



COLORADO RACING COMMISSION RULES

1 C.C.R. 208-1

CHAPTER 1

--- DEFINITIONS ---

The following definitions are interpretations of racing, pari-mutuel and simulcast wagering terms and are to be considered as part of these rules and regulations:

ABANDON- To abandon means to leave an animal without adequate provisions for the animal's proper care or to forsake the animal entirely.

ADDITIONAL FACILITY- Any in-state wagering facility operated by and the responsibility of a licensed association, not located on the premises of a licensed racetrack site, accepting pari-mutuel wagers on races with the approval of the Commission.

AGE (HORSE)- A horse's age begins on the first of January in the year in which the horse is foaled.

AGE (GREYHOUND)- *(Deleted Effective date May 15, 2015)*

ALLOWANCE- An allowance is a weight allowance or other condition of a race.

ANALGESIC- See STIMULANT

ANESTHETIC- See STIMULANT

ANIMAL- An Animal shall mean a greyhound or horse.

ANIMAL CRUELTY- As defined in C.R.S. § 18-9-202

ASSISTANT TRAINER- An assistant trainer is a person licensed to condition an animal for racing under the authority, supervision, or in conjunction with the trainer of record.

ASSOCIATED PERSON- Associated person means the spouse of an inactive person, or a companion, family member, employer, employee, agent, partnership, partner, corporation, or other entity whose relationship, whether financial or otherwise, with an inactive person, would give the appearance that such other person or entity would care for or train a horse or perform veterinarian services on a horse for the benefit, credit, reputation, or satisfaction of the inactive person.

ASSOCIATION- An association is anyone conducting a licensed live race meet or approved simulcast race meet in Colorado.

AUTHORIZED AGENT- An Authorized Agent is a person who is authorized in writing to act in behalf of another on specified racing matters.

AUTHORIZED MEDICATION- Any medication in the quantity permitted by the Commission pursuant to the conditions set forth in these Rules and the Law to be possessed by licensees or in

pre-race and post-race samples shall be authorized. Any and all other medications are unauthorized.

AUTHORIZED PARI-MUTUEL WAGERING ENTITY- A person in or out-of-state that is duly licensed by the Colorado Racing Commission to conduct pari-mutuel wagering on simulcast racing.

BET SOLICITATION- The term “bet solicitation” in 12-60-507(l)(h), C.R.S., means “touting.”

BETTING INTEREST- A single wager on a runner(s) designated by a single program number.

BLEEDER- A horse which demonstrates visible external evidence of Exercise Induced Pulmonary Hemorrhage (EIPH) or existence of hemorrhage in the trachea post exercise upon endoscopic examination. Such examination is to be authorized by or performed in the presence of a Division veterinarian.

BOARD- *(Modified Effective date May 15, 2016)* The Board shall mean the Board of Stewards.

BREEDER (HORSE)- A Breeder is the owner of the horse’s dam at the time of foaling for Thoroughbreds. For Quarter Horses, Appaloosas, Arabians, and Paint Horses, the Breeder is the owner of the dam at the time of service, or as defined by each individual Colorado breed association.

BREEDER- (GREYHOUND) - *(Deleted Effective date May 15, 2015)*

CITATION- A complete written notice, issued to a licensee by the division on an approved form and by means of which the division alleges the licensee has violated one or more Colorado racing laws or rules.

CITATION VIOLATION LIST AND SCHEDULE OF PENALTIES- An approved list of those particular violations of Colorado racing laws or rules, together with penalties, set according to the type of violation and, as appropriate, also according to the frequency of violation by a licensee. With the approval of the commission, the director can establish the specific violations on the list together with their associated penalties and can change the violations or penalties on the list.

CLAIM CERTIFICATE- A claim certificate is a form issued by the stewards to a person who desires to claim a horse but has no horses registered to race at the meet.

COGGINS TEST- A test required of horses to determine exposure to Equine Infectious Anemia.

COLORADO BRED (GREYHOUND) - *(Deleted Effective date May 15, 2015)*

COLORADO BRED HORSE– A Colorado bred horse is a horse which satisfies each of the following criteria:

- 1) A horse which was foaled in the State of Colorado out of a mare that was, itself, at the time of the foal's birth, an accredited Colorado broodmare registered with the relevant official Colorado breed registry; or
- 2) In the case of an embryo recipient, at the time the embryo is taken from the genetic dam, the embryo itself has to come from an accredited Colorado broodmare, and the recipient mare has to be domiciled in Colorado at the time of the foals birth. The foal certificates from breed registries may reflect this position; and
- 3) A horse which has been registered with the relevant official Colorado breed registry.

COMMISSION– See C.R.S. 12-60-102(5).

CROSS SIMULCASTING– See C.R.S. 12-60-102(6).

DAILY DOUBLE– Requires the selection of the first place finisher in each of two consecutive races.

DAY

RACE DAY– A race day is any twenty-four (24) hour period, beginning at midnight, during a race meet anytime live racing is conducted.

DARK DAY– A dark day is any twenty-four (24) hour period, beginning at midnight, during a live race meet when no live racing is conducted or during a simulcast race meet when no simulcast races are received.

DESIGNATED RACE DAY– *(Added Effective date May 15, 2016)* Any stakes, futurity or futurity trial in any state.

SIMULCAST RACE DAY– A simulcast race day is any twenty-four (24) hour period beginning at midnight during a simulcast race meet when simulcast races are received.

CALENDAR DAY– A calendar day is any twenty-four (24) hour period beginning at midnight.

DECEIT IN RACING– See MISREPRESENTATION

DECLARATION– *(Modified Effective date May 15, 2016)* A declaration is the act of withdrawing an entered horse from a race.

DEPRESSANT– See STIMULANT

DIRECTOR– See C.R.S. 12-60-102(7).

DIVISION– See C.R.S. 12-60-102(8).

DIVISION REPRESENTATIVE– An employee of the Division designated to represent the Division in matters pertaining to the operation of the Division.

ELECTRONIC ACCOUNT WAGER/ACCOUNT WAGER– A wager placed by electronic means, using funds from an electronic wagering account, made by the account holder in person, via telephonic device or through other electronic means.

ELECTRONIC WAGERING ACCOUNT/ACCOUNT– A formal record of all transactions (debits, wagers, deposits, withdrawals and credits) initiated by an account holder in an electronic wagering account with an authorized pari-mutuel wagering entity.

ELECTRONIC WAGERING ACCOUNT ACTIVITY– Any deposit, withdrawal, wager or other transaction made by the account holder.

ELECTRONIC WAGERING ACCOUNT HOLDER/ACCOUNT HOLDER– A natural person, authorized by an authorized pari-mutuel wagering entity, to place wagers via account wagering.

ELECTRONIC WAGERING CENTER– A facility that has the capability of accepting electronic account wagers, utilizing wired or wireless communications devices, including but not limited to, wireline telephones, wireless telephones, and the internet, to electronically transmit the placement of wagers on races and special events.

ELECTRONIC WAGERING DEPOSIT– Pari-mutuel wagering in which an individual deposits money in an account with an authorized pari-mutuel wagering entity, to be used for pari-mutuel wagering authorized by law, to be conducted by the authorized pari-mutuel wagering entity.

EJECTION– An ejection is the act of having a person removed from the premises of a racetrack or simulcast facility.

ENGAGEMENT– (Modified Effective date May 15, 2016) An engagement is an obligation of a jockey or a horse to participate in a race.

ENTRY (HORSE)– An entry shall mean according to the requirement of text:

- (1) A horse made eligible to run in a race.
- (2) A horse which has drawn into a race.

ENTRY, COUPLED– (*Modified Effective date May 15, 2016*) Two or more horses which are entered or run in a race owned by the same ownership or interest whether trained by the same trainer or different trainers or any other combination which form a common tie. A wager on one horse in a coupled group shall constitute a wager on all horses in such coupled group.

ENTRY (GREYHOUND)– (*Deleted Effective date May 15, 2015*)

EQUIPMENT– (*Modified Effective date May 15, 2016*) Equipment shall be any paraphernalia used on or attached to a horse while racing.

EUTHANASIA– Euthanasia means the act or practice of ending the life of an animal.

EXACTA– Requires the selection of the first two finishers, in their exact order, for a single race.

EXCLUSION– An exclusion is the act of prohibiting a person from entering or remaining upon the premises of any or all racetracks and/or simulcast facilities.

FIELD/MUTUEL FIELD – (*Modified Effective date May 15, 2016*) When the number of horses competing in a race exceeds the numbering capacity of the totalisator, some of the horses may be grouped together and designated as the mutuel field. A wager on one horse in such field shall be a wager on all horses in such field.

FINANCIAL INTEREST– An interest that could result in directly or indirectly receiving a pecuniary gain or sustaining a pecuniary loss as a result of ownership or interest in an animal or business entity, or as a result of salary, gratuity or other compensation or remuneration from any person.

FIREARMS– Any weapon listed under C.R.S. 18-12-101 or any other section of the Colorado Revised Statutes, or any weapon which ejects any type of projectile, including BB guns, air rifles and pellet guns.

FRAUD– See MISREPRESENTATION

GAINFUL EMPLOYMENT– The term “gainful employment” in 12-60-507(1)(v), C.R.S. is interpreted by the Commission to mean “actual employment.”

GREYHOUND– Any greyhound properly tattooed and registered with the registry recognized by the Commission.

GREYHOUND ADOPTION– A process whereby an organization or person assumes the responsibility for a greyhound and, in so doing, permanently transfers all rights and responsibilities from the original owner or owners.

GREYHOUND DISPOSITION– Greyhound Disposition shall mean any one of the following:

- a. transfer to another jurisdiction;
- b. retirement for breeding or convalescence for rehabilitation;
- c. adoption (including release to an animal rescue group or pet animal facility);
- d. euthanasia;
- e. sale or donation (for medical research or other purpose); or,
- f. disposition of any other kind

GREYHOUND RESCUE– Refers to responsive operations for greyhounds that usually involve the saving of life, or prevention of injury during an incident or dangerous situation.

HORSE– Means an equine and includes all equine animals, i.e. filly, mare, colt, horse, gelding, or ridgling.

HOST TRACK– See C.R.S. 12-60-102 (12).

IN-STATE HOST TRACK– See C.R.S. 12-60-102(13) and (14).

OUT-OF-STATE HOST TRACK– See C.R.S. 12-60-102(18) and (19).

HOUSING KENNEL– (*Modified Effective date May 15, 2015*) For the purpose of interpreting and enforcing CRS 12-60-501(1)(b) which requires the Division to inspect all kennels in connection with race meet, a housing kennel shall be defined as those buildings and attached turnout pens where one or more greyhounds are kept and exercised. Additionally, where a housing kennel shares a common kitchen, storage or other area with a building housing animals only the common area shall be included in such inspections. If a room or area exists where food for the greyhound is prepared separate from the housing kennel, then that area shall be subject to these inspections.

HOUSING STABLE– For the purpose of interpreting and enforcing CRS 12-60-501(1)(b) which requires the Division to inspect all stables in connection with a race meet, a housing stable shall be defined as those buildings or other areas located on the racetrack property, where one or more horses registered to race at the current Colorado race meet, including pony horses, are kept and exercised, including those buildings or other areas that may temporarily house haul-in horses.

HUB OR HUB SYSTEM– An in-state or out-of-state host association, or simulcast facility which receives and/or transmits wagering information and/or calculates the wagering pools on in-state and/or out-of-state races to in-state and/or out-of-state simulcast facilities.

HUMANE MANNER– Humane Manner shall mean, by means of euthanasia by lethal injection, or by such other standard of humane killing as may be established by the American Veterinary Medical Association

ILLEGAL ENTERPRISE– The term “illegal enterprise” in 12-60-507(1)(h), C.R.S., means “a project or undertaking, or a company organized for business purposes, not authorized by Law, that is illicit, unlawful and contrary to the Law itself.”

INACTIVE PERSON– Inactive person is any person whose license has been suspended for more than 14 days; whose license has expired or been revoked; or whose license application has been denied.

INQUIRY– An investigation by the Board of an occurrence(s) in a race prior to declaring the result of said race official.

INTERNE– A computer network consisting of a worldwide network of computer networks that use the TCP/IP network protocols to facilitate data transmission and exchange.

JOCKEY– A jockey is a race rider.

JUDGES– (Deleted Effective date May 15, 2016)

KENNEL– (*Modified Effective date May 15, 2015*) For the purpose of interpreting and enforcing CRS 12-60-501(1)(b) which requires the division to inspect all kennels in connection with race meet, a housing kennel shall be defined as those buildings and attached turnout pens where one or more greyhounds are kept or exercised.

KENNEL COMPOUND– A kennel compound comprises the secure and restricted facilities provided by the association for the housing of racing kennels participating in the live racing meet.

KENNEL OPERATOR– a kennel operator is a duly licensed owner of a racing kennel who holds the contract with a racing association to race his/her greyhounds, as well as those leased from other properly licensed owners, during a race meet.

LAW or LAWS– The law or laws shall mean the Colorado Revised Statutes and includes any interpretation, construction or application by Courts of competent jurisdiction.

LEAD-OUT– (*Deleted Effective date May 15, 2016*)

LEASE AGREEMENT– (*Modified Effective date May 15, 2016*) An agreement between a lessee and lessor to lease a horse.

LESSEE– (*Modified Effective date May 15, 2016*) A lessee is a person who holds a contract (lease) for the racing of a horse in the lessee's name.

LESSOR– (*Modified Effective date May 15, 2016*) A lessor is a registered owner of a horse who enters into a contract with another for the racing of a horse.

LICENSEE– See C.R.S. 12-60-102(17).

LOCK-OUT KENNEL– (*Deleted Effective date May 15, 2015*)

LURE– (*Deleted Effective date May 15, 2015*)

MAIDEN (HORSE)– A maiden is a horse which has never won a race on the flat in a state or country where the races are covered by the *Daily Racing Form* or a similar publication approved by the stewards. A maiden which has been disqualified after finishing first is still a maiden. Conditions referring to maidens apply to the status at the time of starting.

MAIDEN (GREYHOUND)– (*Deleted Effective date May 15, 2015*)

MANUAL MERGE– The process used in the event of a totalisator systems or communication failure by which the simulcast facility's mutuel manager transmits to the host track wagering information and information regarding the process by which the host track includes the simulcast facility's wagers in the common pool for that race via facsimile machine. In the event of a facsimile machine malfunction, etc., the tote operator shall request permission from the Division

Representative to use a voice communication with a subsequent facsimile verification.

MEDICATION– A medication is a substance, compound, element or combination thereof which is or can be administered to a human, greyhound, horse or other animal for the purpose of preventing, curing or alleviating the effects of any disease, condition, ailment, infirmity or symptom thereof. The term medication shall include but not be limited to all narcotics, stimulants, depressants, analgesics and anesthetics.

MINUS POOL– A minus pool occurs when the total amount of money to be returned to the public exceeds what is in the net pool due to the commissions deducted and the requirement that no winning pari-mutuel tickets shall be paid at less than \$1.10 for \$1.00 wagered.

MISREPRESENTATION– The term “misrepresentation” in 12-60-507(1)(d), C.R.S., which prohibits “fraud, willful misrepresentation, or deceit in racing” prohibits the making of any substantial or willful misrepresentation concerning any aspect of the racing industry including but not limited to making any substantial or willful misrepresentation to a racing official concerning a racing matter. The term “misrepresentation” may include acts of omission as well as acts of commission and may include, unless otherwise stated, behavior which is negligent, reckless or done knowingly. It also includes the giving of false statements and fraudulent documents to Division officials regarding any racing matter.

MONTH – A month is a calendar month.

MUTUEL DEPARTMENT– The entire system and associated areas of a licensed racetrack or approved simulcast wagering facility where wagers are placed and winning tickets are cashed. For the purpose of compliance with these rules, the mutuel department is deemed to include all employees, including the totalisator company and its employees and agents, involved with the operation of pari-mutuel machines and equipment, of all money rooms, accounting rooms, and sellers’ and cashiers’ windows.

MUTUEL MANAGER– A licensed employee of the association, approved by the Commission, who manages the mutuel department at a licensed racetrack or an approved simulcast facility for the association.

NARCOTIC– See STIMULANT

NOMINATION– *(Modified Effective date May 15, 2016)* A nomination is the initial naming of a horse for a stakes race.

NOMINATOR– *(Modified Effective date May 15, 2016)* A nominator is a person in whose name a horse is nominated.

OBJECTION - *(Modified Effective date May 15, 2016)* An Objection is a formal complaint filed with the Board by a jockey and/or an owner or a trainer of a horse in a race objecting to an occurrence in the race or the Board’s decision pertaining to the race.

OFFICIAL WORKOUT– A workout of a horse on the association’s racing strip with the official

clocker in attendance and in accordance with these Rules. The galloping of horses or ponying of horses for exercise shall not be considered as an official workout.

OFF-TRACK STABLING LOCATION– Any location designated by the Division for the purpose of stabling horses registered with the Racing Secretary and intended to be raced at a racetrack under the jurisdiction of the Commission. The grounds of organization licensees in Colorado and recognized race meets in other jurisdictions shall not be considered off-track stabling locations.

OVERPAYMENT– An overpayment occurs when the payoff to the public is more than is actually due as a result of errors in calculating pools and/or error occurring in the communication of payoffs.

OWNER– An owner is a person in whose name an animal is registered with the official registry designated by the Commission. In the case of a leased animal, both the lessor and the lessee shall be considered as the owners, for the purpose of licensure, and both shall be licensed under these rules. In addition, an owner who is licensed and has fulfilled the requirement of a trainer, can condition animals for racing. But owners, without trainers licenses shall not be the primary person who conditions the animals for racing.

PARI-MUTUEL HANDLE– The total amount wagered for a pool, race or an entire performance.

PARI-MUTUEL WAGERING– See C.R.S. 12-60-102(20.5).

PENALTY– *(Modified Effective date May 15, 2016)* A penalty shall be according to the requirement of the text:

- (1) Action taken against a licensee or horse by a racing official, Division or the Commission.
- (2) The excess weight a horse must carry in a race because of the race conditions.

PERFORMANCE– A licensed or authorized schedule of races conducted on any live and/or simulcast racing day.

PERSON– See C.R.S. 12-60-102(21).

PLACE– Place shall mean a runner(s) to finish either first or second.

PLACE POOL– The total amount of money wagered on all runners to finish either first or second.

POLICY– A Commission statement or order regarding racing or wagering related activities throughout the state which pertain to licensees and patrons, violation of which may result in disciplinary action.

POOL-SELLING– The term “pool-selling” in 12-60-507(l)(h), C.R.S., is interpreted by the Commission to mean “a form of gambling that is not authorized by Law in which chances are sold to individuals who may win a part or all of the pool depending on the outcome of the event for which the pool is made.”

POST POSITION– The post position is the position assigned to an animal for the start of a race.

POST TIME– Post time means the time set for the arrival of the animals at the starting point of a race.

PREPONDERANCE OF EVIDENCE– Greater weight of evidence, or evidence which is more credible.

PROCEDURE– A Commission statement or order regarding the set process to be followed in racing or wagering related activities throughout the state which pertain to licensees and patrons.

PROGRAM– A program is a printed daily schedule of races conducted at a live race meet or simulcast race meet.

PROTEST– (*Modified Effective date May 15, 2015*) A protest is a written complaint filed with the Board at least one hour prior to the running of the first race of the day which protests the participation of a, horse or jockey in a race.

QUINIELA– Requires the selection of the first two finishers, in any order, in a single race.

QUINIELA DOUBLE - Requires the selection of the first two finishers, in any order, in each of two consecutive specified races.

RACE (HORSE)– A race is a contest among horses for a purse, stake or reward contested at a meet. “Race” includes, but is not limited to:

ALLOWANCE– An allowance race is a race where there are both weight allowances and penalties, according to the race conditions, for money or races won.

CLAIMING– A claiming race is a race using monetary value of the horses as the criteria for equalizing the competition.

DERBY– A derby race is a race exclusively for three-year olds.

FUTURITY– A futurity race is a race exclusively for two year olds in which nominations are made in advance of the scheduled race.

HANDICAP– A handicap race is a race in which the weights to be carried by the horses are determined by a handicapper for the purpose of equalizing the competition.

FREE HANDICAP– A free handicap race is a race in which no liability for entrance money is incurred.

INVITATIONAL HANDICAP– An invitational handicap race is a handicap race in

which the racing secretary or handicapper has selected the contestants and assigned the weights.

MAIDEN– A maiden race is a race for horses which have never won a race.

MATCH– A match race is a private stakes race between horses which are the property of separate ownership interests.

MATURITY– A maturity race is a stakes race for four year old horses and older.

OPTION CLAIMING– An option claiming race is a race wherein horses are made eligible by previously starting for a certain claiming price and may or may not be eligible to be claimed.

OVERNIGHT– An overnight race is a race for which entries close ninety-six (96) hours, or less, before the scheduled time for the first race of the day on which the race is to be run.

PURSE– A purse race is a race for money or any other prize which the owners of the horses engaged to race do not contribute.

SPLIT– A split race is a race in which there are so many entries that it is divided into more than one division.

STAKES– A stakes race is a race in which nominators of the engaged horses contribute to a purse.

STARTER ALLOWANCE– A starter allowance race is a race based upon a horse having previously started for a specified claiming race.

SUBSTITUTE– A substitute race is a race which may replace a race already carded but abandoned because of insufficient entries or too many scratches.

WALKOVER– A walkover race occurs when only one horse remains eligible for a race.

WEIGHT FOR AGE– A weight for age race is a race wherein the weights are assigned to horses according to their age.

RACE (GREYHOUND)– A race is a contest held on any racetrack for a purse, stakes or entry fees and in the presence of duly appointed racing officials.

OVERNIGHT RACE– An overnight race is a race for which entries close seventy-two (72) hours, or less, before the time set for the first race of the day on which the race is to be run.

PURSE RACE– A purse race is a race for money or any other prize which the owners of the greyhounds engaged to race do not contribute.

STAKES RACE– A stakes race is a race which nominators of the engaged entries may

contribute to a purse or where greyhounds are invited or qualify to participate. In addition to the minimum purse funds and any nomination fees paid, the purse may include money or other prizes contributed from other sources, but in no event shall be supplemented by purses from other races.

RACE REVIEW COMMITTEE– (*Modified Effective date May 15, 2015*) “Race Review Committee” shall mean a committee composed of the following members: the general manager of the association with the current race meet or his/her designee, the Division racing coordinator or his/her designee and the executive director of the horsemen or his/her designee that has a contract with the association for the current race meet.

RACE WEEK– (*Added Effective date May 15, 2016*) The Race Week begins on Wednesday of any given week and runs through the end of business on Tuesday.

RACETRACK PREMISES– (*Modified Effective date May 15, 2016*) For the purposes of these rules, the premises of a racetrack shall be considered the entire area including but not limited to simulcast facilities, parking lots, out buildings, stable areas and training facilities located on the racetrack premises or used by a licensed association to conduct a live and/or simulcast race meet in Colorado.

RACING ANIMAL– For the purpose of interpreting and enforcing C.R.S. 12-60-507(1)(o) only which prohibits cruelty to or neglect of a racing animal, a racing animal shall be interpreted to mean any greyhound or horse who has a tattoo number identifying it with the registry recognized by the Commission or is stabled on the premises of a licensed association regardless of whether the greyhound or horse is actively racing, breeding, in training or retired. For the purpose of interpreting and enforcing Commission rules and Colorado statutes other than C.R.S. 12-60-507(1)(o), a racing animal shall be interpreted to mean any animal registered to race or intended to be registered to race with an association in conjunction with a race meet.

RACING CLUB– “Racing Club”: Members of a group who form a partnership for a limited time, for one season claiming horses so they can understand the economics and strategy of ownership. Racing clubs have their own requirements for licensure based on level of participation by its owners.

RACING LAW– Consolidated laws of the State of Colorado pertaining to Racing, and Pari-Mutuel Wagering.

RACING OFFICIAL (GREYHOUND) – (*Deleted Effective date May 15, 2015*)

RACING OFFICIAL (HORSE) – Stewards; placing judge(s); patrol judge(s); paddock judge; identifier; racing secretary; starter; clerk of scales; clocker; jockey room custodian; outrider; stable area superintendent; track superintendent; association veterinarian, horsemen’s bookkeeper; timer, mutuel manager, director of racing, general manager, director of security, Division employees and such other positions as determined by the Commission at the time of approval of each respective race meet application.

RACING STRIP– The racing surface upon which an animal competes in an official race that is between the inside and outside rail including the chutes.

RANDOM TESTING (HUMAN)– A method or procedure established by the Division and approved by the Commission whereby the selection of individuals to be tested for drug and/or alcohol use is accomplished by chance or by lot, so that the actual identity of the persons tested is not the result of the exercise of discretion by the Division or the associations. A method of selection shall not be considered other than “random” under this rule because it uses or names predetermined groups of licensees from which to randomly select a given individual or individuals to be tested.

REASONABLE CAUSE/REASONABLE SUSPICION TESTING (HUMAN)– A strategy for testing for alcohol or controlled substances based on an official’s having good reason to believe that a licensee has alcohol or controlled substances in his/her system.

REPORT– A summary of wagering activity or other record prepared, pursuant to this sub-chapter.

RESTRICTED AREA– (*Modified Effective date May 15, 2016*) Shall include, but not be limited to, the following: paddock, track area, totalisator room, mutuels area, money room, stewards’ stand and roof, stable area, jockeys’ room, and test barn.

REVOKED– Revoked is the withdrawal of a privilege or all privileges granted by any Commission through the issuance of a license and results in the cancellation of the license.

RIDING GEAR– “Riding Gear” shall mean all of the following items: clothing, boots, saddle and attachments. “Riding Gear” does not include any of the following items: Equipment worn on the horse’s head, tail, or legs; a channel, breastplate, or running martingale; or any foul-weather gear, which is any additional riding apparel that a jockey chooses to wear due to inclement weather.

RULE OFF– (*Modified Effective date May 15, 2016*) A rule off is the act of barring from a racetrack and denying all racing privileges to any horse.

RULES AND REGULATIONS– The rules are the rules and regulations contained herein and any amendments or additions set forth by the Commission.

RUNNER– (*Modified Effective date May 15, 2015*) A horse entered into a race. Each runner shall be designated by a number.

SCRATCH– A scratch is the act of withdrawing an entered animal from a race after the drawing for post positions.

SCRATCH TIME– The scratch time is the time set by the association after which no animals may be declared or scratched unless done so by the Board or Division veterinarians or as otherwise provided for by these Rules.

SELECT (n) POOL– Requires the selection of the first place finisher in each of four or more

consecutive specified races (n), designated by the association with prior approval of the Commission or Director.

SELECT THREE– Requires the selection of the first place finisher in each of three consecutive specified races designated by the association with the prior approval of the Commission or Director.

SET WEIGHT– *(Deleted Effective date May 15, 2015)*

SHOW– Show shall mean a runner(s) to finish first, second or third.

SHOW POOL– The total amount of money wagered on all runners to finish first, second or third.

SIMULCAST RACE MEET– The entire consecutive period for which approval is granted by the Commission to receive and/or transmit a live broadcast at a location within Colorado using the pari-mutuel system of wagering.

SOURCE MARKET FEE– A licensing fee assessed by the Director, pursuant to Section 12-60-202(3)(h), C.R.S., in lieu of taxes and fees otherwise payable by persons outside of Colorado, who conduct pari-mutuel wagering on simulcast races and who accept wagers from Colorado residents at out-of-state simulcast facilities.

STARTER (HORSE) – A horse is a starter when the stall doors of the starting gate open in front of it at the time the starter dispatches the horses.

STARTER (GREYHOUND)– *(Deleted Effective date May 15, 2015)*

STATE– The State shall mean the State of Colorado.

STEWARDS– The persons employed by the Division and the Steward employed by the Association and approved by the Commission for a meet, collectively to be known as the Board of Stewards.

STIMULANT, DEPRESSANT, ANALGESIC, ANESTHETIC, NARCOTIC– Stimulant, depressant, analgesic, anesthetic and/or narcotic shall mean a substance used by the medical or veterinary professions to produce stimulating, depressing, analgesic, anesthetizing or narcotizing effects, or which is defined as a stimulant, depressant, analgesic, anesthetic or narcotic in an accepted scientific publication.

STORED VALUE INSTRUMENT– Funds or monetary value represented in digital electronic format and stored, or capable of storage, on electronic media, in such a way as to be retrievable and transferable electronically.

SUBSCRIPTION– *(Modified Effective date May 15, 2016)* A subscription is the nominating of a horse to a stakes race.

SUPERFECTA– Requires the selection of the first four finishers, in their exact order, for a single race.

SUSPENDED– The withdrawal of a privilege or all privileges granted by any Commission, racing jurisdiction, or other body empowered to regulate any aspect of racing in a jurisdiction through the issuance of a license or registration for a set period of time.

TIME OF RACE– The time recorded for the first animal to cross the finish line shall be the official time of the race except as provided for in these rules.

TOTALISATOR OR TOTALISATOR SYSTEM– A system or electronic device which accepts and cashes wagers, calculates the odds and prices of such wagers, and records, displays, and stores pari-mutuel wagering information.

TOTALISATOR COMPANY– A company manufacturing, selling, leasing, servicing, maintaining or operating automated electronic computer hardware and software necessary to calculate, record, display, and store pari-mutuel wagering information.

TOTALISATOR STANDARDS– The standards approved by the Commission and implemented by the Division setting forth the internal control standards, policies, and procedures governing the qualification and operations of the totalisator system. An official copy is kept in the Division's main office and is available for inspection during normal business hours.

TOTE BOARD– The board or video monitor used to display to the public the approximate odds and payoffs on runners, and other pertinent wagering information.

TOUTING– The term “touting” in 12-60-507(l)(h), C.R.S., means “soliciting or providing betting tips on animals for a profit in races under the jurisdiction of the Commission, except that this will not apply to authorized tip sheets specified in the rules of racing.”

TRACTION DEVICE– Is any modification or isolated device that extends below the ground bearing plane of the horseshoe (e.g. traction nails, toe grabs, turndowns, blocked heels, jar calks, stickers and Memphis bars) or restricts the natural forward slide of the hoof upon impact.

TRAINING TRACK– A training track is a public facility approved, inspected and licensed by the Commission which is used for the training of greyhounds or horses.

TRAINER– A trainer is a person licensed to condition animals for racing.

TRIFECTA– Requires the selection of the first three finishers, in their exact order, in a single race.

TRI-SUPERFECTA– Requires the selection of the first three finishers, in exact order, in the first of two designated and Commission approved races; and the first four finishers in exact order in the second of the two designated races. Each winning ticket for the first tri-superfecta race must be exchanged for a free ticket in the second tri-superfecta race to participate in the second-half of the

tri-superfecta.

TWIN QUINIELA– Requires the selection of the first two finishers, in any order, in each of two designated and Commission approved races. Each winning ticket for the first twin quiniela race must be exchanged for a free ticket in the second twin quiniela race to participate in the second-half of the twin quiniela.

TWIN SUPERFECTA– Requires the selection of the first four finishers, in exact order, in each of two designated and Commission approved races. Each winning ticket for the first twin superfecta race must be exchanged for a free ticket in the second twin superfecta to participate in the second-half of the twin superfecta.

TWIN TRIFECTA– Requires the selection of the first three finishers, in exact order, in each of two designated and Commission approved races. Each winning ticket for the first twin trifecta race must be exchanged for a free ticket in the second-half of the twin trifecta.

UNDERPAYMENT– An underpayment occurs when less money is returned to the public than is actually due, as the result of an error in calculating pools and/or errors in the communication of payoffs.

UNJUSTIFIABLY– The term “unjustifiably” as used in 12-60-507(1)(s), C.R.S. shall include behavior which is negligent, reckless or knowing.

VOUCHER– A computerized ticket acknowledging that a specified dollar amount has been deposited with the association by a patron. A voucher is the same as cash and is not part of any pari-mutuel pool.

WEIGHT-IN– *(Deleted Effective date May 15, 2015)*

WEIGHT LOSER– *(Deleted Effective date May 15, 2015)*

WEIGHT-OUT– *(Deleted Effective date May 15, 2015)*

WHELPED– *(Deleted Effective date May 15, 2015)*

WIN– Win shall mean a runner(s) to finish first.

WIN POOL– The total amount of money wagered on all runners to finish first.

WORKOUT, OFFICIAL– See OFFICIAL WORKOUT

YEAR– A year is a calendar year.

CHAPTER 3

--- OCCUPATIONAL LICENSEES ---

100's --- WHO MAY/MUST OBTAIN A LICENSE

3.102 - A person shall not participate in pari-mutuel racing under the jurisdiction of the Commission without a valid license issued by the Division. The following occupational (license) categories shall apply: Business; Key; Support; and Registration.

The Commission/Division shall establish appropriate sub-categories within each occupational (license) category to reflect the nature of the activity to be performed.

Persons required to be licensed shall submit a completed application on forms furnished by the Commission/Division prior to commencement of activities permitted by such license.

3.103 - New meet or renewal meet applications must be accompanied by an audited financial statement completed by an independent certified accountant.

3.104 - A licensed parent or legal guardian may employ their child to work within or around the kennel/stable area. The child employed must be licensed and if the child is younger than fourteen (14) years of age, the parent or legal guardian will be held responsible for the proper conduct of that child. A child who is fourteen (14) years of age or older, licensed and has the written approval of their parent or legal guardian may be employed by a person other than their parent or legal guardian.

3.105 – In connection with Section 12-60-202(3)(h), C.R.S., the Division Director shall establish and adjust, if necessary, source market fees, fees for race meets and other licenses issued. The total receipts from all licenses issued shall generate sufficient revenue to meet the total costs of the Division.

200's --- PROCEDURE FOR OBTAINING A LICENSE

3.200 - Any applicant for licensure may be required by the Division to demonstrate knowledge, qualifications and proficiency related to the license for which application is made through an examination approved and administered by the Division or its designee.

3.202 - Application forms shall be completed under the penalty of perjury. The application forms may include questions concerning the following:

- 1 - Personal background information;
- 2 - Financial information;
- 3 - Participation in legal or illegal activities in Colorado or other jurisdictions, including foreign countries;

4 - Criminal record information;

5 - Information concerning all pecuniary and equity interests in the applicant; and

6 - Other information as required.

3.204 - The application forms shall be accompanied and supplemented by such documents and information as may be specified or required. Failure to supply the information requested within five (5) days after the request has been made by the Division constitutes grounds for delaying consideration of the application.

3.206 – An applicant for initial licensure, and a renewal applicant on a cycle of every other renewal thereafter, in the categories of business, key or support shall be fingerprinted. Applicants shall also be fingerprinted if for any reason they have been asked by the Division to submit a new application. These reasons may include, but are not limited to, someone reapplying after more than one (1) year has elapsed since the expiration of the most recent license, if someone has been denied or revoked by an action of the Commission or Division, or when additional information may be needed to proceed with a background investigation.

3.208 - (*Modified Effective date May 15, 2015*) Any applicant for a license may be required to establish age by the presentation of a certified birth certificate. The applicant shall also be required to establish proof of lawful presence.

3.210 - All application forms supplied by the Division shall include a waiver of any right of confidentiality and a provision which allows the information contained in the application to be accessible to law enforcement agents of this or any other state or the government of the United States.

3.212 - The Commission shall establish and post the fees to be charged for the various licenses. All persons shall pay the required fees as part of the requirements for qualification for licensure. Such fees are non-refundable.

300's --- DENIAL, SUSPENSION, RESTRICTION OF LICENSE

3.300 - All licensed persons are held responsible for the safekeeping of their license. A license shall not be transferable and a licensed person shall not allow another to use their license for the purpose of transferring any of the privileges pertaining to it.

3.302 – (*Modified Effective date May 15, 2017*) It is the Commission's and Division's policy to recognize and uphold the rulings of other racing jurisdictions or breed registries which are recognized as official registries by the Commission. Pursuant to § 12-60-507(1)(l), based upon the evidence of a ruling from another jurisdiction, the Commission, the Board of Stewards or a hearing officer shall suspend the license of a Licensee until proof can be furnished that such suspension has been lifted or expired in the other jurisdiction. No additional penalties may be assessed under this rule. Also, the Commission and Division reserve the right to deny the application for a license of any person licensed in another racing jurisdiction.

3.304 - The Commission or Division Director may deny a license to any person who demonstrates untrustworthiness or incompetency in the performance of the duties required of the applicant. The Commission or Division may require and procure any proof deemed necessary with reference to the truthfulness, honesty and competence of any applicant.

3.306 - A person required to be licensed in Colorado must have the license validated for the current meet before being granted the privileges of the racetrack or simulcast facility. To obtain validation the person must have an animal at the racetrack or show proof of gainful employment at the racetrack or simulcast facility and must complete a validation form. Falsification of the validation form shall constitute grounds for discipline.

3.308 - The Division may issue a temporary license or registration for a period not to exceed ninety (90) days which badge is conditioned upon the Division's investigation and determination on whether to grant or deny an application for licensure. Issuance of a license badge does not constitute approval for licensure. Written notification of either approval or denial will be sent to the applicant within ninety (90) days of application at the address provided to the Division. Until such time as the application has been approved or denied, the applicant is operating under a temporary license. Any temporary license issued by the Division shall expire immediately upon determination by the Division on the license or registration application or within ninety (90) days of application, whichever occurs first. During the time that any temporary license is valid, the holder of such temporary license shall be required to comply with all laws and rules. License applicants who do not want to accept the conditions of a temporary license badge issued pursuant to this rule may request in writing to wait until the Division has completed its investigation and approved the applicant for licensure. A license or registration not issued within ninety (90) days shall require a new application to be filed on a form provided by the Division.

3.310 - Dual licenses will not be issued, if, in the opinion of the Division or the Commission, there is a conflict of interest in holding more than one (1) license.

400's --- DUTIES, OBLIGATIONS, PROHIBITED PRACTICES

3.400 - It is the duty of each licensee to promptly advise in writing the Division of any change in their current mailing address.

3.402 – (*Modified Effective date May 15, 2016*) Any person mounted on a horse or stable pony on association grounds, must wear a properly secured safety helmet at all times. Additionally, all members of the starting gate crew and Association Valets must adhere to this regulation at all times while performing their duties or handling a horse. For the purpose of this regulation, a member of the starting gate crew means any person licensed as an assistant starter or any person who handles a horse at the starting gate. The helmet must comply with one of the following minimum safety standards:

(a) American Society for Testing and Materials (ASTM 1163);

(b) UK Standards (EN-1384 or PAS-015); or,

(c) Australian/New Zealand Standards (AS/NZ 3838 or ARB HS 2012); or Snell Equestrian Standard 2001.

Any person mounted on a horse or stable pony on the association grounds must wear a safety vest at all times. Additionally, all members of the starting gate crew and Association Valets must also adhere to this regulation at all times while performing their duties or handling a horse. For the purpose of this regulation, a member of the starting gate crew means any person licensed as an assistant starter or any person who handles a horse at the starting gate. The safety vest must comply with one of the following minimum standards:

(a) British Equestrian Trade Association (BETA):2000 Level 1;

(b) Euro Norm (EN) 13158:2000 Level 1;

(c) American Society for Testing and Materials (ASTM) F2681-08 or F1937;

(d) Shoe and Allied Trade Research Association (SATRA) Jockey Vest Document M6 Issue 3; or,

(e) Australian Racing Board (ARB) Standard 1.1998.

And all jockeys shall wear a safety vest of the type approved by the Commission, when they are performing their duties on a horse racetrack.

A safety helmet or a safety vest shall not be altered in any manner nor shall the product marking be removed or defaced.

The Commission adopts as part of Rule 3.402 of the Colorado Racing Commission Rules certain industry standards referred to in this Rule 3.402. Such industry standards are published by the American Society for Testing and Materials, British Equestrian Trade Association, Shoe and Allied Trade Research Association (SATRA), or Australian Racing Board (ARB) Standard. These industry standards were promulgated pursuant to the bodies, boards or committees or sub-committees with body protection expertise. This rule incorporates these industry standards as they existed on March 15, 2010. This rule does not include amendments to or later editions of the incorporated industry standards.

Certified copies of the complete text of the material incorporated are maintained at the Colorado Department of Revenue Division of Racings Events, 1881 Pierce Street, Room 108, Lakewood, Colorado 80214-1494, and may be inspected by contacting the Rule Coordinator at that address during normal business hours. The incorporated material may also be examined at any state publications depository library. Certified copies shall be provided at cost upon request.

3.404 - Each licensee, in accepting a license, does consent to a search. Each employee of an association, in accepting employment, and each vendor who is permitted to sell and distribute merchandise about the racetrack or simulcast facility does also consent to a search.

3.406 - Each supervisor, owner and/or trainer shall be held responsible for the licensing of every employee under their supervision and shall make every effort to insure that any of their employees who are discharged surrender their license(s).

3.408 - All licenses shall be issued subject to the provisions of these Rules and the Law.

3.410 - Any licensee is obligated to accept these Rules and the Law on all questions to which they are related.

3.412 - All licensees shall report any criminal actions, rule violations or other suspicious acts involving pari-mutuel wagering by any person immediately to the Division or Division Representative and cooperate in subsequent investigations.

3.414 - All licenses remain the property of the Commission and Division, and shall be returned upon demand of the Commission, Division, or its designee.

3.416 - Every licensee is charged with being financially responsible for services, supplies, or other such obligations that are directly related to the licensee's race-related activities at an approved Colorado racetrack. If the Division receives sufficient proof of financial irresponsibility concerning race-related matters, it shall take appropriate action within its authority, including fines, suspension of a licensee's license, or recommending the Commission revoke a licensee's license.

1. A financial responsibility complaint against a licensee shall be in writing, signed by the complainant and accompanied by documentation of the services, supplies or fees alleged to be due.
2. The Division shall notify the licensee and the complainant of the time and place when the financial responsibility complaint shall be heard. The complainant must appear at the hearing in order to prosecute the complaint.
3. The complainant shall bear the burden to prove the validity of the licensee's alleged obligations and the degree to which the obligations have not been satisfied.
4. The Division shall consider either 1) a certified judgment from a court of competent jurisdiction or 2) non-sufficient checks or checks written against a closed account, written to the division, racing association, or other licensee as a presumption of the validity of an alleged debt.
5. This rule does not obligate the Division or the Commission to collect debts owned by licensees.

3.418 – (*Modified Effective date May 15, 2015*) All licensed persons desiring to be in a restricted area of any racetrack or simulcast facility shall be required to hold and properly display a current validated license badge issued by the Division at all times while the licensee is in a restricted area. To obtain a license a person may be photographed and fingerprinted. Failure of a licensee to properly display such a license badge may constitute grounds for discipline.

Proper display of the license badge depends on the restricted area: (1) on private, public, or association kennel compounds and stable areas. Proper display of a license badge shall mean the badge shall be readily available and displayed upon demand by any Division representative or association official; and (2) in all other restricted areas, proper display of a license badge shall consist of wearing the badge at or above the waist, with the photo of the licensee readily visible to any observer.

The licensee shall not alter, obscure, damage, or deface the badge, including the photographic image of the licensee, and any information contained or represented thereon, in any way.

3.420 - All visitors must obtain a visitor identification badge from a Division or association representative prior to entering a restricted or secure area of the racetrack or simulcast facility except as set forth in CRCR 3.422 and unless otherwise authorized by the Division or Commission. The visitor identification badge must be visibly displayed as described in rule 3.418 at all times while the visitor is in a restricted or secure area. All visitor identification badges shall be returned to the issuing agency upon exiting the premises or upon demand by the Division.

3.422 - All persons upon the premises of a housing kennel facility whether private or public or racetrack stable area must have in their possession a current validated license or be accompanied by a current licensee who shall be responsible.

3.424 - No licensed mutuel department employee or security employee shall willfully wager during working hours. No association general partner, officer, director, or racing official shall wager on any live race conducted at their facility, or on any race where they may have access to wagering information not available to the public.

3.425 - Wagering by those who maintain care and custody of a racing animal, including jockeys and jockey agents is prohibited except as set forth herein. Care and custody of a racing animal shall mean any person having contact with a racing animal seventy-two (72) hours prior to racing for the purpose of preparing, conditioning, treating or medicating the animal for that event.

1. Any person having immediate care and custody of more than one (1) animal entered in a particular race, or in a particular race in which the licensee has an animal entered and the animal has been scratched for any reason, shall not wager either directly or indirectly on that race.
2. Any person may wager on a race in which no animal in his/her immediate care is entered in that race unless excluded from wagering by law or regulation.
3. Any person having immediate care and custody of one (1) animal entered in a particular race may wager either directly or indirectly on that race only under the following conditions:
 - a. Straight pools - if that person uses his/her own animal and the amount wagered on any other animal does not exceed the amount wagered on his/her own animal;

- b. Multiple pools - if the person having care and custody includes his/her animal in their bet, or if in key wagers, wheels and partial wheels, uses his/her animal in a selected key position; or
 - c. Box wagers - the person having care and custody is allowed to use his/her animal in a box wager in any multiple pool where the number of animals boxed does not exceed the number of positions in the wager.
- 4. Any licensee found to be in violation of this rule or any part of this rule shall be fined, in addition to those sanctions imposed by these rules, an amount equal to any amount won by the licensee.

3.426 - An owner, trainer, racing official, or other association employee shall not accept directly or indirectly, any bribe, gift, reward, favor or gratuity in any form which is intended to or might influence the results of a race.

3.428 - Any licensed person whose conduct while on the premises of any racetrack or simulcast facility interferes with the orderly and proper conduct of a meet shall be subject to disciplinary action. Such prohibited conduct shall include but not be limited to bookmaking, acting as a runner for a bookmaker, touting, pickpocketing, altering pari-mutuel tickets or offering to cash altered pari-mutuel tickets, attempting to enter into any restricted area of a racetrack or simulcast facility, being intoxicated by the use of alcohol or drugs, or possession of a narcotic or drug which violates state or federal laws. In addition, disciplinary action may be taken against a person who violates guidelines set forth by the Division for misuse of personal medication, candy, food, drink and tobacco in restricted areas in the paddock building during a racing performance or acting in a disorderly manner. Such conduct includes, but is not limited to, using abusive language towards another, making unreasonable noise, fighting, striking or threatening to strike another person, discharging or displaying a firearm, treatment that affects the safety and welfare or an animal as determined by a veterinarian. A licensee who violates the above shall also be subject to immediate summary ejection.

3.430 - A licensee shall not obstruct or interfere with or use abusive insulting language to any Commission or Division representative, racing official or assistant or medical personnel while in the discharge of their duties. Abusive insulting language shall be construed to be language which tends to incite others to unlawful conduct or making unreasonable noise.

3.432 - At horse racetracks, a licensee shall not engage in any conduct which would present a fire or safety hazard or which would constitute a traffic infraction at any racetrack. Pursuant to this rule, the Division may from time to time issue and post guidelines for licensees concerning traffic and fire and safety hazards at each individual racetrack.

3.434 - A licensee shall not possess any firearm about the racetrack or simulcast facility unless all of the following conditions have been met:

- 1 - The firearm must be a lawful possession of the licensee;
- 2 - There must be justification that the possession of a firearm is necessary in the performance of legitimate duties by the person who shall possess a firearm;
- 3 - A licensee shall obtain written approval from both the Division and the association's general manager before possessing a firearm.

3.435 – (*Added Effective date May 15, 2017*) No Licensee while on grounds under the jurisdiction of the Colorado Racing Commission shall:

- a) Engage in the illegal sale or distribution of alcohol or a controlled substance;
- b) Possess, without a valid prescription, a controlled substance or the means of introducing said substance into the body; or,
- c) Possess or consume any alcoholic beverages in a secured or restricted area.

Licensees found in violation of this rule shall be subject to administrative action including fines and suspension.

3.436 - No licensee or association employee shall be under the influence of drugs or alcohol while performing the duties required by the license. If, in the opinion of the Board, track doctor, nurse, paramedic or attending medical personnel, the licensee's ability is impaired by drugs or alcohol, then said licensee shall be subject to immediate ejection. Any licensee so ejected may be subject to further disciplinary action by the Board or a hearing officer.

3.437 – (*Modified Effective date May 15, 2017*) The Division may conduct random testing, as well as testing based on reasonable suspicion or probable cause. Other qualified or certified persons designated by the Division may conduct testing for the use of alcohol or controlled substances when reasonable suspicion or probable cause exists. The Commission shall determine by policy the testing procedures and the license categories to be included in testing as permitted by law. Said policies and procedures shall be made available to all licensees. Any Licensee who refuses to submit to an alcohol or drug (controlled substance) test shall be presumed to have tested positive.

No licensee while in a restricted or secured area or who, by licensure status, has accessed, will access, or may access a restricted or secured area during the reasonable course of the day shall:

- a) Have present within their system any controlled substance; or,

- b) Have any alcohol in excess of .05% in their system except that no jockey, apprentice jockey, exercise person, pony person, starter, assistant starter, outrider or any other licensee who performs the duties of these license categories while on association grounds shall have present within his/her body any amount of alcohol in excess of .02% prior to completing his/her duties required by the license.

A positive screening test or refusal to test is prima facie evidence that a violation of this rule has occurred. Licensees who test positive for alcohol or a prohibited substance shall immediately be suspended as set forth within this rule for the corresponding substance and offense. A Licensee who has been suspended in accordance with this rule may elect to have a split sample sent to the Division's confirmatory laboratory at Licensee's expense. Licensee may also request a hearing before the Board by written request. Licensee requests for hearing shall set forth the reason for appeal to the Board for review. However, Licensee shall remain suspended until such hearing is held.

If the confirmatory analysis indicates that the sample is negative for prohibited substances, Licensee shall be immediately reinstated and may return to work. If the confirmatory sample analysis detects the presence of any substance that is intended to dilute or mask the presence of another substance, Licensee may be subject to additional administrative action including fines and suspension.

Any Licensee who is required to provide a negative sample prior to return to work shall be tested at Licensee's expense. If the confirmatory analysis indicates that a prohibited substance was present in the sample, Licensee may be charged with an additional violation of this rule. If the result of the test indicates the presence of a substance which is intended to dilute or mask the presence of another substance, Licensee shall be subject to additional administrative action including fines and suspension.

Penalty Schedule

The timing of all offenses is determined on a rolling 365-day schedule.

For the presence of controlled substances or refusal to provide a sample for testing:

- **First Offense:** Licensee shall be suspended for fourteen (14) days and shall be required to provide a negative urine sample on the day licensee returns to work.
- **Second Offense:** Licensee shall be suspended for thirty (30) days. Licensee shall be required to provide a negative urine sample and proof of enrollment in a Commission-approved drug rehabilitation program on the day licensee returns to work.
- **Third Offense:** Licensee shall be suspended for the remainder of the race meet, plus sixty (60) days. Licensee shall be required to provide a negative urine sample and supply proof of completion of a Commission-approved drug rehabilitation program on the day Licensee returns to work.

For the presence of alcohol or refusal to test:

- First Offense: Licensee shall be suspended for forty-eight (48) hours and shall be required to pass a breathalyzer test on the day Licensee returns to work.
- Second Offense: Licensee shall be suspended for five (5) days. Licensee shall be required to pass a breathalyzer test and provide proof of enrollment in a Commission-approved alcohol abuse/rehabilitation program on the day Licensee returns to work.
- Third Offense: Licensee shall be suspended until Licensee provides the Division with documentation that Licensee has satisfactorily completed a Commission-approved alcohol abuse/rehabilitation program. Licensee shall be required to pass a breathalyzer test before returning to work.

For the presence of both prohibited substances and alcohol, the suspension period shall be equal to the longer period between the two categories for the offense.

Presence of multiple prohibited substances and/or alcohol in a test sample shall be treated as a single offense.

The Division shall develop procedures for the collection and splitting of samples, and securing the chain of custody. The procedures shall address situations when there is an insufficient quantity of a sample for splitting and when the licensee desires to waive a split sample.

3.438 - *(Modified Effective date May 15, 2015)* It is considered contrary to these Rules for any licensed owner, trainer or assistant trainer to utilize any training track or facilities, unless the training track or facilities have been licensed and approved by the Commission. The training track or facilities will be inspected periodically by Division representatives for the purpose of observing the training and practices used. If it is determined that practices and methods used at training tracks are contrary to good training practices in conformity with requirements as set forth from time to time by the Commission, the Commission may disallow the use of the facilities by licensed owners, trainers, or assistant trainers.

3.440 - Pony persons and outriders are prohibited from holding conversations with the public enroute to the starting gate.

3.442 - Smoking while parading to the post is prohibited.

3.444 - An assistant starter shall not accept any compensation for services rendered as an assistant starter other than the salary paid by the association. An assistant starter shall not wager or accept a wager on any race while serving as an assistant starter.

3.446 - A licensee shall not serve as an assistant starter who has any pecuniary interest in any horse racing at the meet without the express consent of the starter and the stewards.

500's --- OWNERS/TRAINERS

3.500 - Owner(s) and trainer(s) must obtain a license prior to race time designated for the race in which the animal(s) is entered. There shall be no minimum age requirement for a horse owner license, so long as the parent or guardian of a minor under the age of sixteen (16) is licensed by the division as the authorized agent for the minor owner. An owner may be granted an extended period of time by the Division to obtain a license.

3.502 – (*Modified Effective date May 15, 2016*) No transfer of a horse to a new trainer shall be made unless the appropriate Division-approved form has been submitted and approved by the board of stewards.

3.504 - An applicant who is under eighteen (18) years of age shall not be granted a trainer or assistant trainer license without special permission from the division.

3.506 – (*Modified Effective date May 15, 2016*) An applicant for the occupations of trainer or assistant trainer, if not so previously licensed, or if previously licensed and said license has been expired for more than three years, shall be given an examination, oral or written, by a Division Representative, who will administer a test to determine the applicant's qualifications. This will include a practical component given by the Stewards, and/or a Division Representative.

(1) Eligibility for applicants for license as a trainer:

(A) Shall be at least 18 years of age, and;

(B) Shall, in the case of not being previously licensed, be qualified, as determined by the Stewards or other Commission designee, by reason of at least 2 years of experience as a licensed assistant trainer, or comparable experience in racing or other equine disciplines, or college-level education in equine science and/or horsemanship.

(C) Shall be required to pass a written examination, oral interviews with the Stewards and regulatory Veterinarian; and demonstrate practical skills.

(2) A trainer licensed and in good standing in another jurisdiction, having been issued within a period as determined by the Commission, may be accepted if evidence of experience and qualifications are provided. Evidence of qualifications shall require passing one or more of the following:

(A) A written examination;

(B) A demonstration of practical skills; and

(C) An interview with the Stewards.

(3) An applicant may submit a request to the Stewards due to disability or other factors affecting the applicant's ability to effectively complete the trainer's test (such as illiteracy or language barriers), reasonable accommodations may be made for the applicant including, but not limited to oral administration of the examination, use of a pre-approved translator, and aid from pre-approved assistant where deemed appropriate by the Stewards administering the examination.

(4) In order to maintain a current license, trainers must complete at least four (4) hours

per calendar year of continuing education courses approved by the Commission or the ARCI. However, the Commission may waive this requirement if no continuing education course is available that meets the approval of the Commission.

3.510 - A trainer of horses shall file with the Division a current roster of all employees and shall amend the roster filed with the Division within seventy-two (72) hours of when an employee is discharged or a new employee is hired. A copy of the stable roster must be posted in the tack room.

3.512 - A trainer shall not knowingly allow in their stable/kennel an animal owned, in whole or in part, by a disqualified person.

3.514 - The trainer is solely responsible for a horse's sex printed on the foal certificate. A trainer shall call to the attention of the stewards a mistake in the printing of a horse's sex in the daily program.

3.516 - If a horse has been nerved, whether by surgical procedure, chemical means or by death of nerve tissue, it is the responsibility of the trainer to see that it is properly recorded on the foal certificate that the horse has been nerved. A list of low nerved horses shall be posted in the racing office and the trainer of a low nerved horse shall promptly call to the attention of the stewards the name of any low nerved horse whose name does not appear on the list.

3.518 - A trainer shall not move a horse from the block of stall(s) assigned to the trainer or remove a horse from the racetrack without written permission from the association.

3.520 - A trainer who is also licensed as an owner and is actively participating at a meet must train any horse(s) in which he/she owns an interest and may not assign the training of such a horse(s) to another trainer at a meet without the permission of the stewards.

3.521 – *(Added Effective date May 15, 2017)* A licensed trainer shall not engage in the practice of program training. A program trainer is a trainer who on behalf of an ineligible trainer or undisclosed person:

- a) Enters into an agreement for the sole purpose of completing an entry form for a race;
- b) Pays an entry fee on behalf of an ineligible trainer or an undisclosed person;
- c) Receives a financial or beneficial interest for the sole purpose of being listed as the trainer on the official race program;
- d) Obtains official works within the State of Colorado on behalf of an ineligible trainer or undisclosed person;
- e) Is attempting to assume the appearance of being the trainer of a horse that he/she does not have in his/her care, custody or control; or
- f) Is attempting to assume the appearance of being the trainer of a horse that is under the control of and/or trained by the ineligible trainer or undisclosed person.

An individual who is found in violation of any subsection of this rule shall be fined and suspended to the fullest extent of the Board's power under CRCR #6.120. For any subsequent violation, the licensee shall be fined and suspended to the fullest extent of the Board's power and the matter shall be sent before the Colorado Racing Commission for further review.

3.522 – (*Modified Effective date May 15, 2016*) A trainer who is absent from his/her stable or the grounds where his/her horses are racing, and whose horses are entered or are to be entered, shall provide a licensed assistant trainer to assume the training duties for the horses which are entered or are to be entered or running. The trainer and the assistant trainer shall sign in the presence of the Board a form provided by the Division acknowledging that both the trainer and the assistant trainer may be held liable for the condition of the horses at all times. The program shall carry the name of the trainer and the assistant trainer.

3.524 – (*Modified Effective date May 15, 2016*) An absentee trainer shall have a licensed assistant trainer conducting business for them. A trainer who has no assistant trainer and is absent from his/her stable or the grounds where his/her horses are racing for more than five consecutive days or on a day in which the trainer has a horse in a race, and whose horses are entered or are to be entered, shall assign a licensed trainer to assume complete responsibility for the horses being entered or running. Such licensed trainer shall sign in the presence of the Board a form furnished by the Racing Commission accepting complete responsibility for the horses being entered or running, including the training and conditioning of the horses.

600's --- JOCKEYS/APPRENTICE JOCKEYS/JOCKEY AGENTS

3.600 - Any person under the age of sixteen (16) shall not be issued a jockey or apprentice jockey license. Any person who has not yet reached the age of eighteen (18) shall not be issued a jockey or apprentice jockey license without the written consent of the applicant's parents or legal guardian.

3.601 – 3.601 – (*Modified Effective date May 15, 2019*) All jockeys who intend to ride at a recognized race meet shall be required to show written documentation of a complete physical examination by a licensed physician affirming fitness to participate as a jockey and must include a baseline concussion test. This examination must have taken place within a thirty (30) day period prior to the start of the meet at which the rider intends to participate. The board may waive the thirty (30) day requirement for riders that can provide written proof of a physical and baseline concussion test within one year that meets the requirements of this rule.

3.602 - (*Modified Effective date May 15, 2018*) An applicant for a jockey or apprentice jockey license shall show competence by prior licensing whereby the applicant shall demonstrate their riding ability, which may include participation in up to five races witnessed by the Stewards and a Division Representative, with the consideration of the recommendations from the starter, the head outrider, and the designated representatives of the jockeys and the horsemen at the track. The demonstration of riding ability is defined at a minimum of:

- (a) Breaking a horse in company from the starting gate;
- (b) Working a horse in company around the turn and down the stretch;
- (c) Switching the riding crop from one hand to the other while maintaining control of the horse; and
- (d) Aiding a horse to switch leads.

3.604 - A jockey shall not have ownership or financial interest in any horse racing at a meet where the jockey is riding (excluding breeder's awards).

3.606 – (*Modified Effective date May 15, 2017*) For the purposes of this rule, “designated race” shall mean any stakes race or associated trial in any state as designated by the stewards. A jockey suspended for ten (10) calendar days or less for a riding violation unless otherwise specified in the ruling may continue to exercise horses during training hours and may fulfill riding engagements in designated races, as designated by the Stewards at the beginning of the race meeting.

Prior to the commencement of a meeting, a listing of designated races by the Stewards shall be submitted to the Commission. A copy of such races shall be posted in the Jockeys' Room, and any other such place deemed appropriate by the Stewards. The stewards may elevate a race to designated race status after the commencement of the meet and shall submit it to the Commission and update the listing as above.

The official rulings where designated races are permitted shall be stated in the initial ruling.

A jockey who is serving a suspension of ten (10) calendar days or less may ride in designated races during the suspension under the following conditions:

1. the race has been specified as a designated race by the Stewards officiating at the meeting; and
2. the jockey is named no later than the time set for the close of entries for the designated race.

When a jockey rides in any designated race(s) the board of stewards which originally imposed the suspension will designate the day to serve the additional suspension.

3.608 - Only thoroughbred or Arabian races at meets which are recorded in the Daily Racing Form or a similar publication approved by the stewards shall be considered in determining eligibility for an apprentice jockey license.

3.610 - A rider who has been previously licensed as a jockey and ridden thoroughbred races shall not be eligible to be licensed as an apprentice jockey.

3.612 - The Commission and Division shall recognize all apprentice certificates and apprentice allowance extensions granted or approved by members of the Association of Racing Commissioners International, Inc. Certificates must accompany an application for an apprentice license.

3.614 - Original apprentice jockey certificates shall be executed by all parties in triplicate and one (1) copy shall be filed with the Division. Any amendments to an original certificate must accompany the original certificate and be filed with the Division when applying for an apprentice jockey's license.

3.616 - A licensed apprentice jockey may be eligible to claim the following allowances in overnight races except handicaps or unless the conditions of a race state otherwise:

1. Five (5) pounds beginning with the first mount and for one full year from the date of the fifth winning mount.
2. If after riding one (1) full year from the date of the fifth winning mount, the apprentice jockey has failed to ride a total of forty (40) winners from the date of the first winning mount, the apprentice jockey may continue to ride with a five (5) pound weight allowance for one more year from the date of the fifth winning mount or until such jockey has ridden a total of forty (40) winners, whichever comes first.
3. Apprentice allowances may be waived with the stewards' permission at the time of entry by the trainer or the trainer's designee.

3.618 - Under exceptional circumstances, i.e., an inability of an apprentice jockey to ride because of military service, personal injury, restricted racing or other valid reasons during an apprenticeship term, an extension of the term of the contract and/or allowances may be granted as follows:

- 1 - In order to qualify for an extension of an apprentice allowance an apprentice jockey must have been rendered unable to ride for a period of not less than fourteen (14) consecutive days after the date of such jockey's fifth winning mount during the period the apprentice was entitled to an apprentice allowance.
- 2 - A request for an extension must be acted upon by the proper authority in the jurisdiction where the original contract or certificate was issued.

3.620 - In the event that an apprentice jockey completes any condition of the apprenticeship or becomes a jockey prior to fulfilling all previously contracted engagements, the owners or trainers of horses which are affected shall be given the opportunity to substitute another apprentice jockey who can fulfill the original weight allowance conditions of the engagement. An apprentice jockey who loses the apprentice allowance for any reason shall obtain a jockey's license before being permitted to ride again.

3.622 - Any race not recorded in the *Daily Racing Form Monthly Chart* or a similar publication approved by the stewards shall not be considered in determining an apprentice jockey's right to an apprentice allowance.

3.624 - The stewards shall have the authority to deny an apprentice jockey permission to ride any horse.

3.626 – (Modified Effective date May 15, 2017) Each jockey is entitled to have one jockey agent for each breed. All engagements to ride shall be made by the jockey or the agent.

3.628 - When a jockey dismisses a jockey agent, the jockey shall immediately notify the stewards in writing.

3.630 - A jockey shall not have a valet other than those provided by the association. An assessment may be collected by the association and valets may be paid through the horsemen's bookkeeper.

3.632 - A jockey mounted on any horse during a race shall not willfully pull the reins or do anything that has the effect of diminishing the chance of the horse winning any race whether the action on the part of the jockey is of the jockey's own accord or by instructions from the owner or trainer of a horse, or as a result of conspiracy with any other person.

3.634 - Jockeys shall not converse with the public while fulfilling riding engagements during a racing program.

3.636 - A jockey shall not wager or accept a wager on any race in which the jockey is riding. An owner or trainer of the horse a jockey is riding may make a wager in the jockey's behalf on that horse only.

3.638 – *(Deleted date May 15, 2015)*

3.640 - *(Deleted date May 15, 2015)*

3.642 - A jockey's fee shall be considered earned when the jockey is weighed out by the clerk of scales. The fee shall not be considered earned if any jockey, of their own free will, take themselves off of their mount, where injury to the horse or jockey is not involved. Any conditions or considerations not covered by these Rules shall be at the discretion of the stewards.

3.644 - All jockey fees shall be deposited in advance of the races for that day.

3.646 - Jockeys involved in a dead heat shall share equally the sum of the fees which would have been due them collectively had there been no dead heat.

3.648 - An application for a jockey agent license shall bear the signature of the jockeys the agent will represent.

3.650 - A jockey agent may not represent more than one jockey and one apprentice at any one time without approval of the stewards. A jockey agent shall not assist any one other than the agent's principal.

3.652 - *(Modified Effective date May 15, 2015)* When each day's races are drawn, jockeys or their agents are required to file their first and second calls in each race.

3.654 - Conflicting claims for the engagements of a jockey shall be decided by the stewards.

3.656 - A jockey agent shall not be permitted within the saddling enclosure during racing hours, nor shall the agent have access to the jockey's room at any time; nor be allowed on the racing strip

including the winner's circle at the conclusion of any race; nor shall the agent communicate with any jockey during racing hours, without the consent of the stewards.

700's --- CORPORATIONS/PARTNERSHIPS/KENNEL & STABLE NAMES

3.700 - A corporate license shall be issued to a corporate officer in the corporate name. Any other officers or directors of a licensed corporation wishing to have access to a restricted area must be properly licensed.

3.702 - Any transfer of stock or change in the officers or directors shall be reported promptly in writing to the Division.

3.704 - All corporations having any interest in an animal shall file with the Division at the time of filing applications for an owner's license, a statement in duplicate setting forth the names and addresses of all officers, directors, and stockholders of the corporation, together with the amount of the respective holdings of each stockholder and a statement as to whether or not the stock is paid in full, and including the designation of an authorized agent, or agents of the corporation. The statement shall be signed by the president of the corporation, attested to by its secretary and the corporate seal attached. The statement shall also contain an affidavit signed under oath by the president and secretary of the corporation that no officer, director or shareholder of the corporation is at that time under suspension by the Commission or disqualified to be licensed as an owner of any animals by the Commission.

3.706 - All statements of sales and contingencies, or arrangements, by partnerships or corporations, shall declare to whom winnings are payable, in whose name the animal shall run, and with whom rests the power of entry, of declaration of forfeit, or scratch, and a copy of this information shall be transmitted to the Division.

3.708 - Each member of a partnership must be individually licensed as an owner. A member of a partnership must file with the Board and the Racing Secretary written consent of the other partners before transferring any share of ownership.

For Racing Clubs, Minor Business (Principal) License will be required. The Principal Owner is the founding member of the racing club and has to be licensed and fingerprinted. The Principal Owner must also register and update all Participant Owners who own less than 10% shares of ownership. Any person or business that holds 10% or more share in the Racing Club, must have an Owners License. Those with less than 10% share shall have current registration. The Racing Club Principal must list all Racing Club Members, and their addresses, and their financial interest in the Partnership (Pursuant to 3.712), and provide such information to the Division upon application for the Principal Licensure. The members of the Racing Club are jointly and severally liable for the acts of the Racing Club.

3.710 - All partners shall be liable for all expenses, including engagements, fees, and forfeits incurred while the partnership exists.

3.712 - (*Modified Effective date May 15, 2015*) All partnerships must be registered with the

Division and the name and address of every person having any interest in a horse, the relative proportions of their interest and the terms of any sales with contingencies or arrangements must be signed by all parties or by their authorized agent and be filed with the racing secretary, a copy of which shall be transmitted immediately before the opening of a meet to the Division office. In case of emergency, authority to sign declarations of partnership may be given to the racing secretary by telephone promptly confirmed in writing.

3.714 - (*Modified Effective date May 15, 2015*) An owner wishing to race under a stable name may do so by registering such name with the Division.

3.716 - A trainer, who is also a licensed owner or part owner, may use a stable/kennel name as owner or part owner. However, a trainer may not be licensed as a trainer other than in the trainer's legal name.

3.718 - (*Modified Effective date May 15, 2015*) In applying to race under a stable/kennel name, the applicant must disclose the identity or identities behind a stable name.

3.720 - If a partnership is involved in the identity behind a stable/kennel name, each of the partners must be licensed as an owner and must be in compliance with the rules covering partnerships.

3.722 - If a corporation is involved in the identity behind a stable/kennel name, compliance with the rules covering corporations must be made.

3.724 - Changes in identities involved in a kennel/stable name must be reported immediately to the Division.

3.726 - A licensed owner who has registered under a stable/kennel name may at any time abandon it after written notice to the Division.

3.728 - A stable/kennel name may be changed at any time by registering for a new stable/kennel name.

3.730 - A licensed owner cannot register as a stable/kennel name one which is the real name of any other owner of horses/greyhounds racing or one which is the real or stable/kennel name of any prominent person not owning horses/greyhounds or one which is registered by any other owner.

3.732 - A stable/kennel name shall be plainly distinguishable from that of another stable/kennel name.

3.734 - The Division reserves the privilege of refusing to register a stable/kennel name.

800's --- OTHER LICENSEES

3.800 - Any changes in the powers delegated by the owner or racing corporation to the authorized agent or revocation of the authorized agent's appointment must be in writing, notarized and filed with the Commission and/or the Board, the racing secretary, and for horses the horsemen's bookkeeper.

3.802 - Any owner over the age of sixteen (16) may and every racing corporation must appoint an authorized agent. A parent or guardian of every owner under the age of sixteen (16) must be licensed by the division as an authorized agent for the minor owner. Each authorized agent must obtain a license. The authority of an authorized agent for any owner over the age of sixteen (16) and every racing corporation shall be valid only for the calendar year in which the affidavit appointing the authorized agent was issued. The authority of a parent or guardian as authorized agent for any owner under the age of sixteen (16) shall be valid for one (1) calendar year only from date of application for licensure.

3.804 - The affidavit for an authorized agent's appointment for any owner over the age of sixteen (16) and every racing corporation must clearly set forth the powers of the agent under a notarized owner's signature. If the owner is under the age of sixteen (16), an affidavit setting forth the powers of the agent is not required but a form assuming full financial responsibility for the debts incurred for the training and racing of the horse owned by the minor must be signed by the parent or guardian who is seeking licensure as the minor owner's authorized agent and submitted to the division with the parent or guardian's application.

3.806 - Each person operating a racing greyhound kennel shall obtain a kennel operator's license regardless of whether or not the kennel is running under an assumed name provided, however, that a licensed greyhound owner who has complete ownership of all greyhounds running under his or her given name only is exempt from this licensing requirement.

3.808 – (*Modified Effective date May 15, 2016*) Kennel operations at which racing greyhounds are bred or housed must be licensed and approved by the Division, unless otherwise licensed by the Colorado Department of Agriculture. Kennels licensed by the Division shall be subject to inspection.

3.809 – Off-track Stabling Locations and Training Tracks at which horses are stabled in connection with a licensed race meet must be under the care and custody of a licensed owner or trainer. This also includes training tracks that are used for developing and bringing a horse to racing fitness and/or authorized by the Division to submit official published workouts. Such Training Tracks must be licensed by the Division.

1. Any person A) who is employed to assist or contracted to assist in the care, custody, or training of a horse at an Off-track Stabling Location or at a Training Track, or B) who is otherwise in attendance at an Off-track Stabling Location or a Training Track, shall be licensable and in good standing under relevant provisions of Colorado Law, Colorado Racing Commission Rules, and Racing Commission Policies.

3.810 - All kennel operators must file with the Division and the Association, at the beginning of each race meet, a roster naming the trainer, assistant trainer, authorized agent and other employees or persons having independent access to their kennel. If a change is made for the trainer's position, the kennel operator shall file a new roster with the Division and the association within seventy-two (72) hours. It shall be the responsibility of the trainer to update within seventy-two (72) hours the filed rosters of any other personnel changes within the kennel.

3.812 - Pony persons and outriders are required to present a neat and clean appearance and conduct themselves in an orderly manner.

3.814 - All persons obtaining a tip sheet concession at the racetrack or simulcast facility must be approved and licensed by the Commission.