~ behalf-;
    - f. The stewards shall take appropriate action, including suspension, ~~or~~ civil penalty, or both, if there is substantial evidence to find a violation of ~~these rules~~ A.R.S. Title 5, Chapter 1 or this Chapter. The stewards shall promptly

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forward ~~their~~ the written decision or ruling to the Director and to the ~~party in question~~ summoned person;

- g. ~~In the interest of the health, safety, and welfare of the people of the state of Arizona, the~~ The stewards may summarily declare a horse scratched and may suspend a license pending a stewards' hearing if the stewards make a specific finding that the action is in the best interest of the public health, safety, and welfare;
- h. The stewards shall recover and forward to the Department any license ~~they~~ the stewards suspend;
- i. ~~A majority vote of the~~ The stewards shall ~~determine~~ act by majority vote on all matters within ~~their~~ the stewards' jurisdiction;
- j. The stewards ~~shall~~ have the power to modify, change, or remit any ruling imposed by ~~them~~ the stewards; and
- k. ~~The~~ A licensee shall promptly pay to the Department any civil penalty imposed by the stewards for deposit with the state treasurer.

7. During ~~the~~ a term of suspension of an owner, trainer, or other person ~~on a track at a location~~ under the jurisdiction of the Department, the stewards and ~~the~~ permittee shall ensure that a ruling against the ~~offender~~ owner, trainer, or other person is enforced.

F. Racing secretary.

1. The ~~duties of the~~ racing secretary ~~include~~ shall:

a. ~~Reporting~~ report to the stewards all violations of ~~these rules~~ A.R.S. Title 5, Chapter 1 and this Chapter or of the regulations of the permittee ~~which~~ that come to the racing secretary's attention.

~~2. Keeping~~ The racing secretary shall keep a complete record of all races.

~~2.3.~~ The racing secretary or authorized representative shall inspect all ~~papers and~~ documents dealing with owners and trainers, partnership agreements, appointments of authorized agents, and adoption of stable names. The racing secretary may demand production of ~~such~~ the documents ~~and papers in order~~ to verify their validity and authenticity and to ensure that ~~the rules have~~ A.R.S. Title 5, Chapter 1 and this Chapter has been followed.

~~3.4.~~ The racing secretary shall write the conditions of all races and ~~shall~~ publish ~~them~~ the conditions sufficiently before closing time for entries to allow the conditions to be read by all owners and trainers. The racing secretary shall not alter the conditions of the races after ~~the time set for~~ closing time.

a. The racing secretary shall not write ~~rules~~ race conditions that conflict with ~~racine rules~~ A.R.S. Title 5, Chapter 1 or this Chapter.

b. The racing secretary shall include in the race conditions or post a list of eligible horses ~~in the conditions prior to~~ before the time of entry for every graded quarter-horse race. The racing secretary shall not add a horse to this list after entering has begun without the consent of those who have entered eligible horses.

~~4.5.~~ The racing secretary shall act as the official handicapper in all races.

a. The racing secretary shall assign weight to ~~each nominee~~ all horses entered in a handicap race.

b. The racing secretary shall post the weights assigned in handicaps a handicap race before 10:30 a.m. on the day set for publication.

~~5.6.~~ The racing secretary shall determine the character and condition of substitute and extra races, ~~subject to~~ and submit the substitute and extra races to the stewards' ~~stewards for~~ approval.

a. If a stakes or overnight handicap race does not fill, ~~it~~ the unfilled race may be replaced by another overnight race carrying a guaranteed purse consistent with the daily average purse.

b. If a race is canceled ~~or declared off~~, the racing secretary may split any race programmed for the same day ~~and~~ which ~~that~~ previously may have been was closed.

c. The racing secretary shall give preference to races printed in the condition book over substitute and extra races.

~~6.7.~~ The racing secretary or ~~the racing secretary's~~ designee shall conduct the drawing of horses in all races and immediately post an overnight listing of the horses in each race.

~~7.8.~~ The office of the racing secretary shall keep the preferred list of all horses.

~~8.9.~~ The racing secretary shall not allow ~~any~~ a horse to start in a race unless the horse is entered in the name of the legal owner and ~~unless~~ the owner's name appears on the back of the horse's registration papers or on a legal lease or bill of sale attached to the horse's registration papers.

G. Assistant racing secretary. The assistant racing secretary shall, under the racing secretary's supervision, assist the racing secretary ~~in the performance of~~ to perform the racing secretary's duties, ~~under the racing secretary's supervision~~.

H. Starter.

1. The starter has:

a. Complete jurisdiction over the starting of any field of horses;

b. Authority to give orders necessary to ensure a fair start; and

c. Authority to recommend to the stewards ~~the fining or suspension of any person~~ that a person be fined or suspended for violating the starter's orders.

2. The starter may place a horse on a schooling list. The racing secretary shall not accept an entry on a horse until ~~it has been~~ the horse is removed from the schooling list by the starter.

3. The starter may recommend to the stewards that a horse ~~which~~ be ruled off if the horse is unmanageable at the starting gate or ~~which~~ refuses to break properly, after a reasonable schooling period, ~~be suspended~~.

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- I. Starter's assistant.
1. The starter's assistant may help horses into the starting gate.
  2. The starter's assistant may handle or otherwise restrain unruly or fractious horses before the start.
- J. Clerk of the scales.
1. The ~~duties of the~~ clerk of the scales ~~include shall~~:
    - a. ~~Weighing Weigh~~ all jockeys out and in;
    - b. ~~Posting all overweights Post~~ promptly the names of jockeys who are overweight at weigh out after weighing;
    - c. ~~Notifying Notify~~ a trainer that the trainer's jockey is overweight;
    - d. ~~Reporting Report~~ all late scratches, changes in riders, ~~overweights overweight jockeys~~, and corrected weights for posting on a bulletin board located in a place conspicuous to the wagering public; and
    - e. ~~Recording Record~~ winning records of apprentice jockeys with apprentice certificates and ~~attesting attest~~ to the date and track on ~~each line as provided on~~ the jockey's apprentice certificate.
  2. A jockey shall not pass the scale more than seven pounds overweight without ~~the~~ consent of the stewards.
  3. A jockey shall not be more than one pound short at weigh in.
  4. The clerk of the scales shall report to the stewards any ~~violations violation~~ of weight ~~rules requirements~~ or any attempt to alter specified weights.
- K. Paddock judge.
1. The ~~duties of the~~ paddock judge ~~include shall~~:
    - ~~a.1. Checking Check~~ all contestants for each race;
    - ~~b.2. Keeping Keep~~ a record of all equipment carried by ~~the~~ all horses in each race under the paddock judge's jurisdiction;
    - ~~e.3. Permitting no Not allow~~ a change of equipment unless the change is approved by the stewards;
    - ~~2.4. Only Ensure that only~~ the owner or trainer of a horse; ~~or the employees an employee of each, shall the owner or trainer~~ touch a horse in the paddock without ~~the~~ permission of the paddock judge; and
    - ~~3.5. The paddock judge shall report Report~~ any irregularities to the stewards.
- L. Patrol judges judge.
1. The ~~duties of the~~ patrol judges ~~include judge shall~~:
    - a. ~~Viewing that View~~ the portion of the track allotted to ~~them~~ the patrol judge, and
    - b. ~~Reporting Report~~ to the stewards any irregular incident occurring during a race.
  2. The stewards may require a patrol judges judge to submit a written reports report on each race.
  3. The number of patrol judges in use at a track may vary with the size of the track and ~~with the~~ need to ensure clean racing.
- M. Timers, Timers shall:
1. ~~Timers shall accurately~~ Accurately record the time of each race;
  2. ~~Timers shall accurately~~ Accurately record the fractional times of each race if required ~~for the Daily Racing Form Chart, and~~
  3. ~~The timers shall use~~ Use an electrical timing device approved by the Department in all races restricted to quarter horses.
- N. Jockey room custodian.
1. The ~~duties of the~~ The jockey room custodian ~~include shall~~:
    - ~~a.1. Maintaining Maintain~~ the jockey room in proper order as a restricted area;
    - ~~b.2. Seeing Ensure~~ that jockeys conduct themselves in accordance with ~~the rules of racing A.R.S. Title 5, Chapter 1 and this Chapter~~;
    - ~~e.3. Seeing Ensure~~ that jockeys are on time for ~~their~~ races;
    - ~~d.4. Supervising Supervise~~ the valets employed to assist the jockeys;
    - ~~e.5. Assisting Assist~~ the clerk of scales to ensure jockeys have proper equipment and carry the correct weight; and
    - ~~2.6. The jockey room custodian shall report Report~~ immediately to the stewards any horse's colors not in the jockey room custodian's possession for a given the day's racing.
- O. Horsemen's bookkeeper.
1. The horsemen's bookkeeper shall receive all stakes, forfeits, entrance monies, fees (including jockey fees), and purchase money in claiming races.
  2. The horsemen's bookkeeper shall pay all money on deposit to the persons entitled to it within 14 days after the close of ~~the meeting a race meet~~.
  3. The horsemen's bookkeeper shall be bonded in an amount determined by the Director.
  4. The horsemen's bookkeeper shall segregate and hold as trust funds all fees paid in added money events, early closing events, stakes, and futurities until the event is contested. The horsemen's bookkeeper shall submit proof of segregation by bank letter or bank statement to the Department through ~~it's~~ the bank's authorized representative.
  5. The horsemen's bookkeeper shall not pay purse money earned by a horse to anyone except ~~it's~~ the horse's registered ~~owners owner~~ or ~~their~~ the owner's authorized agent. The Department shall ~~determine when~~ authorize the release of purse monies ~~are released, based on~~ only after the results of laboratory analysis are obtained.

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- ~~In the event of an objection or positive sample and upon notification by~~ If the stewards notify the horse men's book-keeper that there is an objection or a post-race sample tests positive for a foreign substance, the horse men's book-keeper shall hold the purse monies until ~~released by the Department~~ authorizes release of the purse monies.

P. Veterinarians.

- The Department shall approve two official veterinarians; who are licensed to practice veterinary medicine by the state of Arizona. The Each permittee shall employ one of the official veterinarians, who is called the track veterinarian. and the The Department shall employ the other official veterinarian, who is called the state veterinarian.
- The ~~Department~~ state veterinarian shall be in charge of all sample collection.
- An official veterinarian shall inspect each horse in the receiving barn or paddock and shall recommend to the stewards ~~the scratching of any that a horse be scratched if the veterinarian finds to be the horse is~~ unsafe to race or physically unfit to produce a satisfactory result in a race.
- The track veterinarian shall examine all horses ~~prior before~~ to a race.
- Either the ~~Department~~ state veterinarian or the track veterinarian shall place ~~any a~~ horse deemed to be unsafe, unsound, or unfit on a suspension list approved by the stewards.
- ~~The racing secretary may accept the entry of a horse on the veterinarian's list only after approval by the track and Department veterinarian and if three calendar days have elapsed since the horse was placed on the veterinarian's list.~~
- ~~Every~~ A veterinarian licensed by the Department shall keep a written record of the veterinarian's practice on the grounds of a permittee relating to horses participating in racing.
  - ~~This~~ The veterinarian shall include the following in the record includes:
    - The name of the horse treated,
    - The nature of the horse's ailment,
    - The type of treatment prescribed and performed for the ~~horses~~ horse, and
    - The date and time of the treatment;
  - ~~Veterinarians~~ The veterinarian shall keep ~~this the~~ record for practice engaged in at all licensed tracks;
  - ~~A~~ The veterinarian shall produce ~~this the~~ record without delay ~~upon on~~ request of the stewards or the Department;
  - ~~Veterinarians~~ A veterinarian engaged in private practice ~~on tracks at a location~~ under the jurisdiction of the Department shall be licensed by the Arizona State Board of Veterinarian Medical Examiners and the Department;
  - ~~Only veterinarians~~ A veterinarian licensed by the Department shall ~~administer~~ who administers to or ~~prescribe~~ prescribes for horses on the premises of ~~any a~~ permittee shall be licensed by the Department except, as specified in R19-2-120(A)(2)(g), in case of emergency (R19-2-112(A)(11)(b)); and
  - ~~The Department, acting on the recommendation of~~ When recommended by the Department state veterinarian, the Department shall evaluate ~~all~~ new and experimental medications and drugs and determine whether the medications and drugs may be used on the grounds of a permittee.
- If an official veterinarian determines that an injured horse should be destroyed, the official veterinarian shall destroy the horse quickly, humanely, and out of sight of the public unless any delay will prolong ~~the suffering of by~~ the horse.

Q. Horse identifier.

- The horse identifier or designee shall examine all horses registered for racing at tracks under the jurisdiction of the Department.
- The horse identifier shall ensure that all horses starting at any track in ~~the state of~~ Arizona are tattooed unless otherwise authorized by the stewards.
- The horse identifier may make photographs or permanent identification records for horses referred to in subsection (Q)(1) ~~of this Section~~. The horse identifier shall include the tattoo number, markings, cowlicks, dimples, and other characteristics ~~of each horse on it's~~ the horse's identification record.

R19-2-123. Procedure before the Department

A. Appeal of stewards' rulings and referrals.

- ~~Any~~ A person ~~or persons~~ aggrieved by a ruling of the stewards may appeal to the Director. ~~Such an An~~ appeal shall be filed in writing in to the office of the Director within three days ~~of the after~~ receipt of the steward's ruling.
- ~~The failure of the stewards to convene a hearing within 10 days after an objection is made shall be deemed a denial by the stewards and may be appealed by filing a written appeal in the office of the Director within 10 days from the date the objection was denied.~~
- ~~The An~~ appeal shall be signed by the person making ~~said request~~ the appeal or by ~~such the~~ person's attorney and shall ~~set forth such person's~~ contain the grounds for appeal and the reasons for believing ~~such the~~ person is entitled to a hearing.
- ~~A person filing an appeal of a ruling may be required by the Director or the Commission to furnish a bond in the amount equal to an assessed fine and an additional \$200 to cover the costs, which may be forfeited should the appeal be denied.~~
- ~~The~~ stewards may refer any ruling ~~made by them~~ to the Director, recommending further action, including ~~the~~ revoca-

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tion of a license suspended by the stewards. ~~Upon~~ On receipt of ~~such referrals~~ a referral, the Director shall review the record and may affirm, reverse, or modify the stewards' ruling or conduct ~~such~~ other proceedings ~~as the Director may deem~~ deems appropriate.

- ~~6.4.~~ Upon the filing of a referral in the manner set forth above ~~If the Director decides that hearing or other proceeding is appropriate,~~ the Director ~~may~~ shall fix a time and place for a hearing, ~~and shall~~ The Director shall give written notice of the hearing ~~to the appellant~~ at least 20 30 days prior to before the date set for the hearing; ~~unless~~ the 30 days' notice is waived in writing by the appellant.
7. ~~Nothing contained in this Section shall affect the distribution of the pari-mutuel pools.~~
8. ~~In case of an appeal or protest, the purse money affected shall be retained by the permittee subject to order of the Director.~~

**B. Appeal of stewards' inquiry and objection rulings.**

1. Failure of the stewards to convene a hearing within 10 days after an objection is made shall be deemed a denial that may be appealed by filing a written appeal to the office of the Director within 10 days after the date the objection is denied.
2. A person making an appeal or the person's attorney shall sign the appeal and ensure that it contains the grounds for appeal and reasons for believing the person is entitled to a hearing.
3. After an appeal is filed under subsection (B)(2), the Director shall fix a time and place for hearing or refer the matter to a hearing officer. The Director shall give written notice of the hearing to the appellant at least 30 days before the date set for the hearing unless the 30 days' notice is waived in writing by the appellant.
4. Nothing contained in this Section shall affect distribution of pari-mutuel pools.
5. The Department shall retain purse money affected by an appeal until an order regarding the appeal is issued by the Director.

**~~B.C.~~ License denial, suspension, or revocation.**

1. The Director may deny a license ~~application~~ without prior notice to ~~the~~ a license applicant. However, if the applicant files an appeal with the Director within ~~20 30 days of the~~ after receipt of the denial ~~notice~~, the Director ~~may~~ shall fix a time and place for a hearing on the matter and ~~shall~~ give written notice of the hearing ~~to the applicant~~ at least 20 30 days prior to before the date set for the hearing, ~~unless~~ the 30 days' notice is waived in writing by the applicant.
2. The Director may revoke or, independently of the stewards, suspend a license only after notice and opportunity for hearing. ~~Notice~~ The Director shall give written notice of the hearing shall be given in writing at least ~~20 30 days prior to before~~ the date set for hearing; ~~unless~~ the 30 days' notice is waived in writing by the ~~applicant~~ licensee.
3. Unless specifically ordered otherwise, if the Director suspends one license held by an individual, all licenses held by the individual are suspended for the term of the suspension.

**~~C.D.~~ Contested cases Director's hearings.**

1. ~~All parties~~ A party appearing before the Director or the Director's designee shall be afforded an opportunity to a hearing and ~~the opportunity~~ to respond and present evidence and argument on all issues.
2. ~~Any party~~ An individual appearing before the Director or the Director's designee ~~shall have~~ has the right to appear in person; or by counsel; ~~except that a~~ A corporation ~~may~~ appearing before the Director shall appear only through counsel. ~~Any~~ A party may submit ~~such~~ the party's case in writing. ~~Failure of~~ If a party fails to appear for a hearing, ~~shall leave the Director free to~~ may act upon on the evidence ~~at hand~~ without further notice to the ~~parties~~ party. ~~Proceedings may be reopened by the~~ The Director may reopen a proceeding upon written petition of any if a party to the proceedings proceeding submits a written petition to the Director within XX days after the proceeding.

**~~D.E.~~ Hearing officer.** If the Director assigns a matter to a hearing officer, the hearing officer shall submit to the Director within 15 days after ~~the~~ conclusion of the hearing a written decision ~~which shall include~~ that includes proposed findings of fact, conclusions of law, and order. The ~~Director may accept, reject, or modify the~~ decision of the hearing officer ~~may be approved or modified by the Director.~~ Unless modified, the decision of the hearing officer becomes the decision of the Director ~~unless modified by the Director within 45 days~~ after the hearing officer submits the decision to the Director.

**~~E.F.~~ Depositions.**

1. ~~When any~~ If a party desires to take the oral deposition of ~~any~~ a witness residing outside the state or otherwise unavailable as a witness, ~~such~~ the party shall file with the Director a petition for permission to take the deposition of ~~such~~ the witness; ~~showing.~~ The party shall specify in the deposition petition the name and address of ~~such~~ the witness and ~~setting forth specifically and in detail~~ the nature and substance of the testimony expected to be given by ~~such~~ the witness. The application shall be granted Director shall grant permission to take the deposition if it appears the Director is able to determine from such the deposition petition that the witness resides outside the state or is otherwise unavailable and that the witness's testimony of such witness is relevant and material. If such statement is not made specifically and in detail, so that the Director may determine therefrom the relevancy and materiality of the testimony of such witness, such petition may be denied.
2. The Director may, at the Director's discretion, designate the time and place ~~and office~~ at which ~~such a~~ the deposition may be taken. The party that takes a deposition is responsible for all expenses involved in taking the expense of any deposition shall be borne by the party applying to the Director for permission to take same.

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3. ~~Any~~ A party taking a deposition taken under this subsection shall ~~be returned and filed~~ return and file the deposition with the Director within 30 days after permission for taking ~~same~~ the deposition is granted.

**F.G.** Service,

1. ~~Service~~ The Department shall make service of any a decision, order, or other process ~~may be made~~ in person or by mail. ~~Service~~ The Department shall make service by mail ~~shall be made~~ by enclosing ~~the same or a copy thereof~~ the material to be served in a sealed envelope and depositing the ~~same~~ envelope in the United States mail, postage prepaid, addressed to the party served, at the address ~~as~~ shown by the records of the Department.
2. The Department shall calculate time periods prescribed or allowed by ~~these rules~~ this Chapter, by order of the Department, ~~or by an applicable statute,~~ shall be computed as provided in the Arizona Rules of Civil Procedure.
3. Service ~~upon on~~ an attorney who has appeared on behalf of a party ~~shall constitute~~ constitutes service ~~upon such on~~ the party, ~~except that A person required to serve papers~~ required to be served upon on the Director or Commission shall ~~in all cases be filed~~ file the papers in the office of the Department ~~with~~ and serve a copy ~~served~~ on the Attorney General.
4. Proof of service may be made by the affidavit or oral testimony of the person making ~~such~~ service.

**G.H.** Rehearing, review, or appeal,

1. Except as provided in subsection ~~(G)(7)~~ (H)(7), any a party in a contested case before the Director who is aggrieved by a final administrative decision rendered ~~in such case may file with~~ by the Director, ~~not later than 10 days after service of the decision,~~ may file with the Director within 30 days after service of the final administrative decision, a written motion for rehearing or review. A party filing a motion for rehearing or review of the decision specifying shall specify in the motion the particular grounds ~~therefor on which the motion is made~~. For purposes of this subsection, a decision shall be deemed to have been served when personally delivered or mailed to the party at such party's last known residence or place of business.
2. ~~The~~ A motion for rehearing or review may be amended at any time before it is ruled ~~upon on~~ by the Director. A response may be filed within 10 days after service of ~~such~~ the motion or amended motion by any other party. The Director may require the filing of written briefs ~~upon on~~ the issues raised in the motion and may provide for oral argument.
3. ~~A~~ The Department may grant a rehearing or review of ~~the~~ a decision ~~may be granted~~ for any of the following causes materially affecting ~~the moving~~ a party's rights:
  - a. Irregularity in the administrative proceedings ~~of the hearing officer or Director or the prevailing party,~~ or any an order or abuse of discretion, ~~whereby that deprived the moving a party was deprived~~ of a fair hearing;
  - b. Misconduct of the hearing officer, Director, or the prevailing party;
  - c. Accident or surprise ~~which that~~ could not have been prevented by ordinary prudence;
  - d. Newly discovered material evidence ~~which that~~ could not, with reasonable diligence, have been discovered and produced at the ~~original~~ hearing;
  - e. Excessive or insufficient ~~penalties.~~ penalty;
  - f. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing- or during the progress of the proceedings; and
  - g. The findings of fact or decision is not justified by the evidence or is contrary to law.
4. The Director may affirm or modify ~~the~~ a decision or grant a rehearing to all or any of the parties ~~and~~ on all or part of the issues for any of the reasons ~~set forth listed~~ in subsection ~~(G)(3)~~ of this subsection (H)(3). ~~An order granting a rehearing~~ The Director shall specify with particularity the ground or grounds on which the for an order modifying a decision or granting a rehearing, is granted, and the A rehearing shall cover only ~~those~~ the matters ~~so~~ specified.
5. Not later than 10 days after ~~the date of a decision is rendered,~~ after giving the parties notice and an opportunity to be heard, the Director may, on the Director's ~~own~~ initiative, order a rehearing or review ~~of the Director's decision~~ for any reason for which the Director might have granted a rehearing or review on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard ~~on the matter~~, the Director may grant a motion for rehearing or review for a reason not stated in the motion. In either case, the Director shall ensure that the order granting such a rehearing or review shall specify specifies the grounds ~~therefor for the order~~.
6. When a motion for rehearing or review is based ~~upon on~~ affidavits, ~~they~~ the party making the motion shall ~~be served~~ serve the affidavits with the motion. An opposing party may, within ~~40~~ 15 days after ~~such~~ service, serve opposing affidavits, ~~Which~~ This period may be extended by the Director for an additional ~~period not exceeding~~ 20 days ~~by the Director~~ for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
7. If ~~in the Director makes a specific finding that a particular decision needs to be effective immediately it is necessary for the immediate preservation of to preserve~~ the public peace, health, ~~and~~ safety, ~~and~~ welfare and if ~~that~~ a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the Director shall issue the decision may be issued as a final decision without an opportunity for a rehearing or review.
8. For purposes of this subsection the terms "contested case" and "party" shall be defined as provided in A.R.S. § 41-1001.
- 9.8. ~~To the extent that~~ If the provisions of this ~~rule~~ Section are in conflict with the provisions of any a statute providing for



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rehearing of decisions of the Director, ~~such the~~ statutory provisions shall govern.

**R19-2-124. Procedure before the Commission**

- A. Appeal of Director's rulings.**
1. ~~Any A~~ person or persons aggrieved by a ruling of the Director may appeal to the Commission. ~~Such an An~~ appeal shall be filed in writing ~~in to~~ the office of the Commission within ~~45 30~~ days after service of the Director's ruling.
  2. The appeal shall be signed by the person making ~~said request the appeal~~ or by ~~his the person's~~ attorney and ~~shall set forth with specificity such person's contain the~~ grounds for appeal and ~~the~~ reasons for believing ~~such the~~ person is entitled to a hearing.
  3. ~~Upon the filing of When an appeal set forth above is filed,~~ the Commission shall review the record and may affirm, reverse, or modify the Director's ruling or conduct ~~such~~ other proceedings ~~as~~ the Commission deems appropriate.
- B. Permit denial, suspension, or revocation.**
1. ~~The As~~ required under A.R.S. § 5-108.01(A), the Commission shall hold a hearing on an application for ~~may deny a~~ an original or renewal permit, ~~application pursuant to a hearing upon~~ The Commission shall provide ~~45 days 30 days'~~ notice of the hearing.
  2. The Commission shall revoke or suspend a permit only after notice and opportunity for hearing. ~~Notice The Commis-~~ The Commission shall give notice of the hearing ~~shall be given~~ in writing at least ~~20 30~~ days ~~prior to before~~ the date set for hearing, unless ~~the 30 days' notice is waived in writing~~ by the ~~applicant~~ permittee.
  3. Unless specifically ordered otherwise, if the Commission suspends one license held by an individual, all licenses held by the individual are suspended for the term of the suspension.
  - ~~3.4. All parties A party~~ appearing before the Commission shall be afforded an opportunity for a hearing and ~~the opportu-~~ nity to respond and present evidence and argument on all issues.
  - ~~4.5. Any party An individual~~ appearing before the Commission ~~shall have has~~ the right to appear in person; or by counsel; ~~except that a A corporation may appearing before the Commission shall appear only~~ through counsel. ~~Any A~~ party may submit ~~such the party's case in writing. Failure of If a party fails to appear for a hearing, shall leave the~~ Commission free to ~~may act upon on~~ the evidence ~~at hand~~ without further notice to the ~~parties party. Proceedings The~~ Commission ~~may be reopened by the Commission reopen a proceeding if a party to the proceeding submits a upon~~ written petition ~~of any party to the proceedings to the Commission within XX days after the proceeding.~~
- C. Hearing officer.** If the Commission assigns a matter to a hearing officer, the hearing officer shall submit to the Commission within 15 days after ~~the~~ conclusion of the hearing a written decision ~~which shall include that includes~~ proposed findings of fact, conclusions of law, and order. The ~~Commission may accept, reject, or modify the~~ decision of the hearing officer ~~may be approved or modified by the Commission. The Unless modified, the~~ decision of the hearing officer becomes the decision of the Commission ~~unless modified by the Commission within 45 days after the hearing officer sub-~~ mits the decision to the Commission.
- D. Depositions.**
1. ~~When any If a party~~ desires to take the oral deposition of ~~any a~~ witness residing outside the state or otherwise unavailable as a witness, ~~such the~~ party shall file with the Commission a petition for permission to take the deposition of ~~such the witness, showing. The party shall specify in the deposition petition the name and address of such the witness and setting forth specifically and in detail the nature and substance of the testimony expected to be given by such the witness. The application may be granted Commission shall grant permission to take the deposition if it appears the Commission is able to determine from such the petition that the witness resides outside the state or is otherwise unavailable and that the witness's testimony of such witness is relevant and material. If such statement is not made specifically and in detail, so that the Commission may determine therefrom the relevancy and materiality of the testimony of such witness, such petition may be denied.~~
  2. The Commission may, at ~~it's the Commission's~~ discretion, designate the time and place ~~and office~~ at which ~~such a the~~ deposition may be taken. The ~~party that takes a deposition is responsible for all expenses involved in taking the expense of any deposition shall be borne by the party applying to the Commission for permission to take same.~~
  3. ~~Any A party taking a deposition taken~~ under this subsection shall ~~be returned and filed return and file the deposition with the Commission within 30 days after permission for taking same the deposition is granted.~~
- E. Service.**
1. ~~Service The Commission shall make service of any a~~ decision, order, or other process ~~may be made~~ in person or by mail. ~~Service The Commission shall make service by mail shall be made by enclosing the same or a copy thereof of the material to be served in a sealed envelope and depositing the same envelope in the United States mail, postage prepaid, addressed to the party served, at the address as shown by the records of the Department, except that The Commission shall mail a notice of a hearing before the Commission shall be mailed by certified mail to the last known address of the parties as party shown by the records of the Department.~~
  2. Proof of service may be made by the affidavit or oral testimony of the person making ~~such the~~ service.
  3. The ~~Commission shall calculate~~ time periods prescribed or allowed by ~~these rules this Chapter, by~~ order of the Department, or by an applicable statute; ~~shall be computed~~ as provided in the Rules of Civil Procedure.
  4. Service upon an attorney who has appeared on behalf of a party ~~will constitute constitutes~~ service upon ~~such the~~

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party. ~~In the case of~~ A person required to serve papers requested to be served upon the Commission, shall file an original and five copies ~~shall be filed~~ in the office of the Department and ~~serve a copy shall be served upon~~ on the Attorney General.

F. Rehearing or review.

1. Except as provided in subsection (F)(7) ~~of this subsection, any a party in a contested case before the Commission who is aggrieved by a final administrative decision rendered in such case by the Commission may file with the Commission, not later than 15~~ within 30 days after service of the final administrative decision, a written motion for rehearing or review of the decision. A party filing a motion for rehearing or review of a decision shall specify the particular grounds therefor on which the motion is made. ~~For purposes of this subsection, a decision shall be deemed to have been served when personally delivered or mailed to the party at such party's last known residence or place of business.~~
2. ~~The~~ A motion for rehearing or review may be amended at any time before it is ruled upon by the Commission. A response may be filed within 10 days after service of ~~such the~~ motion or amended motion by any other party. The Commission may require the filing of written briefs upon on the issues raised in the motion and may provide for oral argument.
3. ~~A The Commission may grant a~~ rehearing or review of ~~the a~~ decision ~~may be granted~~ for any of the following causes materially affecting ~~the moving a~~ party's rights:
  - a. Irregularity in the administrative proceedings ~~of the hearing officer or Commission or the prevailing party, or any an~~ order or abuse of discretion, ~~whereby that deprived the moving a party was deprived of a fair hearing;~~
  - b. Misconduct of the hearing officer, Commission, or the prevailing party;
  - c. Accident or surprise ~~which that~~ could not have been prevented by ordinary prudence;
  - d. Newly discovered material evidence ~~which that~~ could not, with reasonable diligence, have been discovered and produced at the original hearing;
  - e. Excessive or insufficient ~~penalties. penalty;~~
  - f. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing ~~or during the progress of the proceedings; and~~
  - g. The findings of fact or decision is not justified by the evidence or is contrary to law.
4. The Commission may affirm or modify ~~the a~~ decision or grant a rehearing to all or any of the parties ~~and~~ on all or part of the issues for any of the reasons set forth listed in subsection (F)(3). ~~An order granting a rehearing~~ The Director shall specify with particularity the ground or grounds on which the for an order modifying a decision or granting a rehearing. is granted, and the A rehearing shall cover only ~~those the~~ matters so specified.
5. Not later than 10 days after ~~the date of~~ a decision ~~is rendered, after giving the parties notice and an opportunity to be heard,~~ the Commission may, on its own initiative, order a rehearing or review ~~of its decision~~ for any reason for which ~~it the Commission~~ may have granted a rehearing on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard ~~on the matter,~~ the Commission may grant a motion for rehearing or review for a reason not stated in the motion. In either case, the Commission shall ensure that the order granting ~~such a~~ rehearing or review shall specify specifies the grounds therefor for the order.
6. When a motion for rehearing or review is based upon affidavits, the party making the motion shall serve the affidavits ~~shall be served~~ with the motion. An opposing party may, within ~~40 15~~ days after ~~such~~ service, serve opposing affidavits. ~~Which This~~ period may be extended by the Commission for an additional ~~period not exceeding~~ 20 days ~~by the Commission~~ for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
7. ~~If in the Commission makes a specific finding that a particular decision needs to be effective immediately it is necessary for the immediate preservation of to preserve the public peace, health, and safety, and welfare and if that a~~ rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the Commission shall issue the decision ~~may be issued~~ as a final decision without an opportunity for a rehearing or review.
8. ~~For purposes of this subsection the terms "contested case" and "party" shall be defined as provided in A.R.S. § 41-1001.~~
9. ~~To the extent that the provisions of this rule~~ Section are in conflict with the provisions of any statute providing for rehearing of decisions of the Commission, ~~such the~~ statutory provisions shall govern.

ARTICLE 3. GREYHOUND RACING

R19-2-302. Definitions

~~In these rules~~ The definitions in A.R.S. § 5-101 apply to this Chapter. Additionally, in this Article, unless the context otherwise requires:

1. "Added money" means the money a permittee adds to the nominating and starting fees in a race.
2. "Adequate feed" means ~~supplying the greyhound a~~ the quantity of foodstuffs that a greyhound of a specific age and weight requires daily ~~for its age and weight~~ to maintain a reasonable level of nutrition.
3. "Age" means the age of a greyhound ~~as computed from the day the greyhound was is~~ whelped.
4. "Authorized agent" means a person appointed ~~pursuant to under~~ R19-2-306(H)(G) of these rules.
5. "Breeder" ~~of a greyhound~~ means the owner or lessee of ~~its a~~ greyhound's dam at the time of ~~whelping the greyhound is whelped.~~

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6. "Breeding farm" means a facility ~~where at which~~ greyhounds are bred and raised.
7. "Breeding place" means the place of birth ~~of at which~~ a greyhound is whelped.
8. "Commission" means the Arizona Racing Commission. "Business day" means a day on which live racing is conducted or a day on which entries are taken.
9. "Course" means the track over which greyhounds race. "Complaint" means a written allegation of a violation of this A.R.S. Title 5, Chapter 1 or this Chapter.
10. "Contest" means a competitive racing event on which pari-mutuel wagering is conducted.
- ~~10-11.~~ "Declaration" means the act of withdrawing an entered greyhound from a race.
- ~~11.~~ "Department" means the Arizona Department of Racing.
- ~~12.~~ "Director" means the Director of the Arizona Department of Racing.
- ~~13-12.~~ "Entrance fee" means a fee set by the a permittee ~~which that~~ must be paid ~~in order~~ to make a greyhound eligible for a stakes race.
- ~~14-13.~~ "Entry" means a greyhound eligible and entered in a race.
- ~~15-14.~~ "Equipment" ~~as applied to greyhounds~~ means muzzles and number blankets.
- ~~16-15.~~ "Exercise areas" ~~are means~~ fenced locations where greyhounds are released to exercise for a short period of time ~~and then before being returned to their the greyhounds' kennel housing crates; or to their run housing.~~
- ~~17-16.~~ "Field" means the entire group of greyhounds in a race.
- ~~18-17.~~ "Foreign substance" means any drug, medicine, metabolite, or ~~any~~ other substance ~~foreign to the that does not exist naturally in an untreated~~ greyhound's body ~~which does or and that~~ may affect the racing condition of have a pharmacological effect on the racing performance of a greyhound or ~~which does or~~ may affect sampling or testing procedures. Foreign substances include, but are not limited to, stimulants, depressants, local anesthetics, narcotics, and analgesics.
- ~~19-18.~~ "Grounds" means the entire area used by the a permittee to conduct ~~racing meetings~~ race meets including, but not limited to, the track, grandstand, kennels, concession areas, and parking facilities.
19. "Immediate," for the purpose of suspension or revocation of a license issued under this Chapter, means the first date that the suspension or revocation does not negatively impact another licensee, as determined by the Department.
20. "Inquiry" means an investigation of potential interference in a contest conducted by the stewards before the stewards declare the result of the contest official.
- ~~20-21.~~ "Kennel housing" means ~~any~~ a facility where greyhounds are housed indoors.
- ~~21-22.~~ "Kennel owner" means a person who has a contract or agreement with a permittee to provide dogs to the permittee's facility.
- ~~22-23.~~ "Lawfully issued prescription" means a prescription-only drug, as defined ~~in~~ at A.R.S. § 13-3401, obtained directly ~~from or pursuant to~~ under a valid prescription ~~or order from~~ written by a licensed physician acting in the course of professional practice.
- ~~23-24.~~ "Lessee" or "lessor" means a person who ~~has leased~~ leases a greyhound for racing or breeding purposes.
- ~~24-25.~~ "Lure" means a mechanical apparatus device consisting of ~~the following component parts:~~ A a stationary rail installed around the a track and a reasonable decoy ~~which shall be attached to the pole that is electrically driven around the track at a uniform distance ahead of racing greyhounds.~~
- ~~25-26.~~ "Maiden" means a greyhound ~~which that~~ at the time of starting has never won a race in any country on a recognized track or ~~which has been that was~~ disqualified after finishing first.
- ~~26-27.~~ "Manager/Agent," for purposes of R19-2-327, means a person managing a racing kennel, breeding farm, or other operation.
28. "Match race" means a race between two or more greyhounds, each of which is the property of a different owner, on terms agreed to by the owners and approved by the Department.
- ~~27-29.~~ "Matinée" means a schedule of races conducted ~~upon on~~ a track in daylight hours.
- ~~28.~~ "Meeting" means the entire period for which a permit to conduct racing has been granted to any permittee by the Department.
30. "Minus pool" means there is not enough money, after deductions of state tax and statutory commissions, to pay the legally prescribed minimum on each winning wager.
31. "Net pool" means the sum of all wagers on a race minus refundable wagers and statutory commissions.
- ~~29-32.~~ "Night performance" means a schedule of races conducted ~~upon on~~ a ~~race~~ track during night hours.
- ~~30-33.~~ "Nominating fee" means a fee set by the a permittee ~~which that~~ must be paid ~~in order~~ to make a greyhound eligible for a stakes race.
- ~~31-34.~~ "Nomination" means ~~the naming of~~ a greyhound or it's the greyhound's pup (offspring) to compete in a specific race or series of races, eligibility for which may ~~be conditional upon the payment of~~ require paying a fee at the time of naming.
- ~~32-35.~~ "Nominator" means the person in whose name a greyhound is nominated for a stakes or handicap race.
- ~~33-36.~~ "Off time" means the moment at which, on signal of the starter, the greyhounds break and run.
37. "Official race program" means a published listing of all contests and contestants for a specific performance.

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- 34-38. "Other operation" means a facility where greyhounds are trained; or kept.
39. "Overnight race" means a race for which entries close 96 or fewer hours before the time set for the first race of the day on which the race is to be run.
- 35-40. "Owner" means any person possessing all or part of the legal title to a greyhound, or any person possessing all; or part of the legal interest in a racing kennel, breeding farm, or other operation.
41. "Payout" means the amount of money payable to winning wagers.
42. "Performance" means a schedule of races run consecutively as one program.
- 36-43. "Place" means the position in which a greyhound finishes in one of the first three positions in a race and, more specifically, win first, place second, and show third.
- 37-44. "Post position" means the position assigned to a greyhound for the start of a race.
- 38-45. "Post time" means the time set for the arrival greyhounds in a race to arrive at the starting point of the greyhounds in a race.
- 39-46. "Prohibited substance" means any substance regulated by A.R.S. Title 13, Chapter 34.
47. "Purse" means the total dollar amount for which a race is contested.
48. "Purse race" means a race for money or other prize to which owners of greyhounds engaged in the race do not contribute an entry fee.
- 40-49. "Race" means a contest among greyhounds for purse, stakes, premium, or wager for money; that is run in the presence of the racing officials of the track and of the a Department representative.
- a. "Hurdle race" means a race over a course in which jumps or hurdles are used.
- b. "Match race" means a race between two or more greyhounds, each the property of different owners, on terms agreed upon by the owners and approved by the Department.
- c. "Overnight race" means a race for which entries close 96 hours or less before the time set for the first race of the day on which such race is to be run.
- d. "Purse race" means a race for money or other prize to which the owners of the greyhounds engaged in the race do not contribute an entry fee.
- e. "Race on the flat" means a race over a course in which no jumps or other obstacles are placed.
- f. "Stakes race" means a race in which any monies are to be deposited by the owners of the greyhounds engaged in the race, including a race in which money or other prize is added, and in which nominations must close more than 72 hours before the time for the first race of the day on which such stakes race is to be run.
50. "Race meet" means the period for which a permit to conduct racing is granted to a permittee by the Commission.
51. "Race on the flat" means a race over a track on which no jumps or other obstacles are placed.
- 41-52. "Racing Regulation Fund" is a means the fund established by under A.R.S. § 5-113.01 and administered by the Department; to receive funding for regulation of racing from various pari-mutuel racing industry sources.
- 42-53. "Racing kennel" means a kennel located off-track and operated under contract; or agreement with a permittee to provide greyhounds to the permittee's facility.
- 43-54. "Recognized track" means a track where pari-mutuel wagering is authorized by law.
55. "Restricted area" means an enclosed portion of a racing facility to which access is limited to licensees whose occupation or participation requires access.
56. "Result" means the part of the official order of finish used to determine the pari-mutuel payout of pools for each contest.
- 44-57. "Ruled off" means the act of: barring
- a. Barring a licensee from the grounds of a permittee and denying the licensee all racing privileges; or
- b. Preventing a greyhound from being entered because the stewards have determined that preventing the greyhound from racing is in the best interest of the health, safety, and welfare of licensees and the state.
- 45-58. "Run housing" means a fenced area where greyhound puppies and ~~nonracing~~ non-racing greyhounds live and are permitted to move about freely.
- 46-59. "Scratch" means ~~the act of withdrawing to withdraw~~ an entered greyhound from a race after the drawing for post positions in that race has been completed. There shall be no drawn and the time for making substitutions or replacements after post positions have been drawn in the race has passed.
- 47-60. "Scratch time" means the time set by the permittee for ~~the withdrawing of entries~~ entered greyhounds from the races of ~~that a particular~~ day.
61. "Stakes race" means a race for which the owner of an entered greyhound is required to pay a fee to which the track may add money or other prize to make up the total purse and for which nominations close more than 72 hours before the time for the first race of the day on which the stakes race is to be run.
- 48-62. "Starting fee" means ~~a fee~~ the amount of money, specified by the conditions of the race and set by the permittee, which must be paid in order by a greyhound's owner for the greyhound to start in a race. This fee is specified by the conditions of the race.
- 49-63. "Starting greyhound" means a greyhound ~~which that~~ leaves the paddock for the post, excluding:
- a. A greyhound subsequently excused by the stewards, or

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- b. A greyhound ~~whose~~ for which the starting box door does not open in front of ~~it~~ the greyhound at the time the starter dispatches the field.
- ~~50-64.~~ "Subscription" means the ~~act of nominating to~~ fee paid by the owner to nominate a greyhound for a stakes race.
- ~~51-65.~~ "Supplemental fee" means a fee set by ~~the~~ a permittee that must be paid by a greyhound's owner at a time prescribed by the permittee to make a ~~the~~ greyhound eligible for a stakes race ~~that must be paid at a time prescribed by the permittee.~~
- ~~52-66.~~ "Suspended" means that ~~any~~ a privilege granted by the officials of a ~~racing meeting~~ race meet or by the Commission or ~~the~~ Department has been temporarily withdrawn.
- ~~53-67.~~ "Sustaining fee" means a fee ~~which~~ that must be paid periodically, as prescribed by the conditions of ~~the~~ a race, ~~in order to keep a greyhound eligible for that~~ the race.
- ~~54-68.~~ "Tote/~~totalizer or totalisator~~" means the machines from which ~~sell~~ pari-mutuel tickets are sold and the board on which the approximate odds for a race are posted.
- ~~55-69.~~ "Track" means the course over which races take place.
- ~~56-70.~~ "Trainer" means ~~the~~ a person employed by an owner or lessee to condition greyhounds for racing.
- ~~57-71.~~ "Turn-out pens" ~~are~~ means the enclosed, or fenced areas where racing greyhounds are briefly released from their kennel housing crates for the purpose of urinating and defecating.
- ~~58-72.~~ "Walkover" means a race in which there are not two or more greyhounds of separate interest sent ~~postward to post.~~
- ~~59-73.~~ "Weighing in" means the act of recording the weight of a greyhound taken ~~at the first weighing in~~ after a race is completed, in accordance with ~~these rules~~ this Article.
- ~~60-74.~~ "Weighing out" means the act of recording the weight of a greyhound ~~previous to~~ before post time or time of ~~the~~ a race in which ~~it~~ the greyhound is entered.
- ~~61-75.~~ "Whelped" means the birth of a greyhound.

**R19-2-306. Licensing**

- A. A person ~~participating~~ that participates in any capacity in a ~~racing meeting~~ race meet, including ~~any~~ a person who performs services in connection with the conduct of the ~~racing meeting~~ race meet, shall obtain a license from the Department, except:
1. A person ~~performing~~ that performs services during a county fair ~~race meet~~ who and is identified by a steward as a volunteer; or
  2. A person ~~owning~~ that owns less than 10 percent of outstanding shares of stock, regardless of classification or type, of ~~any~~ a permittee or licensee.
- B. Applications License application.
1. To apply for a license, a person shall complete the license application prescribed by the Department, which requires the following information, and submit the completed application to a steward:
    - a. Name, including all aliases or other names ever used;
    - b. Mailing and local addresses;
    - c. Telephone number;
    - d. Date of birth;
    - e. Physical description;
    - f. Social Security or alien status number;
    - g. Documentation, as specified under A.R.S. § 41-1080(A), of lawful presence in the U.S.;
    - h. Complete criminal history information including any racing-related sanctions; and
    - i. License category for which application is made.
  2. The Department may issue written instructions regarding ~~the~~ preparation and execution of the license application, ~~and the~~ The instructions may be a part of or separate from the application ~~form~~, or both.
  3. When an applicant submits a license application, the applicant shall also submit the fee established by the Department pursuant under to R19-2-202(C). The Department shall ensure that a schedule of license and fingerprint processing fees is displayed prominently at each track and on its web site.
  4. An applicant who is at least 18 years ~~of age old~~ shall submit ~~a two full set~~ sets of fingerprints to the Department. The applicant shall ensure that the fingerprints shall be ~~are~~ taken by the Department, or certified by a municipal police department, sheriff's office a law enforcement agency, or other authority acceptable to the Department and in a format acceptable to the Arizona Department of Public Safety and the Federal Bureau of Investigation.
  5. An applicant for a trainer license shall demonstrate knowledge and skill in protecting and promoting the safety and welfare of animals participating in ~~racing meetings~~ race meets by passing an examination, which may include written, oral, and skill demonstration parts, prescribed by the Department. An applicant who fails to pass the examination shall wait at least ~~six months~~ 90 days before retaking the examination.
  6. ~~An applicant for a racing license shall indicate on the license application whether the applicant hires employees or independent contractors to work at an Arizona racetrack. For the purposes of this Section, "employee" has the meaning in A.R.S. § 23-902(B) and "independent contractor" has the meaning in A.R.S. § 23-902(C).~~
    - a. ~~An applicant that hires employees to work at an Arizona racetrack shall provide proof of compliance with A.R.S.~~

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~~§ 23-961(A) by providing to the Department a copy of the declaration page of the applicant's workers' compensation insurance policy.~~

- b. ~~The Department shall notify the Industrial Commission of Arizona of an applicant that fails to provide proof of workers' compensation insurance as required in this Section. The Department shall notify the Industrial Commission of Arizona of an applicant that hires independent contractors to enable the Industrial Commission of Arizona to investigate the characterization of the applicant's workers as independent contractors.~~

C. ~~Each~~ The Department shall presume that an applicant and or licensee shall know and follow ~~knows~~ the rules law governing racing in Arizona. An applicant or licensee shall follow A.R.S. Title 5, Chapter 1 and this Chapter.

D. License procedure.

1. Under delegation from the Director, on receipt of a license application, a steward shall grant or deny a temporary license and transmit the license application to the Director.

2. In considering each application for a license, a steward may require the applicant, as well as the applicant's endorsers, to appear before the steward and show that the applicant is qualified in every respect to receive the license requested. The steward shall grant a license only if the applicant meets all the requirements in A.R.S. Title 5, Chapter 1, and these rules this Chapter.

3. ~~Licensing time-frame~~ time-frames.

a. Administrative completeness review time-frame.

- i. Within 85 days after receiving a license application, the Department shall determine whether the license application contains the information required by under subsection (B).

- ii. If the license application is incomplete, the Department shall issue a written notice that specifies what information is required and return the license application. If the license application is complete, the Department shall provide a written notice of administrative completeness.

- iii. The Department shall deem a license application withdrawn if the applicant ~~or licensee~~ fails to file a complete license application within ~~40 15~~ days of being notified of the date on the notice that the license application is incomplete.

b. Substantive review time-frame. Within five days after determining that a license application is administratively complete, the Department shall determine whether the applicant ~~or licensee~~ meets all substantive requirements and the Director, or designee, shall issue a written notice granting or denying a license.

c. Overall time-frame. For the purpose of A.R.S. § 41-1073, the Department establishes the following time-frames for issuing a license:

- i. Administrative completeness review time-frame: 85 days.

- ii. Substantive review time-frame: five days.

- iii. Overall time-frame: 90 days.

4. Temporary license. All licenses are temporary for 90 days under A.R.S. § 5-108(F). Unless the Director denies a license to an applicant, a temporary license automatically becomes the license after 90 days.

5. The Department shall perform a background investigation of an applicant who is at least 18 years old, including fingerprint processing through the Department of Public Safety and the FBI, and reviewing records of ~~the Association of Racing Commissioners International, Inc., North American Pari-mutuel Regulators Association~~ a national database containing license information and rulings, information systems, courts, law enforcement agencies, and the Department within the time-frame prescribed in subsection ~~(D)(3)~~ (D)(3)(a).

E. Denials.

1. ~~A~~ The Department shall base a decision to deny a license may be denied if on an assessment of whether the applicant:

a. Has been or is intoxicated at the time of application or has a history as a user of a narcotic drug as defined at A.R.S. § 36-2501(A)(8) within the grounds of the permittee, or

b. Fails to disclose the true ownership or interest in any greyhound.

2. When a license is denied, the Director shall report the reason for the denial in writing to the applicant and ~~to the Association of Racing Commissioners International, Inc. and the North American Pari-mutuel Regulators Association~~ a national database listing license information and rulings.

F. General requirements and restrictions.

1. A licensee who is employed in more than one license category or who changes from one category to another shall be licensed in each category.

2. A licensee who is an official at ~~different types of tracks~~ more than one type of track (horse, harness, or greyhound) shall be licensed at each type of track.

3. The Director or designee shall not license a person who is less younger than 16 years ~~of age old~~ in any capacity other than as an owner, and shall not license a person who is less younger than 18 years old as an official, trainer, or assistant trainer. A person who is less younger than 18 years old ~~who is not eligible to be licensed as an owner, shall have~~ a unless the person's parent or guardian sign signs the owner's license application, ~~assuming and assumes~~ full financial responsibility for the owner, before that owner is eligible to be licensed.

4. When present in the kennel area of a greyhound track, ~~the~~ paddock area, or any other restricted area, a person shall

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wear in full view a photo identification badge issued by the Department or pass issued by the permittee.

G. Authorized agents.

1. A person may hold a license ~~solely~~ only as an authorized agent or be licensed as an authorized agent and ~~be licensed~~ in another category.
2. The principal shall sign ~~the~~ a license application on behalf of an authorized agent and clearly identify the powers of the agent, including whether the agent is empowered to collect money from the permittee. The principal shall have the license application shall be either notarized or signed in the presence of a Department employee and a copy filed with the track bookkeeper. If there is a separate power of attorney, the principal shall file a copy of the instrument with the bookkeeper and the Department.
3. To change an agent's powers or revoke an agent's authority, the principal shall describe the changed powers or revoked authority in writing that is either notarized or signed in the presence of a Department official, and filed with the Department and the track bookkeeper.

**R19-2-307. Kennel Names**

- A. A licensed owner ~~wishing who wishes~~ to race under a kennel name shall register the kennel name with the Department and ~~shall pay the fee set forth in these rules listed in R19-2-306(G).~~
1. Only ~~owners~~ an owner may register or secure a license under a kennel name.
  2. A name other than the legal ~~name(s)~~ name of the owner(s) ~~shall be deemed to be~~ owner is a kennel name.
- B. ~~The registration referred to in paragraph (1) of this subsection shall include the identity of the individual, partnership, or corporation represented by the kennel name. When registering a kennel name, a licensed owner shall identify all individuals or entities operating under the kennel name.~~
1. ~~All persons represented by a kennel name shall have owners' licenses. An individual operating under a kennel name shall possess and produce the individual's owner's license on request by a racing official.~~
  2. ~~All persons represented by a kennel name shall sign an authorized agent's application which appoints one person to act as the agent for the kennel name. An individual operating under a kennel name shall sign the application for an authorized agent.~~
  3. ~~If the kennel name represents a corporation: A business entity operating under a kennel name shall:~~
    - a. ~~The corporation shall register Register to do business according to the laws of the state of Arizona;~~
    - b. ~~The corporation shall submit Submit a complete list of stockholders and the number of shares owned by that identifies each stockholder whose ownership exceeds who owns more than 10% of the number of existing shares owned by each or each partner in a partnership;~~
    - c. ~~The corporation shall notify Notify the Department immediately if of any change of stock ownership occurs which exceeds 10% in ownership;~~
    - d. ~~The corporate name under which the corporation Use the name under which the business entity does business in Arizona shall be considered a as the business entity's kennel name for purposes of these rules.~~
- C. ~~A kennel name other than a corporate kennel name may be changed at any time by registering a new kennel name and by paying the fee set forth in these rules. If consistent with other laws, a licensed owner may change a kennel name by registering the new kennel name and paying the fee listed in R19-2-306(G).~~
- D. ~~A registered kennel name may be abandoned by a licensed owner after written notice of such abandonment has been given to the Department. To abandon a registered kennel name, a licensed owner shall provide written notice to the Department.~~
- E. ~~A kennel name must be plainly distinguishable from any other registered kennel name. A licensed owner shall select a kennel name that is distinguishable from other kennel names.~~
- F. ~~A licensed owner shall not register as his or her kennel name When application is made to register a kennel name, the Department shall determine whether the prospective kennel name will be:~~
1. ~~One which the Department determines to be misleading Misleading to the public; or~~
  2. ~~One which the Department determines to be unbecoming Unbecoming to the sport.~~
- G. ~~A licensed owner shall not be a party to more than one kennel name at one time. The Department shall not register a kennel name that is misleading to the public or unbecoming to the sport.~~
- H. ~~A licensed owner shall not use his legal name for racing purposes if he or she has a registered kennel name within the state of Arizona register a separate name for each of the owner's kennels.~~
- I. ~~Only The Department shall register only one kennel shall be registered under a particular kennel name.~~
- J. ~~All persons represented by or operating under a kennel name A licensed owner operating under a kennel name shall be liable for pay all entry fees for and penalties against the kennel.~~
- K. ~~The kennel name shall be carried on the official program as the name of the owner At the time of entry, a licensed owner shall ensure that the applicable kennel name is furnished for the official race program.~~

**R19-2-309. Officials**

A. Generally.

1. ~~Track~~ In this Article, the term track official<sup>22</sup> means the following persons employed by a permittee and approved and licensed by the Department: Director of Racing, one steward, pari-mutuel manager, clerk of scales, starter, timer, pad-

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dock judge, track veterinarian, track superintendent, racing secretary, assistant racing secretary, chart writer, kennel master, and operator of the mechanical lure.

2. ~~The following are the~~ "In this Article, the term Department Officials" official means the following persons appointed by and representing the Department: two stewards, state pari-mutuel supervisor, a Department state veterinarian, and an investigator.
3. ~~One~~ A person may serve in more than one official position as a track or Department official if ~~such~~ the person can do so without detriment to any of the other positions; and ~~if such~~ the person has the consent and approval of the Department, ~~provided~~ except that neither the racing secretary nor the permittee director of racing may serve as a steward.
4. ~~In all rulings~~ A ruling by the stewards; is controlling if made by a majority of the stewards ~~is deemed to be controlling.~~
5. Vacancies:
  - a. When a vacancy occurs among officials other than stewards, the stewards shall fill the vacancy ~~prior to~~ before post time of the first race of the day or when the vacancy occurs. ~~The~~ An appointment made by the stewards ~~shall be~~ is effective only for the day it is made unless the permittee fails to fill the vacancy on the following day and ~~has notified~~ notifies the stewards of its action not less than one hour before ~~the~~ the post time of the first race of the following day. ~~Such an appointment shall be reported promptly~~ A permittee shall promptly report the appointment of an official to the Department.
  - b. If a vacancy occurs among the stewards, the stewards present shall appoint one or two persons to serve as temporary stewards. ~~Appointments made~~ The stewards making an appointment under this ~~rule~~ subsection shall ~~be reported~~ report the appointment in writing to the Department.
  - c. In case of emergency, the stewards may appoint a substitute official to fill a vacancy for ~~that~~ only as long as the emergency only exists.
6. ~~Minors~~ The Department shall not be licensed appoint or license minors as officials.
7. A person with an interest in the result of a race because of an ownership interest in an entered greyhound; ~~or a bet wager, or in any other manner~~ may shall not act as an official at the ~~meeting~~ race meet.
8. ~~"Employee"~~ means any person, other than a track official, who is employed by a permittee.

**B. Prohibited acts,**

1. An official or the official's assistant shall not purchase pari-mutuel tickets on races.
2. An official or the official's assistant shall not consume alcoholic beverages while on duty.
3. A licensee or a ~~race-track~~ employee of a permittee shall not accept, directly or indirectly, ~~any~~ a bribe, gift, or gratuity in any form that is intended to or might influence the results of any race or the conduct of any ~~racing meeting~~ race meet.
4. An official or employee of a permittee shall not write or solicit dog insurance at ~~any meeting~~ a race meet.

**C. Each** An official and or employee of a permittee shall report all observed violations of ~~these rules~~ this Chapter to the stewards.

**D. Complaints,**

1. A person with a grievance or complaint against a track official, an employee of the permittee, or a licensee shall ~~be submitted~~ submit the grievance or complaint to the stewards in writing within five days of the alleged ~~objectionable~~ act or behavior omission giving rise to the grievance or complaint. The stewards shall consider the matter, take whatever action is deemed to be appropriate, and make a full written report of their action to the Department.
2. A person with a grievance or complaint against an official or employee of the Department shall ~~be reported~~ submit the complaint or grievance to the Director or ~~the Director's~~ designee in writing within five days of the alleged ~~objectionable~~ act or behavior omission giving rise to the complaint or grievance.
3. The Department ~~reserves the right to demand a change of any~~ shall take disciplinary action allowed under A.R.S. Title 5, Chapter 1 and this Chapter against an official or employee of the Department for good cause who fails to comply with this Chapter.

**E. Stewards,**

1. Two stewards appointed by the Director and one steward appointed by the permittee and licensed by the ~~Director~~ Department shall supervise each ~~racing meeting~~ race meet.
  - a. The ~~Stewards~~ stewards shall be in attendance at the office of the racing secretary or on the grounds of the permittee on any day that entries are taken or racing is conducted; and represent the Department in all matters pertaining to the enforcement and interpretation of the Department's rules A.R.S. Title 5, Chapter 1 and this Chapter.
  - b. The stewards shall advise the Director of all rulings made and hearings held.
  - c. If a steward is unable to perform the steward's duties for ~~an extended period of time~~ more than one day, the steward shall immediately notify the Director so ~~that~~ an alternate steward may be named to act in the steward's place.
2. The stewards shall enforce ~~the rules~~ A.R.S. Title 5, Chapter 1 and this Chapter ~~and statutes of the state of Arizona.~~
3. The stewards shall interpret ~~the rules~~ A.R.S. Title 5, Chapter 1 and this Chapter and decide all questions not specifically covered by ~~the rules~~ A.R.S. Title 5, Chapter 1 and this Chapter. In ~~these~~ all interpretations and decisions, an order of the stewards supersedes an order of the permittee.



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- a. The stewards shall have control over and ~~shall have~~ free access to all stands, enclosures, and all other places within the grounds of the permittee.
- b. The stewards shall investigate and render a decision promptly on each objection properly made to them under R19-2-320. ~~A~~ Even if all stewards agree on a ruling, only a majority of the stewards shall need to sign each the ruling.
- c. The stewards shall supervise all entries and declarations. ~~They~~ The stewards may refuse entries or the transfer of ~~any~~ entries for violations violation of the rules A.R.S. Title 5, Chapter 1 and this Chapter or of the statutes.
- d. The stewards shall ~~have the power to~~ regulate and control the conduct of ~~all~~ officials and ~~all~~ other persons attending or participating in any manner in a ~~racine meeting~~ race meet.
- e. ~~The stewards, in order~~ When necessary to maintain ~~necessary~~ safety and health conditions and ~~to protect the public confidence in greyhound the sport of racing as a sport,~~ the stewards shall have the right to authorize:
  - i. ~~Authorize~~ a person ~~or persons in their behalf~~ to enter ~~into in or upon on and examine~~ the buildings, kennels, rooms, motor vehicles, trailers, or other places within the grounds of a ~~licensed race track, to examine same, and to inspect permittee;~~
  - ii. Inspect and examine the person, personal property, and effects of any person within such place, the grounds of a permittee; and to seize
  - iii. Seize any items prohibited under R19-2-311(5) and (6) and (7) or any other illegal article.
- f. Under subsection (E)(6), the stewards may impose a civil penalty in an amount not to exceed \$1,000 on any person subject to the stewards' control for violation of ~~these rules A.R.S. Title 5, Chapter 1 or this Chapter.~~ After a hearing, the stewards may suspend a person violating ~~any of these rules A.R.S. Title 5, Chapter 1 or this Chapter~~ for up to 60 days and may rule off a licensee violating ~~any of these rules A.R.S. Title 5, Chapter 1 or this Chapter.~~ The stewards may impose both a civil penalty and suspension for the same violation. The stewards may refer any ruling made by ~~them the stewards~~ to the Director, recommending further action, including license revocation.
- g. Unless specifically order otherwise, if the stewards suspend one license held by an individual, all licenses held by the individual are suspended.
- ~~g-h.~~ When the state ~~If a laboratory reports report~~ or other evidence shows the administration or presence of a foreign substance, the stewards shall immediately investigate the matter and may disqualify the affected greyhound, suspend the trainer or other person involved, refer the matter to the Director, and impose a fine.
- ~~h-i.~~ A person or greyhound expelled or ruled off by a recognized racing authority for corrupt, fraudulent, or improper practice or conduct is ruled off wherever ~~these rules have~~ this Chapter has force.
- ~~i-j.~~ When a person is ~~under suspension~~ suspended, the stewards shall rule off ~~or expel~~ every greyhound wholly or partly owned by the person ~~while for as long as~~ the suspension continues. The suspended person under suspension is shall not qualified, whether acting as agent or otherwise, ~~to~~ subscribe for, ~~or to enter,~~ or run ~~any a~~ greyhound in any race, in either the person's name or that of ~~any other another~~ person. ~~A~~ The stewards shall disqualify a greyhound of which if the suspended person under suspension is wholly or partly the owner, or which the greyhound is under the suspended person's care, management, training, or supervision, or in the winnings of which if the suspended person has any interest, is not qualified to be entered to run in any race in the winnings of the greyhound. ~~If At the time it is discovered, the stewards shall void an entry is received from a suspended person or for a greyhound that stands ruled off or expelled, the entry is void, and any. The suspended person shall forfeit the entry or subscription money if forfeited. A person who wins any money or prize under a voided entry shall and return the money or prize to the track won.~~
4. The stewards may excuse a greyhound that has left the paddock for the post if ~~they the stewards~~ consider the greyhound to be ~~crippled, disabled, or unfit to run.~~
5. The stewards shall determine the finish of a race by the relative position of the muzzles or noses of each greyhound. ~~They~~ At the end of a race, the stewards shall immediately notify the permittee pari-mutuel department of the numbers of the first four greyhounds.
  - a. The stewards shall promptly display the numbers of the first four greyhounds in each race in order ~~of their finishes that they finished.~~ If the stewards differ ~~in their placing as to the order in which the greyhounds finished,~~ the conclusion of the majority of the stewards shall prevail.
  - b. The stewards may ~~consult~~ review the ~~photo finish device~~ photo-finish picture provided by the permittee to aid ~~them the stewards~~ in determining the finish of a race.
    - i. ~~In any instance where~~ If the photo-finish pictures picture furnished are by the permittee is not adequate or usable, the decision of the stewards shall be make the final and need not be governed in any manner by the photograph decision.
    - ii. ~~If it is considered the stewards consider it~~ advisable to consult review a photo-finish picture from the photo finish device, the stewards may post the placements that ~~are, in their opinions, the stewards determine are~~ unquestionable without waiting for a picture. After ~~consulting~~ reviewing the picture, ~~they the stewards~~ shall post the other placements. ~~A~~ The stewards shall not declare a race may not be declared official until the stewards have determined the greyhounds finishing first, second, third, and fourth.

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- c. ~~The rules~~ This Chapter shall not prevent the stewards from correcting an error before the display of the sign "official" or from recalling the sign "official" if it is displayed through error.
- 6. The stewards shall adhere to the following procedure when ~~they~~ the stewards have reason to believe that ~~a rule person has violated A.R.S. Title 5, Chapter 1 or this Chapter has been violated by any person:~~
  - a. The stewards shall summon the person to a hearing with all the stewards present-;
  - b. The stewards shall give 24-hours' written notice of the hearing to the person, ~~in writing, or~~ using a form supplied by the Department. The stewards shall time and date the notice, and the person notified shall sign ~~it~~ the notice and return it to the stewards. The stewards shall retain the original notice and include ~~it~~ the notice as part of the case file. The steward shall give a copy of the notice to the person summoned-;
  - c. ~~The steward~~ Except as provided in subsection (E)(6)(g), the stewards shall not impose a penalty ~~until the~~ without a hearing-;
  - d. ~~The stewards shall construe nonappearance of the~~ If a summoned person fails to appear at a scheduled hearing, the person as a waiver of waives the right to a hearing before the stewards-;
  - e. The stewards shall permit the summoned person ~~summoned~~ to present witnesses on the person's ~~own~~ own behalf-;
  - f. The stewards shall take appropriate action, including suspension, civil penalty, or both if there is substantial evidence to find a violation of ~~these rules~~ A.R.S. Title 5, Chapter 1 or this Chapter. The stewards shall promptly forward ~~their~~ the written decision or ruling to the Director and to the summoned person ~~in question-~~;
  - g. ~~In the interest of the health, safety, and welfare of the people of the state of Arizona, the~~ The stewards may summarily declare a ~~greyhound~~ greyhound scratched and may suspend a license pending a stewards' hearing if the stewards make a specific finding that the action is in the best interest of the public health, safety, and welfare-;
  - h. The stewards shall recover and forward to the Department any license ~~they~~ the stewards suspend-;
  - i. ~~A majority vote of the~~ The stewards shall determine act by majority vote on all matters within ~~their~~ the stewards' jurisdiction-;
  - j. The stewards have the power to modify, change, or remit any ruling imposed by ~~them~~ the stewards; and
  - k. A licensee ~~against whom a civil penalty is assessed~~ shall promptly pay to the Department ~~the~~ the any civil penalty imposed by the stewards for deposit with the state treasurer.
- 7. During ~~the~~ a term of suspension of an owner, trainer, or other person ~~on a track at a location~~ under the jurisdiction of the Department, the stewards and ~~the~~ permittee shall ensure that a ruling against the owner, trainer, or other person is enforced.
- F. Racing secretary.
  - 1. The racing secretary shall:
    - a. ~~Report~~ report to the stewards all violations of ~~these rules~~ A.R.S. Title 5, Chapter 1 and this Chapter or of the rules regulations of the permittee that come to the racing secretary's attention; ~~and,~~
    - ~~b.2. Keep~~ The racing secretary shall keep a complete record of all races.
    - ~~2.3.~~ The racing secretary or ~~the racing secretary's~~ designee shall inspect all ~~papers and~~ documents dealing with owners and trainers, partner agreements, appointments of authorized agents, and adoption of kennel names. The racing secretary may demand production of documents ~~and papers~~ to verify their validity and authenticity and to ensure that ~~the rules have~~ A.R.S. Chapter 5, Article 1 and this Chapter has been followed.
    - ~~3.4.~~ The racing secretary shall write the conditions of all races and publish ~~them~~ the conditions sufficiently before closing time for entries to allow ~~them~~ the conditions to be read by all owners and trainers. The racing secretary shall not alter the conditions of the races after the time set for closing time. The racing secretary shall not write ~~aces~~ race conditions that conflict with ~~the rules~~ A.R.S. Title 5, Chapter 1 or this Chapter.
    - ~~4.5.~~ The racing secretary shall act as the official handicapper in all races.
    - ~~5.6.~~ The racing secretary shall determine the character and condition of substitute and extra races; and shall submit ~~them~~ the substitute and extra races to the stewards for approval.
      - a. A substitute or extra race shall not carry a lower guaranteed purse than the race ~~that it~~ the substitute or extra race replaces; ~~and~~
      - b. If a race is canceled ~~or declared off~~, the racing secretary may split any race programmed for the same day ~~which~~ that previously ~~may have been~~ was closed.
    - ~~6.7.~~ The racing secretary or ~~the racing secretary's~~ designee shall conduct the drawing of greyhounds for all races and immediately post an overnight listing of the greyhounds in each race.
    - ~~7.8.~~ The racing secretary shall not allow ~~any~~ a greyhound to start in a race unless the greyhound is entered in the name of the greyhound's legal owner and ~~unless~~ the owner's name appears on the greyhound's registration papers or on a legal lease or bill of sale attached to the greyhound's registration papers.
  - G. Assistant racing secretary. The duty of the assistant racing secretary shall, under the racing secretary's supervision, be to assist the racing secretary ~~in the performance of~~ to perform the racing secretary's duties ~~and under the racing secretary's supervision.~~
  - H. Starter.
    - 1. The starter has:

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- a. ~~complete~~ Complete jurisdiction over the start of any field of greyhounds,
  - b. ~~authority~~ Authority to give orders necessary to ensure a fair start, and
  - c. ~~authority~~ Authority to recommend to the stewards that a person ~~who violates the starter's orders~~ be fined or suspended for violating the starter's orders.
2. ~~A The starter shall ensure that a greyhound shall start~~ starts from a starting box approved by the Department. ~~A The~~ starter shall ensure there is no start until, and no recall after, the doors of the starting box have opened. The starter shall report any cause of delay to the stewards.
  3. A false start due to ~~any~~ faulty action of the starting box, break in the machinery, or other cause, is void. The greyhounds may be started again as soon as practicable or the race may be canceled at the discretion of the stewards.
- I. Clerk of the scales,
1. The clerk of the scales shall:
    - a. Weigh all greyhounds in and out with the greyhound's muzzle, collar, and lead strap;
    - b. Post the scale sheet of weights promptly after weighing;
    - c. Prevent any greyhound from passing the scales or running with an overweight or an underweight of more than two pounds. The clerk of scales shall promptly notify the paddock judge, who shall report to the stewards, any infraction of ~~the rules as to this Chapter regarding~~ weight or weighing; and
    - d. Report all late scratches and weights on a bulletin board located in a place conspicuous to the wagering public.
  2. As each greyhound is weighed in, the clerk of scales shall attach an identification tag to the greyhound's collar indicating the number of the race in which the greyhound is entered and the greyhound's post position. The clerk of the scales shall remove the identification tag when the greyhound is weighed out and blanketed.
  - ~~2-3.~~ The clerk of the scales shall report to the stewards any violations of this Chapter regarding weight rules requirements or any attempt to alter specified weights.
  - ~~3.~~ The clerk of scales shall weigh in and weigh out all greyhounds with the muzzle, collar, and lead strap.
  4. The clerk of scales shall keep a list of all greyhounds known as "weight losers" and notify the presiding steward ~~as to~~ of the greyhound's weight loss before each race.
- J. Paddock judge and kennel master.
1. Identification of greyhounds:
    - a. The paddock judge shall check all greyhounds for each race.
    - b. ~~A The paddock judge shall ensure that a greyhound shall does~~ not start in a schooling or purse race unless ~~it has been~~ the greyhound is fully identified and checked against the card index system of identification maintained by the permittee. The paddock judge shall complete an identification card for each greyhound before the greyhound is entered for a schooling or purse race.
    - c. A permittee shall keep and maintain a card index system for identification of each greyhound ~~racineg that races~~ at a meeting race meet. The ~~cards~~ permittee shall ensure that the cards in the index system of identification contain the names of the owner and trainer and the breeding, weight, color, sex, and characteristic markings, tattoos, scars, and other identification features peculiar to the greyhound.
  2. Under ~~the~~ supervision of the paddock judge, the kennel master shall unlock the kennels immediately before weigh-in time ~~to see that and determine whether~~ the kennels are in perfect repair and ~~that~~ nothing has been deposited in ~~any of~~ the kennels for the ~~greyhounds' consumption~~ greyhounds to consume. The kennel master shall ensure that the kennels are sprayed, disinfected, and kept in proper sanitary condition. The kennel master or assistant shall receive the greyhounds from their trainers, one at a time, ensure that the greyhounds are placed in their kennels, and remain on guard from that time until the greyhounds are removed for the last race.
  - ~~3.~~ As each greyhound is weighed in the clerk of scales shall attach an identification tag to the collar indicating the number of the race in which the greyhound is entered and its post position. The tag shall not be removed until the greyhound has been weighed out and blanketed.
  - ~~4-3.~~ The paddock judge shall ensure that only a greyhound's licensed owner, trainer, or assistant trainer present the greyhound to the clerk of the scales for ~~not allow anyone to weigh in a greyhound for racing unless the person has a valid owner's, trainer's, or assistant trainer's license issued by the Department before a race.~~
  - ~~5-4.~~ After the greyhounds are placed in the lockout kennels, only the kennel master, ~~racineg track~~ official, a person approved by the Department, or a designated representative of the Department is allowed in or near the lockout kennels.
  - ~~6-5.~~ Before post time, the paddock judge shall carefully compare the identification card with the greyhound while the greyhound is in the paddock ~~before post time.~~
  - ~~7-6.~~ Before ~~leaving~~ the greyhound leaves the paddock for the starting box, the paddock judge shall ensure that ~~every~~ the greyhound is equipped with a regulation muzzle and blanket. The paddock judge shall approve the muzzles and blankets and carefully examine ~~them~~ the muzzles and blankets in the paddock before the greyhound leaves for the post.
  - ~~8-7.~~ The paddock judge shall keep on hand, ready for use, extra muzzles of all sizes, lead straps, and collars.
  - ~~9-8.~~ The paddock judge shall report all ~~corrupt~~ practices and irregularities in violation of A.R.S. Title 5, Chapter 1 or this Chapter to the stewards.

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K. Timer,

1. The timer or a steward shall accurately record the official time of each race, which ~~shall be taken from the begins when opening of the doors of the starting box open. A steward may also perform this function.~~
2. A permittee shall install an automatic timing device approved by the Department. The timer shall use the time shown on the timing device as the official time of ~~the a~~ race if the timer is satisfied that the timing device is functioning properly. If the timing device is not functioning properly, the timer shall use the time shown on the stopwatch the timer operates. The track announcer shall announce the time to the public if the stopwatch time is used as the official time of the race.

L. Chart writer,

1. The chart writer shall compile the information necessary for a program printed for each racing day. The program shall list the names of the greyhounds ~~that are~~ scheduled to run in each of the races for that day. The names of the greyhounds shall appear in the order of post position designated by numerals placed at the left and in line with the names of the greyhounds ~~in each race~~. The numerals shall also be prominently displayed on each greyhound.
2. ~~All~~ The chart writer shall ensure that all past performances of a greyhound as shown in the program shall be appear in dated, chronological, order of the greyhound's races or official schoolings, with the last performance appearing on the first line. The chart writer shall also ensure that the program or form sheet shall also contain contains the name, color, sex, date of whelping, breeding, established racing weight, number of starts in official races, and number of times finishing first, second, and third, ~~name~~ names of the owner and trainer, distance of the race, the track record, and any other information that will enable the public to ~~properly~~ judge the greyhound's ability properly.
3. When the name of a greyhound is changed, the chart writer shall ensure that both the new name and the former name ~~shall be~~ are published in the official entries and official race program for the greyhound's next three starts.

M. Veterinarians,

1. The Department shall approve two official veterinarians who are licensed to practice veterinary medicine in the state of Arizona. Each permittee shall employ one official veterinarian, who is known as the track veterinarian. The Department shall employ the other official veterinarian, who is called the state veterinarian.
2. ~~The Department~~ state veterinarian shall be in charge of all sample collection.
3. The track veterinarian shall be present during all official races and ~~all official~~ schooling races. And The track veterinarian shall observe each greyhound as it the greyhound enters the lockout kennel, examine it the greyhound when it enters the paddock before the race, and recommend to the stewards that a greyhound be scratched when the veterinarian deems the greyhound unsafe to race or physically unfit to produce a satisfactory effort in a race.
4. The track veterinarian shall place a greyhound deemed unsafe, unsound, or unfit on a suspension list and ~~shall~~ post the suspension list in a conspicuous place available to all owners, trainers, and officials.
5. After a greyhound is placed on a suspension list, ~~it the greyhound~~ shall not race until ~~it the greyhound~~ is removed from the suspension list by the track veterinarian with the approval of the Department state veterinarian.
6. ~~The Department~~ At a time chosen by the Department, the state veterinarian shall inspect and report to the Department the condition of every kennel at the track of the a permittee and file a report with the Department regarding the inspection. The inspections shall be made at a time of the Department's choosing. The report filed with the Department shall cover The state veterinarian shall include in the report the general physical condition of the dogs, sanitary conditions of the kennels, segregation of bitches in season, segregation of sick dogs, the types of medicine found in use, and ~~any~~ other matters or conditions that the Department state veterinarian deems worthy of note.
7. The entry of a greyhound on the Department state veterinarians' veterinarian's suspension list is accepted only after final approval by both the track and Department state veterinarians and after a minimum of three ~~calendar~~ days from the date the greyhound was placed on the veterinarians' list.
8. ~~Every~~ A veterinarian licensed by the Department shall keep a written record of the veterinarian's practice on the grounds of a permittee relating to greyhounds participating in racing.
  - a. ~~This~~ The veterinarian shall include the following in the record shall include:
    - i. The name of the greyhound treated;
    - ii. The nature of the greyhound's ailment;
    - iii. The type of treatment prescribed and performed for the ~~greyhounds;~~ greyhound, and
    - iv. The date and time of ~~such~~ the treatment.
  - b. The veterinarian shall keep ~~this the~~ record for practice engaged in at all licensed tracks.
  - c. The veterinarian shall produce ~~this the~~ record without delay ~~upon on~~ request of the stewards or the Department.
  - d. ~~Veterinarians~~ A veterinarian engaged in private practice ~~on tracks~~ at a location under the jurisdiction of the Department shall be licensed by both the Arizona State Board of Veterinarian Medical Examiners and the Department.
  - e. ~~Only a~~ Except in case of an emergency, a veterinarian licensed by the Department shall administer who administers to or prescribe prescribes for a greyhound on the premises of a permittee shall be licensed by the Department except in case of emergency.
  - f. ~~A new or experimental medication or drug shall not be used on the grounds of a permittee unless the Department,~~

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~~acting on the recommendation of the Department veterinarian, approves the new or experimental medication or drug. The Department shall evaluate all new and experimental medications and drugs and determine whether the medications and drugs may be used on the grounds of a permittee.~~

**R19-2-311. Prohibited Acts**

~~Generally:~~ In addition to other prohibitions described in A.R.S. Title 5, Chapter 1 and this Chapter:

1. ~~No~~ A licensee shall not enter, or cause, or permit to be entered, or to start a greyhound which he or she that the licensee knows or has reason to believe should be disqualified or may be ineligible for to race.
2. ~~No~~ A veterinarian licensed to practice on a track under the jurisdiction of the Department shall not own, lease, or train greyhounds a greyhound racing on the track on which he or she the veterinarian practices.
3. A licensee shall not subject or permit an animal under the licensee's control, custody, or supervision to be subjected to any form of cruelty, mistreatment, neglect, or abuse and shall not abandon, injure, maim, kill, administer a noxious substance to, or deprive the animal of necessary care, sustenance, or shelter.
- 3-4. ~~No~~ A person shall not participate in any unauthorized race on a track while a racing meeting race meet is in progress on the track.
- 4-5. ~~No~~ A person shall not offer or receive any money or other consideration for declaring any entry out of a purse or stakes race.
- 5-6. ~~No~~ A person shall not possess, within the grounds of any a permittee, any an electrical, mechanical, or other device, other than ordinary equipment, which that may be used to affect the speed or racing condition of a greyhound. Such possession Possession includes, but is not limited to, possession having the device or equipment:
  - a. On the person;
  - b. In living or sleeping quarters;
  - c. In an assigned kennel, feed room, or other area; and
  - d. In a motor vehicle or trailer.
- 6-7. ~~No~~ A person other than a physician or veterinarian licensed by the Department may shall not possess, within the grounds of any a permittee, any a foreign or prohibited substance, injectable vial, hypodermic needle, syringe, or any other instrument which might that may be used for injection, without written permission of the stewards. Such possession Possession includes, but is not limited to, possession having the substance or instrument:
  - a. On the person;
  - b. In living or sleeping quarters;
  - c. In an assigned kennel, feed room, or other area; and
  - d. In a motor vehicle or trailer.
- 7-8. ~~No~~ licensee A person holding a license listed in A.R.S. § 5-104 shall not apply, inject, inhale, ingest, be under the influence of, possess, or in any way use any a narcotic, dangerous drug, or controlled or prohibited substance regulated under A.R.S. Title 13, Chapter 34 while on permittee grounds, unless, upon on the request of a steward, a the licensee can produce evidence that the licensee has a lawfully issued prescription for possession or use of a the narcotic, dangerous drug, or controlled or prohibited substance is pursuant to a lawfully issued prescription.
- 8-9. ~~No~~ A licensee or race track employee of a permittee shall not accept, either directly or indirectly, any a bribe, gift, or gratuity in any form which that is intended to or might influence the results of any race or the conduct of any racing meeting a race meet.
10. A licensee shall not engage in conduct prohibited by the Department and shall not engage in conduct that is detrimental to the best interests of greyhound racing including, but not limited to, soliciting, aiding, or abetting another person to participate in conduct prohibited by the Department or detrimental to the best interests of greyhound racing.
- 9-11. ~~No~~ A licensee, while on the premises grounds of the a permittee, shall not create a disturbance, be intoxicated, interfere with any a racing operation, or act in an abusive or threatening manner to any a racing official or other person.
- 10-12. ~~No~~ person other than Only a veterinarian licensed by the Department shall administer to or prescribe for greyhounds a greyhound on the grounds of any a permittee.
  - a. ~~Reports of any drugs or treatments prescribed or administered~~ A veterinarian who prescribes or administers a drug or treatment to a greyhound at the a track shall be made report the drug or treatment prescribed or administered to the Department in a the manner it shall set forth required by the Department.
  - b. Notwithstanding the provisions of ~~subsection (10) this Section~~, any veterinarian may treat a greyhound if an emergency involving a threat to the life or health of such the greyhound exists.
- 11-13. ~~Notwithstanding the provisions of subsection (16)(a) (18)(a), no~~ a person shall not administer or cause to be administered, internally or externally, a foreign substance to any a greyhound entered in a race any foreign substance, internally or externally, in the 24-hour period prior to for at least 24 hours before the scheduled post time for the first race of the day in on which the greyhound is to run.
- 12-14. ~~The Racing Commission has established permissible trace-levels of the following foreign substances, as defined by R19-2-302(18): (17), for the urine of a greyhound:~~
  - a. ~~The trace level of procaine shall not exceed 6~~ Procaine: six micrograms per milliliter in the urine of the greyhound, and

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- b. ~~The trace level of barbiturates shall not exceed~~ Barbiturates: one microgram per milliliter ~~in the urine of the greyhound.~~
- ~~13-15. No~~ A person shall ~~not run in a race a greyhound which that~~ is desensitized ~~at the time of arrival at the paddock by applying the application of~~ cold, chemical, or mechanical freezing devices ~~at the time of arrival at the paddock.~~
- ~~14-16. Any person licensed by the Department~~ The stewards shall discipline a licensee, as provided under A.R.S. Title 5, Chapter 1 and this Chapter, who is found guilty of using live rabbits, cats, or fowl in the training of racing greyhounds ~~may be fined or suspended or both by the stewards, who shall and report all such cases incidents of this nature to the Department.~~
- ~~15-17. Any~~ A licensee ~~who refuses to make payment for~~ shall promptly pay any financial obligation incurred in connection with racing in this state, ~~may be subject to license suspension by the Department~~ If failure or refusal to pay a financial obligation incurred in connection with racing in this state results in the financial obligation being reduced to a judgment against a licensee, the Department shall take disciplinary action against the licensee as authorized under A.R.S. § 5-108.05.
- ~~16-18. Test samples.~~
- a. Animal testing.
- i. ~~Any~~ A greyhound in any race may be subjected, by the order of a steward or ~~Department~~ the state veterinarian, to urine, blood, or other tests ~~for the purpose of determining the presence of any foreign substance to determine whether a foreign substance is present.~~
  - ii. ~~Samples~~ An individual approved by the Department shall take required samples of urine, blood, or other test substances ~~shall be taken by persons approved by the Department.~~
  - iii. A steward may authorize the splitting of any sample.
  - iv. ~~The Department~~ state veterinarian may require blood or urine samples ~~to be stored in a frozen state for future analysis.~~
  - v. The owner, trainer, or ~~their~~ a representative of the owner or trainer ~~may shall~~ be present ~~at all times during the taking and sealing of such tests and while samples are taken and prepared for testing.~~
  - vi. ~~Documents~~ The owner, trainer, or a representative of the owner or trainer shall sign documents evidencing the procedure ~~shall be signed by the owner, trainer, or assistant trainer described in this subsection was followed.~~
- b. Human testing.
- i. As set forth in A.R.S. § 5-104(C) and ~~subsection (7)~~ this Section, a licensee shall immediately submit to blood, urine, ~~breathe~~, or other tests ordered by the stewards; if the stewards have reason to believe ~~said the~~ licensee is under the influence of or in possession of ~~any~~ a prohibited substance or has consumed alcohol in violation of subsection ~~(9)~~ (11).
  - ii. ~~A~~ The stewards shall ensure that a test sample ~~shall be is~~ taken in the presence of a steward or the steward's designee, ~~submitted~~ placed in a container furnished by the Department, and immediately sealed by the steward or steward's designee in the presence of the licensee being tested.
  - iii. The stewards shall ensure that a container shall be in which a sample is placed is marked with the following items:
    - (1) Sample identification number;
    - (2) Time, date, and location where the sample was given; and
    - (3) ~~The signature~~ Signature of Department personnel sealing the container.
  - iv. The stewards shall ensure that a container shall be in which a sample is placed is submitted to ~~a Department-approved~~ the official laboratory for analysis ~~of the sample, in order to determine the presence of alcohol or any a prohibited substance.~~
  - v. ~~If laboratory analysis indicates the presence of any prohibited substance in the tested licensee's sample, for which no law fully issued prescription exists, said licensee may be subject to license suspension or revocation or civil penalties, as set forth in~~ The Department shall discipline a licensee, as authorized under R19-2-309(E)(3)(f) and A.R.S. § 5-108.05(A), if laboratory analysis of the licensee's sample shows the presence of a prohibited substance and the licensee does not have a lawfully issued prescription for the substance.
  - vi. ~~Test~~ The Department shall ensure that results and information obtained ~~during the testing process shall be as~~ a result of analysis of a sample provided under this subsection are accessible only to members of the Commission, the Director or designees of the Director, and the tested licensee ~~and shall be kept in a locked, secured area of the Department office until any disciplinary action or administrative proceeding is complete.~~
  - vii. Compliance with ~~these rules~~ this Chapter by the stewards or stewards' designee constitutes shall be prima facie evidence that the chain of custody of the test samples is secure, ~~and the results of such tests shall be admissible in any administrative procedure~~ The presiding officer or administrative law judge in an administrative proceeding of the Department or Commission shall admit the results as evidence.
- ~~17-19. The~~ A trainer, assistant trainer, and ~~any~~ other person ~~who is~~ charged with the custody and care of a greyhound ~~are required to~~ shall protect and guard the greyhound against the administration, either internally or externally, of ~~any~~ a

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foreign substance, ~~except as provided in subsection (12).~~ A ~~positive~~ test indicating the presence of ~~any a~~ foreign substance ~~(except as set forth in subsection (12))~~ in the blood or urine of a greyhound in the custody and care of a trainer, assistant trainer, or other person shall give rise to a presumption that the persons referred to in this subsection have trainer, assistant trainer, or other person failed to meet fulfill the duties imposed upon them specified.

~~18-20. No~~ A person shall ~~not~~ interfere ~~in any manner~~ with the collection or procedures conducted under this subsection.

~~19-21.~~ The owner of ~~any a~~ greyhound disqualified in a race because of an infraction of ~~these rules this Chapter~~ shall forfeit and return any portion of the purse or stakes and any trophy received from ~~such the~~ race and ~~shall~~ forfeit any entry or subscription money.

a. ~~Any winnings which are forfeited pursuant to this subsection~~ The racing secretary shall be redistributed redistribute among the remaining entries in the race entitled thereto all winnings that are forfeited under this subsection by the owner of a disqualified greyhound.

b. ~~Any greyhound shall be disqualified and may be declared unplaced for every purpose except pari-mutuel wagering if the chemical~~ If laboratory analysis performed pursuant to under subsection (16)(a) (18)(a) of this Section indicates the presence of any a foreign substance in the blood or urine of a greyhound, the greyhound shall be disqualified and may be declared unplaced for every purpose except pari-mutuel wagering.

**R19-2-322. Procedure before the Department**

**A. Appeal of stewards' rulings and referrals.**

1. ~~Any A~~ person or persons aggrieved by a ruling of the stewards may appeal to the Director. ~~Such an An~~ appeal ~~must~~ shall be filed in writing ~~in to~~ the office of the Director within three days ~~of the after~~ receipt of the steward's ruling.

2. ~~The failure of the stewards to convene a hearing within 10 days after the objection is made shall be deemed a denial by the stewards and may be appealed by filing a written appeal in the office of the Director within 10 days from the date the objection was denied.~~

~~3-2.~~ The An appeal shall be signed by the person making ~~said request~~ the appeal or by ~~his or her~~ the person's attorney and shall ~~set forth~~ contain the grounds for appeal and ~~the~~ reasons for believing ~~he or she~~ the person is entitled to a hearing.

4. ~~A person filing an appeal of a ruling may be required by the Director or the Commission to furnish a bond in the amount equal to an assessed fine and an additional \$200 to cover the cost, which may be forfeited should the appeal be denied.~~

~~5-3.~~ The stewards may refer any ruling made ~~by them~~ to the Director, recommending further action, including ~~the~~ revocation of a license suspended by the stewards. ~~Upon On~~ receipt of ~~such referrals~~ a referral, the Director shall review the record and may affirm, reverse, or modify the stewards' ruling or conduct ~~such~~ other proceedings the Director deems appropriate.

~~6-4.~~ Upon the filing of an appeal in the manner set forth above, If the Director decides that hearing or other proceeding is appropriate, the Director shall fix a time and place for said a hearing, and The Director shall give written notice of the hearing to the appellant at least 20 30 days prior to before the date set for the hearing; unless the 30-days' notice is waived in writing by the appellant.

7. ~~Nothing contained in this Section shall affect the distribution of the pari-mutuel pools.~~

8. ~~In case of an appeal or protest, the purse money affected will be retained by the permittee subject to order of the Director.~~

**B. Appeal of stewards' inquiry and objection rulings.**

1. Failure of the stewards to convene a hearing within 10 days after an objection is made shall be deemed a denial that may be appealed by filing a written appeal to the office of the Director within 10 days after the date the objection is denied.

2. A person making an appeal or the person's attorney shall sign the appeal and ensure that it contains the grounds for appeal and reasons for believing the person is entitled to a hearing.

3. After an appeal is filed under subsection (B)(2), the Director shall fix a time and place for hearing or refer the matter to a hearing officer. The Director shall give written notice of the hearing to the appellant at least 30 days before the date set for the hearing unless the 30 days' notice is waived in writing by the appellant.

4. Nothing contained in this Section shall affect distribution of pari-mutuel pools.

5. The Department shall retain purse money affected by an appeal until an order regarding the appeal is issued by the Director.

**~~B-C.~~ License denial, suspension, or revocation.**

1. The Director may deny a license ~~application~~ without prior notice to ~~the a~~ license applicant. However, if the applicant files an appeal with the Director within ~~20 30~~ days ~~of the after~~ receipt of the denial notice, the Director shall fix a time and place for a hearing on the matter and ~~shall~~ give written notice of the hearing to the applicant at least ~~20 30~~ days ~~prior to before~~ the date set for the hearing, unless the 30 days' notice is waived in writing by the applicant.

2. The Director may revoke or, independently of the stewards, suspend a license only after notice and opportunity for hearing. ~~Notice~~ The Director shall give written notice of the hearing shall be given in writing at least 20 30 days prior to before the date set for hearing, unless the 30 days' notice is waived in writing by the applicant licensee.

3. Unless specifically ordered otherwise, if the Director suspends one license held by an individual, all licenses held by

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the individual are suspended for the term of the suspension.

**C.D.** Contested cases Director's hearings.

1. ~~All parties~~ A party appearing before the Director or ~~his or her~~ the Director's designee shall be afforded an opportunity for a hearing and ~~the opportunity~~ to respond and present evidence and argument on all issues.
2. ~~Any party~~ An individual appearing before the Director or ~~his or her~~ the Director's designee ~~shall have~~ has the right to appear in person or by counsel; ~~except that a~~ A corporation may ~~appearing before the Director shall~~ appear only through counsel. ~~Any~~ A party may submit ~~his or her~~ the party's case in writing. ~~Failure of~~ If a party fails to appear for a hearing, ~~shall leave the Director free to~~ may act upon ~~on~~ the evidence ~~at hand~~ without further notice to the ~~parties~~ party. ~~Proceedings may be reopened by the~~ The Director may reopen a proceeding upon written petition of any ~~if a party to the proceedings~~ proceeding submits a written petition to the Director within XX days after the proceeding.

**D.E.** Hearing officer. If the Director assigns a matter to a hearing officer, the hearing officer shall submit to the Director within 15 days after ~~the~~ conclusion of the hearing a written decision ~~which shall include~~ that includes proposed findings of fact, conclusions of law, and order. The Director may accept, reject, or modify the decision of the hearing officer ~~may be approved or modified by the Director.~~ Unless modified, the decision of the hearing officer becomes the decision of the Director ~~unless modified by the Director within 45 days after the hearing officer submits the decision to the Director.~~

**E.F.** Depositions.

1. ~~When any~~ If a party desires to take the oral deposition of ~~any~~ a witness residing outside the state or otherwise unavailable as a witness, ~~such~~ the party shall file with the Director a petition for permission to take the deposition of ~~such~~ the witness, ~~showing.~~ The party shall specify in the deposition petition the name and address of ~~such~~ the witness and ~~setting forth specifically and in detail~~ the nature and substance of the testimony expected to be given by ~~such~~ the witness. ~~The application shall be granted~~ Director shall grant permission to take the deposition if it appears the Director is able to determine from such the deposition petition that the witness resides outside the state or is otherwise unavailable and that the witness's testimony of such witness is relevant and material. If such statement is not made specifically and in detail, so that the Director may determine therefrom the relevancy and materiality of the testimony of such witness, such petition may be denied.
2. The Director may, at ~~his or her~~ the Director's discretion, designate the time and place ~~and office before~~ at which ~~such~~ a the deposition may be taken. The party that takes a deposition is responsible for all expenses involved in taking the expense of any deposition will be borne by the party applying to the Director for permission to take same.
3. ~~Any~~ A party taking a deposition ~~taken~~ under this rule ~~subsection shall be returned and filed~~ return and file the deposition with the Director within 30 days after permission for taking ~~same~~ the deposition is granted.

**F.G.** Service.

1. ~~Service~~ The Department shall make service of any a decision, order, or other process ~~may be made~~ in person or by mail. ~~Service~~ The Department shall make service by mail shall be made by enclosing the same or a copy thereof of the material to be served in a sealed envelope and depositing the ~~same~~ envelope in the United States mail, postage prepaid, addressed to the party served at the address shown by the records of the Department.
2. The Department shall calculate time periods prescribed or allowed by ~~these rules this Chapter,~~ by order of the Department, or ~~by an applicable statute,~~ shall be computed as provided in the Arizona Rules of Civil Procedure.
3. Service ~~upon~~ on an attorney who has appeared on behalf of a party ~~will constitute~~ constitutes service ~~upon such on the party;~~ except that A person required to serve papers required to be served upon on the Director or Commission shall ~~in all cases be filed~~ file the papers in the office of the Department, ~~with~~ and serve a copy ~~served~~ on the Attorney General.
4. Proof of service may be made by the affidavit or oral testimony of the person making ~~such~~ the service.

**G.H.** Rehearing, review, or appeal.

1. Except as provided in subsection ~~(G)(7)~~ (H)(7), ~~any a party in a contested case before the Director who is aggrieved by a final administrative decision rendered in such case may file with by the Director, not later than 10 days after service of the decision;~~ may file with the Director, within 30 days after service of the final administrative decision, a written motion for rehearing or review of the decision. A party filing a motion for rehearing or review of the decision shall specify in the motion, specifying the particular grounds therefor on which the motion is made. For purposes of this subsection, a decision shall be deemed to have been served when personally delivered or mailed to the party at his or her last known residence or place of business.
2. ~~The~~ A motion for rehearing ~~or review~~ may be amended at any time before it is ruled ~~upon~~ on by the Director. A response may be filed within 10 days after service of ~~such~~ the motion or amended motion by any other party. The Director may require the filing of written briefs ~~upon~~ on the issues raised in the motion and may provide for oral argument.
3. ~~A~~ The Department may grant a rehearing or review of ~~the~~ a decision ~~may be granted~~ for any of the following causes materially affecting ~~the moving~~ a party's rights:
  - a. Irregularity in the administrative proceedings ~~of the hearing officer or Director or the prevailing party;~~ or any an order or abuse of discretion, ~~whereby the moving that deprived a party was~~ deprived of a fair hearing;
  - b. Misconduct of the hearing officer, Director, or the prevailing party;



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- c. Accident or surprise ~~which that~~ could not have been prevented by ordinary prudence;
  - d. Newly discovered material evidence ~~which that~~ could not, with reasonable diligence, have been discovered and produced at the ~~original~~ hearing;
  - e. Excessive or insufficient ~~penalties~~; penalty;
  - f. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing- or during the progress of the proceedings; and
  - g. ~~That the~~ The findings of fact or decision is not justified by the evidence or is contrary to law.
4. The Director may affirm or modify ~~the a~~ decision or grant a rehearing to all or any of the parties ~~and~~ on all or part of the issues for any of the reasons ~~set forth listed~~ in subsection (G)(3) (H)(3). An order granting a rehearing The Director shall specify with particularity the ground or grounds on which the for an order modifying a decision or granting a rehearing, is granted, and the A rehearing shall cover only ~~those the~~ matters ~~so~~ specified.
  5. Not later than 10 days after ~~the date of~~ a decision ~~is rendered~~, after giving the parties notice and an opportunity to be heard, the Director may, on ~~his or her own~~ the Director's initiative, order a rehearing or review of ~~his or her~~ decision for any reason for which ~~he or she~~ the Director might have granted a rehearing or review on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard ~~on the matter~~, the Director may grant a motion for rehearing or review for a reason not stated in the motion. In either case, the Director shall ensure that the order granting ~~such a~~ rehearing shall specify or review specifies the grounds ~~therefor for the order~~.
  6. When a motion for rehearing or review is based ~~upon on~~ affidavits, they the party making the motion shall be served serve the affidavits with the motion. An opposing party may, within ~~40~~ 15 days after ~~such~~ service, serve opposing affidavits; ~~Which This~~ This period may be extended by the Director for an additional ~~period not exceeding~~ 20 days ~~by the Director~~ for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
  7. If ~~in the~~ Director makes a specific finding that a particular decision needs to be effective immediately it is necessary for the immediate preservation of to preserve the public peace, health, ~~and~~ safety, and welfare and ~~if that~~ a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the Director shall issue the decision may be issued as a final decision without an opportunity for a rehearing or review.
  8. ~~For purposes of this subsection the terms "contested case" and "party" shall be defined as provided in A.R.S. § 41-1001.~~
  9. ~~To the extent that~~ If the provisions of this rule Section are in conflict with the provisions of ~~any a~~ statute providing for rehearing of decisions of the Director, ~~such the~~ statutory provisions shall govern.

**R19-2-323. Procedure before the Commission**

**A. Appeal of Director's rulings.**

1. ~~Any A~~ person ~~or persons~~ aggrieved by a ruling of the Director may appeal to the Commission. ~~Such an An~~ appeal must shall be filed in writing ~~in to~~ the office of the Commission within ~~45~~ 30 days after service of the Director's ruling.
2. The appeal shall be signed by the person making ~~said request~~ the appeal or ~~his or her~~ the person's attorney and ~~must set forth with specificity his or her~~ contain the grounds for appeal and the reasons for believing ~~he or she~~ the person is entitled to a hearing.
3. ~~Upon the filing of~~ When an appeal ~~set forth above~~ is filed, the Commission shall review the record and may affirm, reverse, or modify the Director's ruling or conduct ~~such~~ other proceedings as the Commission deems appropriate.

**B. Permit denial, suspension, or revocation.**

1. ~~The As~~ required under A.R.S. § 5-108.01(A), the Commission shall hold a hearing on an application for may deny a an original or renewal permit. permit application pursuant to a hearing upon The Commission shall provide 45 days 30 days' notice of the hearing.
2. The Commission may revoke or suspend a permit only after notice and opportunity for hearing. ~~Notice The Commission shall give notice of the hearing shall be given~~ in writing at least ~~20~~ 30 days ~~prior to before~~ the date set for hearing, unless the 30 days' notice is waived in writing by the applicant permittee.
3. Unless specifically ordered otherwise, if the Commission suspends one license held by an individual, all licenses held by the individual area suspended for the term of the suspension.
- 3.4. ~~All parties A party~~ appearing before the Commission shall be afforded an opportunity for a hearing and ~~the opportunity~~ to respond and present evidence and argument on all issues.
- 4.5. ~~Any party An individual~~ appearing before the Commission ~~shall have has~~ the right to appear in person or by counsel, ~~except that a A corporation may appearing before the Commission shall appear only~~ through counsel. ~~Any A~~ party may submit ~~his or her~~ the party's case in writing. ~~Failure of If~~ a party fails to appear for a hearing, ~~shall leave the Commission free to may act upon on~~ the evidence ~~at hand~~ without further notice to the ~~parties party~~. Proceedings The Commission may be reopened by the Commission upon reopen a proceeding if a party to the proceeding submits a written petition of any party to the proceedings to the Commission within XX days after the proceeding.

- C. Hearing officer. If the Commission assigns a matter to a hearing officer, the hearing officer shall submit to the Commission within 15 days after the conclusion of the hearing a written decision ~~which shall include that includes~~ proposed findings of fact, conclusions of law, and order. The Commission may accept, reject, or modify the decision of the hearing

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~~officer may be approved or modified by the Commission. The~~ Unless modified, the decision of the hearing officer becomes the decision of the Commission ~~unless modified by the Commission within 45 days after the hearing officer submits the decision to the Commission.~~

D. Depositions.

1. ~~When any~~ If a party desires to take the oral deposition of ~~any a~~ witness residing outside the state or otherwise unavailable as a witness, ~~such the~~ party shall file with the Commission a petition for permission to take the deposition of ~~such the~~ witness, ~~showing. The party shall specify in the deposition petition the name and address of such the witness and setting forth specifically and in detail the nature and substance of the testimony expected to be given by such the witness. The application shall be granted. Commission shall grant permission to take the deposition if it appears the Commission is able to determine from such the petition that the witness resides outside the state or is otherwise unavailable and that the witness's testimony of such witness is relevant and material. If such statement is not made specifically and in detail, so that the Commission may determine therefrom the relevancy and materiality of the testimony of such witness, such petition may be denied.~~
2. The Commission may, at ~~it's the Commission's~~ discretion, designate the time and place ~~and office before at which such a~~ the deposition may be taken. The party that takes a deposition is responsible for all expenses involved in taking ~~the~~ expense of any deposition will be borne by the party applying to the Commission for permission to take same.
3. ~~Any A~~ party taking a deposition taken under this rule subsection shall be returned and filed ~~return and file the deposition~~ with the Commission within 30 days after permission for taking ~~same the~~ deposition is granted.

E. Service.

1. ~~Service The Commission shall make service of any a~~ decision, order, or other process ~~may be made~~ in person or by mail. ~~Service The Commission shall make service by mail shall be made by enclosing the same or a copy thereof the material to be served in a sealed envelope and depositing the same envelope in the United States mail, postage pre-paid, addressed to the party served, at the address shown by the records of the Department; except that The Commission shall mail a notice of a hearing before the Commission shall be mailed by certified mail to the last known address of the parties as party shown by the records of the Department.~~
2. Proof of service may be made by the affidavit or oral testimony of the person making ~~such the~~ service.
3. The Commission shall calculate time periods prescribed or allowed by ~~these rules this Chapter, by~~ order of the Department, or by an applicable statute; ~~shall be computed as provided in the Arizona Rules of Civil Procedure.~~
4. Service ~~upon on~~ an attorney who has appeared on behalf of a party will constitute ~~constitutes~~ service ~~upon such on~~ the party. ~~In the case of A person required to serve papers requested to be served upon on~~ the Commission, shall file an original and five copies ~~shall be filed~~ in the office of the Department and ~~serve~~ a copy ~~shall be served upon on~~ the Attorney General.

F. Rehearing or review.

1. Except as provided in subsection ~~(7) (F)(7), any a~~ party in a contested case before the Commission who is aggrieved by a ~~final administrative~~ decision rendered ~~in such case by the Commission~~ may file with the Commission, ~~not later than 15~~ within 30 days after service of the ~~final administrative~~ decision, a written motion for rehearing or review of the decision. ~~A party filing a motion for rehearing or review of a decision shall specifying specify the particular grounds therefor on which the motion is made. For purposes of this subsection, a decision shall be deemed to have been served when personally delivered or mailed to the party at his or her last known residence or place of business.~~
2. ~~The A~~ motion for rehearing or review may be amended at any time before it is ruled ~~upon on~~ by the Commission. A response may be filed within 10 days after service of ~~such the~~ motion or amended motion by any other party. The Commission may require the filing of written briefs ~~upon on~~ the issues raised in the motion and may provide for oral argument.
3. ~~A The Commission may grant a~~ rehearing or review of ~~the a~~ decision ~~may be granted~~ for any of the following causes materially affecting ~~the moving a~~ party's rights:
  - a. Irregularity in the administrative proceedings ~~of the hearing officer or Commission or the prevailing party, or any an~~ order or abuse of discretion; ~~whereby that deprived the moving a party was deprived of a fair hearing;~~
  - b. Misconduct of the hearing officer, Commission, or the prevailing party;
  - c. Accident or surprise ~~which that~~ could not have been prevented by ordinary prudence;
  - d. Newly discovered material evidence ~~which that~~ could not, with reasonable diligence, have been discovered and produced at the ~~original~~ hearing;
  - e. Excessive or insufficient ~~penalties; penalty;~~
  - f. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing; ~~or during the progress of the proceedings; and~~
  - g. ~~That the The findings of fact or~~ decision is not justified by the evidence or is contrary to law.
4. The Commission may affirm or modify ~~the a~~ decision or grant a rehearing to all or any of the parties ~~and on all or part of the issues for any of the reasons set forth listed in subsection (F)(3). An order granting a rehearing The Director shall specify with particularity the ground or grounds on which the for an order modifying a decision or granting a rehearing, is granted, and the A~~ rehearing shall cover only ~~those the~~ matters so specified.

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5. Not later than 10 days after ~~the date of a decision is rendered, after giving the parties notice and an opportunity to be heard,~~ the Commission may, on ~~its own~~ the Commission's initiative, order a rehearing or review ~~of its decision~~ for any reason for which ~~it~~ the Commission may have granted a rehearing on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard ~~on the matter,~~ the Commission may grant a motion for rehearing ~~or review~~ for a reason not stated in the motion. In either case, the Commission shall ensure that an order granting such a rehearing or review shall specify ~~specifies~~ the grounds ~~therefor~~ for the order.
6. When a motion for rehearing ~~or review~~ is based ~~upon~~ on affidavits, the party making the motion shall serve the affidavits ~~shall be served~~ with the motion. An opposing party may, within ~~10~~ 15 days after ~~such~~ service, serve opposing affidavits, ~~which~~ This period may be extended by the Commission for an additional ~~period not exceeding~~ 20 days ~~by the Commission~~ for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
7. ~~If in the Commission makes a specific finding that a particular decision needs to be effective immediately it is necessary for the immediate preservation of to preserve the public peace, health, and safety, and welfare and if that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the Commission shall issue the decision may be issued as a final decision without an opportunity for a rehearing or review.~~
8. ~~For purposes of this subsection the terms "contested case" and "party" shall be defined as provided in A.R.S. § 41-1001.~~
- 9.8. ~~To the extent that~~ If the provisions of this rule Section are in conflict with the provisions of any a statute providing for rehearing of decisions of the Commission, such the statutory provisions shall govern.