

**Statement of Authority, Basis and Purpose  
of Amendment of Regulation**

**1 CCR 208-1**

**Rule 5.312**

**Statutory Authority:**

§44-32-201(1), C.R.S.  
§44-32-202(3)(f), C.R.S.

§44-32-202(3)(g), C.R.S.  
§44-32-202(3)(i), C.R.S.

§44-32-501(1)(a), C.R.S.  
§44-32-503(1)(a), C.R.S.

**Basis and Purpose:**

To align Colorado’s rule for Non-Steroidal Anti-Inflammatory Drugs (“NSAIDs”), particularly with regard to permitted thresholds and penalties for exceeding the thresholds, with the national standard, as well as to clarify language to make the rule itself more comprehensible.

This rule modification is recommended by the Director under her statutory responsibility to do so for the improvement and conduct of racing in Colorado. This rule is within the authority of the Commission to promulgate reasonable rules for control of medications and rules for medication use on equine athletes.

**CURRENT RULE**

**5.312 – Non-Steroidal Anti-Inflammatory Drugs (NSAIDS)**

**Non-Steroidal Anti-Inflammatory Drugs (NSAIDs)**

(a) NSAIDs listed below may only be used in a manner consistent with the restrictions herein.

(b) NSAIDs listed below shall not be present in a racing horse biological sample at the laboratory concentration of detection.

(c) The presence of more than one NSAID shall constitute a NSAID stacking violation as follows:

A. Class 1 NSAID Stacking Violation (Penalty Class B) occurs when:

I. Two non-steroidal anti-inflammatory drugs are both found at individual levels determined to exceed the following restrictions:

- a. Flunixin - 20 nanograms per milliliter of plasma or serum;
- b. Ketoprofen - 2 nanograms per milliliter of plasma or serum;
- c. Phenylbutazone - 2 micrograms per milliliter of plasma or serum; or
- d. any other non-steroidal anti-inflammatory drugs - detected at any

concentration.

II. Three or more non-steroidal anti-inflammatory drugs are all found at individual levels determined to exceed the following restrictions:

- a. Flunixin - 3 nanograms per milliliter of plasma or serum;
- b. Ketoprofen - 1 nanograms per milliliter of plasma or serum;
- c. Phenylbutazone - 0.3 micrograms per milliliter of plasma or serum; or
- d. any other non-steroidal anti-inflammatory drugs - detected at any

concentration.

B. A Class 2 NSAID Stacking Violation (Penalty Class C) occurs when:

I. Any one substance found in excess of the restrictions listed in subsection (A)(1) above in combination with any one of the following substances at levels below, but in excess of the following levels:

- a. Flunixin - 3 nanograms per milliliter of plasma or serum;
  - b. Ketoprofen - 1 nanogram per milliliter of plasma or serum; or
  - c. Phenylbutazone - 0.3 micrograms per milliliter of plasma or serum.
- C. A Class 3 NSAID Stacking Violation (Penalty Class C, fines only) occurs when:
- i. Any combination of two of the following non-steroidal anti-inflammatory drugs are found in excess of:
    - a. Flunixin - 3 nanograms per milliliter of plasma or serum;
    - b. Ketoprofen - 1 nanogram per milliliter of plasma or serum; or
    - c. Phenylbutazone - 0.3 micrograms per milliliter of plasma or serum.

(2) Any horse to which a NSAID has been administered shall be subject to having a blood and/or urine sample(s) taken at the direction of the official Veterinarian to determine the quantitative NSAID level(s) and/or the presence of other drugs which may be present in the blood or urine sample(s).

**PROPOSED MODIFICATION**

5.312 – Non-Steroidal Anti-Inflammatory Drugs (NSAIDS)

Non-Steroidal Anti-Inflammatory Drugs (NSAIDs)

(1) The use of NSAIDs shall be governed by the following conditions:

(a) The following NSAIDs ~~listed below~~ are permitted and may only be used in a manner consistent with the restrictions herein-;

- (i) Phenylbutazone;
- (ii) Flunixin;
- (iii) Ketoprofen.

(b) NSAIDs ~~listed below~~ Any other NSAID shall not ~~to~~ be present in a racing horse biological sample at the laboratory concentration of detection.

(c) It shall be a NSAID Threshold Violation (Class C Medication Violation with Reduced Penalties) if the permitted NSAIDs are present at or between the following concentrations:

- (i) Phenylbutazone: 2.0 – 5.0 µg /mL serum or plasma;
- (ii) Flunixin: 21 – 100 ng/mL serum or plasma;
- (iii) Ketoprofen: 2.0 – 50 ng/mL serum or plasma.

(d) It shall be a Class C Medication Violation if the permitted NSAIDs are present above the following concentrations:

- (i) Phenylbutazone: 5.0 µg /mL serum or plasma;
- (ii) Flunixin: 100 ng/mL serum or plasma;
- (iii) Ketoprofen: 50 ng/mL serum or plasma.

(e)e) It shall be a NSAID Stacking Violation (Class B Medication Violation) if the presence of more than one NSAID is detected and one of the following conditions is met:

- (i) Two or more permitted NSAIDs were present at or above levels listed in subsection (f) below;
- (ii) One permitted NSAID was present at or above the levels listed in subsection (f) below with any not-permitted NSAID;
- (iii) Two or more not-permitted NSAIDs were detected.

(f) For the purposes of this Rule 5.312, the presence of any permitted NSAID present below the following levels shall not be the basis of any alleged rule violation:

- (i) Phenylbutazone at a concentration of less than 0.3 µg /mL of serum or plasma;
- (ii) Flunixin at a concentration of less than 5.0 ng/mL of serum or plasma; or

(iii) Ketoprofen at a concentration of less than 2.0 ng/mL of serum or plasma.

(g) An NSAID Stacking Violation charge may be brought in addition to any charges for individual presence of not-permitted NSAIDs.

~~The presence of more than one NSAID shall constitute a NSAID stacking violation as follows:~~

~~A. Class 1 NSAID Stacking Violation (Penalty Class B) occurs when:~~

~~I. Two non-steroidal anti-inflammatory drugs are both found at individual levels determined to exceed the following restrictions:~~

- ~~a. Flunixin—20 nanograms per milliliter of plasma or serum;~~
- ~~b. Ketoprofen—2 nanograms per milliliter of plasma or serum;~~
- ~~c. Phenylbutazone—2 micrograms per milliliter of plasma or serum; or~~
- ~~d. any other non-steroidal anti-inflammatory drugs—detected at any concentration.~~

~~II. Three or more non-steroidal anti-inflammatory drugs are all found at individual levels determined to exceed the following restrictions:~~

- ~~a. Flunixin—3 nanograms per milliliter of plasma or serum;~~
- ~~b. Ketoprofen—1 nanograms per milliliter of plasma or serum;~~
- ~~c. Phenylbutazone—0.3 micrograms per milliliter of plasma or serum; or~~
- ~~d. any other non-steroidal anti-inflammatory drugs—detected at any concentration.~~

~~B. A Class 2 NSAID Stacking Violation (Penalty Class C) occurs when:~~

~~I. Any one substance found in excess of the restrictions listed in subsection (A)(1) above in combination with any one of the following substances at levels below, but in excess of the following levels:~~

- ~~a. Flunixin—3 nanograms per milliliter of plasma or serum;~~
- ~~b. Ketoprofen—1 nanogram per milliliter of plasma or serum; or~~
- ~~c. Phenylbutazone—0.3 micrograms per milliliter of plasma or serum.~~

~~C. A Class 3 NSAID Stacking Violation (Penalty Class C, fines only) occurs when:~~

~~i. Any combination of two of the following non-steroidal anti-inflammatory drugs are found in excess of:~~

- ~~a. Flunixin—3 nanograms per milliliter of plasma or serum;~~
- ~~b. Ketoprofen—1 nanogram per milliliter of plasma or serum; or~~
- ~~c. Phenylbutazone—0.3 micrograms per milliliter of plasma or serum.~~

(2) Any horse to which a NSAID has been administered shall be subject to having a blood and/or urine sample(s) taken at the direction of the official Veterinarian to determine the quantitative NSAID level(s) and/or the presence of other drugs which may be present in the blood or urine sample(s).

**Statement of Authority, Basis and Purpose  
of Amendment of Regulation**

**1 CCR 208-1**

**Rule 5.412**

**Statutory Authority:**

§44-32-201(1), C.R.S.  
§44-32-202(3)(f), C.R.S.  
§44-32-202(3)(g), C.R.S.

§44-32-202(3)(i), C.R.S.  
§44-32-501(1)(a), C.R.S.

§44-32-503(1)(a), C.R.S.  
§44-32-507(1)(a), C.R.S.

**Basis and Purpose:**

To clarify that the rule is intended to prohibit any willful or careless contact with another jockey or horse during the running of a race and that that contact extends to use of the riding crop to do so.

This rule is recommended by the Director under her statutory responsibility to do so for the improvement and conduct of racing in Colorado. This rule is within the authority of the Commission to promulgate reasonable rules for control of licensees and rules regarding the running of a race.

**CURRENT RULE**

5.412 – Random or extra testing may be required by the Division designee, Stewards, or the Commission at any time on any horse entered or eligible to race in Colorado. Such extra testing may include, but is not limited to, the following:

**Out of Competition Testing**

- (1) No person shall administer or apply or cause to administer or apply to any horse entered or eligible to race in Colorado any prohibited substances or engage in prohibited practices or procedures. The Trainer is the absolute insurer of the condition of the horse. If the results of any Out of Competition test indicate that any prohibited substance has been administered to the horse or that the horse has been involved in a prohibited practice or procedure, there shall be a rebuttable presumption that the Trainer was responsible for the administration of the prohibited substance or practice. Penalties shall be determined as a medication or prohibited substance or practice violation pursuant to the provisions of Rules 5.440 and 5.441. No purse shall be lost or past race results modified as a result of a violation of this Rule. Horses shall be subject to the provisions of Rule 5.612 with the additional requirement that the horse shall be required to retest and provide a negative sample for the originally detected prohibited substance.
- (2) For the purpose of determining responsibility under this Rule, if the Trainer of record is determined not to be responsible for the horse that tested positive at the time the sample was taken, any person or persons shown to have care and custody of the horse during the relevant time period for which the prohibited substance could have been administered, or the prohibited practice or procedure could have been performed, shall be considered the Trainer.

- (3) Any horse on the grounds at a racetrack or training center, or under the care or control of trainer or owner licensed by the Commission is subject to testing for prohibited substances and/or prohibited practices or procedures without advance notice, whether located in Colorado or in another ARCI jurisdiction. This rule does not apply to therapeutic medications approved by the United States Food and Drug Administration (FDA) for use in the horse provided that all conditions for treatment records required by Rules 5.236 and 5.510 are met or as specifically prohibited by Section (5).
- (4) The Commission Veterinarian, or any licensed veterinarian authorized by the Commission, may at any time, take a urine, blood, saliva, and/or hair samples from a horse for this purpose. Split samples shall be taken pursuant to the provisions of Rules 5.420 through 5.427. Some Out of Competition tests (e.g., blood for TCO<sub>2</sub> testing) may require that a Trainer or the Trainer's representative elect to have a split sample taken and/or split sample test performed at the time the primary sample is taken.
- (5) Prohibited substances, practices and procedures are defined as:
  - (a) Blood doping agents including, but not limited to Erythropoietin (EPO), Darbopoetin, Oxyglobin, Hempure, Aranesp or any substance that abnormally enhances the oxygenation of body tissues;
  - (b) Gene doping agents or the non-therapeutic use of genes, genetic elements and/or cells that have the capacity to enhance athletic performance or produce analgesia;
  - (c) Growth hormones, Insulin-Like Growth factor, Endorphin/Enkephalins, the non-therapeutic administration of whole blood or packed red blood cells.
  - (d) Naturally produced venoms, synthetic analogues of venoms, derivatives of venoms, or synthetic analogues of derivatives of venoms;
  - (e) Substances capable of producing a repartitioning effect that are not FDA approved for use in horses, including, but not limited to, Ractopamine, Zilpaterol, or any similar agent;
  - (f) AAS (androgenic-anabolic steroids) other than Stanozolol, Nandrolone, Boldenone, Testosterone when administered by a licensed veterinarian for a valid medical purpose or detected at naturally occurring levels, and metabolites thereof;
  - (g) The presence in a horse of any substance that the Colorado Division of Racing Events defines as prohibited, including Clenbuterol; and
  - (h) The presence in a horse of any substance or biomarker indicative of a prohibited practice as defined by the Racing Medication and Testing Consortium (RMTC) or the World Anti-Doping Agency (WADA).
- (6) An owner, trainer, or any authorized designee shall fully cooperate with the Division Veterinarian, or his/ her designee by:
  - (a) Locating and identifying any horse designated for out of competition testing;
  - (b) Making the horse available for the collection of the specimen at an agreed upon stall or other safe location; and
  - (c) Observing the collection of the specimen.
- (7) The collection shall occur no later than six (6) hours after notice of intent to collect a specimen from a horse is received. If the collection does not occur within the time provided, then any horse that is designated for testing may be barred from racing in Colorado and placed on the Veterinarian's list and the Steward's List for a period of 180 days and the owner and trainer of the horse may be subject to the penalties for medication violations of prohibited substances.

(8) The owner and/or trainer of the horses may be subject to any other sanctions allowed by Colorado Law and regulations, including fine or suspension of license. The Director, Stewards, or hearing officer may summarily suspend and or penalize any trainer and/ or authorized representative or designee who does not fully cooperate with a Commission employee or Division Representative in assisting and identifying an eligible horse or providing a safe stall to collect samples in a timely fashion.

(9) The Commission shall approve the laboratories for screening, confirmation, and split sample testing. Out of competition samples will be sent to the official laboratory of the Commission, or other laboratory as designated by the Commission with reports made in accordance with the provisions of these medication rules and the penalty provisions thereof. (See CRCR 5.423)

## PROPOSED RULE

5.412 – Random or extra testing may be required by the Division designee, Stewards, or the Commission at any time on any horse entered or eligible to race in Colorado. In addition, any racing, breed or horsemen’s association sponsoring a race or race series may request that extra testing be performed on horses registered to compete in that race or race series. The Division will perform the requested extra testing so long as the entry form clearly states the type of testing to be performed and the testing selection criteria, and as Division resources may allow. Such extra testing may include, but is not limited to, the following:

### Out of Competition Testing / Extra Testing

- (1) No person shall administer or apply or cause to administer or apply to any horse entered or eligible to race in Colorado any prohibited substances or engage in prohibited practices or procedures. The Trainer is the absolute insurer of the condition of the horse. If the results of any Out of Competition testing under this Rule indicate that any prohibited substance has been administered to the horse or that the horse has been involved in a prohibited practice or procedure, there shall be a rebuttable presumption that the Trainer was responsible for the administration of the prohibited substance or practice. Penalties shall be determined as a medication or prohibited substance or practice violation pursuant to the provisions of Rules 5.440 and 5.441. No purse shall be lost or past race results modified as a result of a violation of this Rule, except in those cases where requested extra testing was performed as part of the post-race tests in connection with a sponsored race or race series. Horses shall be subject to the provisions of Rule 5.612 with the additional requirement that the horse shall be required to retest and provide a negative sample for the originally detected prohibited substance.
- (2) For the purpose of determining responsibility under this Rule, if the Trainer of record is determined not to be responsible for the horse that tested positive at the time the sample was taken, any person or persons shown to have care and custody of the horse during the relevant time period for which the prohibited substance could have been administered, or the prohibited practice or procedure could have been performed, shall be considered the Trainer.
- (3) Any horse on the grounds at a racetrack or training center, or under the care or control of trainer or owner licensed by the Commission is subject to testing for prohibited substances and/or prohibited practices or procedures without advance notice, whether located in Colorado or in another ARCI jurisdiction. This rule does not apply to therapeutic medications approved by the United States Food and Drug Administration (FDA) for use in the horse provided that all conditions for treatment records

required by Rules 5.236 and 5.510 are met or as specifically prohibited by Section (5).

(4) The Commission Veterinarian, or any licensed veterinarian authorized by the Commission, may at any time, take a urine, blood, saliva, and/or hair samples from a horse for this purpose. Split samples shall be taken pursuant to the provisions of Rules 5.420 through 5.427. Some ~~Out of Competition~~ tests (e.g., blood for TCO<sub>2</sub> testing) may require that a Trainer or the Trainer's representative elect to have a split sample taken and/or split sample test performed at the time the primary sample is taken.

(5) Prohibited substances, practices and procedures are defined as:

- (a) Blood doping agents including, but not limited to Erythropoietin (EPO), Darbopoetin, Oxyglobin, Hempure, Aranesp or any substance that abnormally enhances the oxygenation of body tissues;
- (b) Gene doping agents or the non-therapeutic use of genes, genetic elements and/or cells that have the capacity to enhance athletic performance or produce analgesia;
- (c) Growth hormones, Insulin-Like Growth factor, Endorphin/Enkephalins, the non-therapeutic administration of whole blood or packed red blood cells.
- (d) Naturally produced venoms, synthetic analogues of venoms, derivatives of venoms, or synthetic analogues of derivatives of venoms;
- (e) Substances capable of producing a repartitioning effect that are not FDA approved for use in horses, including, but not limited to, Ractopamine, Zilpaterol, or any similar agent;
- (f) AAS (androgenic-anabolic steroids) other than Stanozolol, Nandrolone, Boldenone, Testosterone when administered by a licensed veterinarian for a valid medical purpose or detected at naturally occurring levels, and metabolites thereof;
- (g) The presence in a horse of any substance that the Colorado Division of Racing Events defines as prohibited, ~~including Clenbuterol~~; and
- (h) The presence in a horse of any substance or biomarker indicative of a prohibited practice as defined by the Racing Medication and Testing Consortium (RMTC) or the World Anti-Doping Agency (WADA).

(6) An owner, trainer, or any authorized designee shall fully cooperate with the Division Veterinarian, or his/ her designee by:

- (a) Locating and identifying any horse designated for out of competition testing;
- (b) Making the horse available for the collection of the specimen at an agreed upon stall or other safe location; and
- (c) Observing the collection of the specimen.

(7) The collection shall occur no later than six (6) hours after notice of intent to collect a specimen from a horse is received. If the collection does not occur within the time provided, then any horse that is designated for testing may be barred from racing in Colorado and placed on the Veterinarian's list and the Steward's List for a period of 180 days and the owner and trainer of the horse may be subject to the penalties for medication violations of prohibited substances.

(8) The owner and/or trainer of the horses may be subject to any other sanctions allowed by Colorado Law and regulations, including fine or suspension of license. The Director, Stewards, or hearing officer may summarily suspend and or penalize any trainer and/ or authorized representative or designee who does not fully cooperate with a Commission employee or Division Representative in assisting and identifying an eligible horse or providing a safe stall to collect samples in a timely fashion.

(9) The Commission shall approve the laboratories for screening, confirmation, and split sample testing. ~~Out of competition~~ Samples will be sent to the official laboratory of the Commission, or other laboratory as designated by the Commission with reports made in accordance with the provisions of these medication rules and the penalty provisions thereof. (See CRCR 5.423)



**Statement of Authority, Basis and Purpose  
of Amendment of Regulation**

**1 CCR 208-1**

**Rule 7.710**

**Statutory Authority:**

§44-32-201(1), C.R.S.  
§44-32-202(3)(f), C.R.S.  
§44-32-202(3)(g), C.R.S.

§44-32-202(3)(i), C.R.S.  
§44-32-501(1)(a), C.R.S.

§44-32-503(1)(a), C.R.S.  
§44-32-507(1)(a), C.R.S.

**Basis and Purpose:**

To clarify that the rule is intended to prohibit any willful or careless contact with another jockey or horse during the running of a race and that that contact extends to use of the riding crop to do so.

This rule is recommended by the Director under her statutory responsibility to do so for the improvement and conduct of racing in Colorado. This rule is within the authority of the Commission to promulgate reasonable rules for control of licensees and rules regarding the running of a race.

**CURRENT RULE**

7.710 – A jockey shall not willfully or carelessly strike or touch any other jockey or another jockey’s horse or equipment.

**PROPOSED RULE**

7.710 – A jockey shall not willfully or carelessly, with or without the riding crop, strike or touch any other jockey or ~~another~~ any other jockey’s horse or equipment.

**Statement of Authority, Basis and Purpose  
of Amendment of Regulation**

**1 CCR 208-1**

**Rule 7.740**

**Statutory Authority:**

§44-32-201(1), C.R.S.  
§44-32-202(3)(f), C.R.S.  
§44-32-202(3)(g), C.R.S.

§44-32-202(3)(i), C.R.S.  
§44-32-501(1)(a), C.R.S.  
§44-32-204. C.R.S

§44-32-503(1)(a), C.R.S.  
§44-32-507(1)(a), C.R.S.

**Basis and Purpose:**

To set bright-line rules which define prohibited use of the riding crop. While clearly a matter under the stewards' exclusive authority, as it is related to the running of a race, this change expressly permits the stewards to conduct a film review pursuant to Rule 7.724 and handle the misuse of a riding crop as an on-track violation as opposed to as an administrative action. This change more closely aligns Colorado to the national model rule and industry standards for prohibited crop use.

This rule is recommended by the Director under her statutory responsibility to do so for the improvement and conduct of racing in Colorado. This rule is within the authority of the Commission to promulgate reasonable rules for control of licensees and rules regarding the running of a race. This rule is also within the authority of the Commission to promulgate rules to ensure the health, safety and welfare of equine athletes. Finally, this rule is a proper delegation of authority from the Commission to the Board of Stewards, as it pertains to on-track conduct and the running of a race which has previously been determined as exclusively within the purview of the Board.

**CURRENT RULE**

7.740 – The Riding crop shall not be applied by anyone in an abusive manner at any time.

**PROPOSED RULE**

7.740 – ~~The riding crop shall not be applied by anyone in an abusive manner at any time.~~ At all times, the riding crop shall only be used for safety, correction and limited encouragement, and be appropriate, proportionate, professional, taking into account the rules of racing herein. Prohibited use of a riding crop during the running of a race may be reviewed by the Stewards under Rule 7.724. Prohibited use of the riding crop includes, but is not limited to, striking a horse:

(1) On the head, flanks or on any other part of its body other than the shoulders or hind quarters, except when necessary to control a horse;

(2) During the post parade or after the finish of the race except when necessary to control a horse;

(3) Excessively or brutally causing welts or breaks in the skin;

(4) When the horse is clearly out of the race or has obtained its maximum placing;

| (5) Persistently even though the horse is showing no response under the riding crop.

**Statement of Authority, Basis and Purpose  
of Amendment of Regulation**

**1 CCR 208-1**

**Rule 7.744**

**Statutory Authority:**

§44-32-201(1), C.R.S.  
§44-32-202(3)(c), C.R.S.  
§44-32-202(3)(f), C.R.S.

§44-32-202(3)(g), C.R.S.  
§44-32-202(3)(i), C.R.S.  
§44-32-204, C.R.S.

§44-32-501(1)(a), C.R.S.  
§44-32-503(1)(a), C.R.S.

**Basis and Purpose:**

To provide further guidance to jockeys and stewards as to what actions a jockey should take when using the riding crop during the running of a race. These are factors to be considered and weighted by the stewards during a Rule 7.724 film review and are intended to be applied, weighed and considered for every stage of the race, as opposed to a singular occurrence such as the prohibited conduct enumerated in Rule 7.740 . This modification clarifies the “chance to respond” language recommended by the national model rules committee and more closely aligns the Colorado rule to the national model rule.

This rule is recommended by the Director under her statutory responsibility to do so for the improvement and conduct of racing in Colorado. This rule is within the authority of the Commission to promulgate reasonable rules for control of licensees and rules regarding the running of a race. This rule is also within the authority of the Commission to promulgate rules to ensure the health, safety and welfare of equine athletes. Finally, this rule is a proper delegation of authority from the Commission to the Board of Stewards, as it pertains to on-track conduct and the running of a race which has previously been determined as exclusively within the purview of the Board.

**CURRENT RULE**

7.744 – All riders should comply with the following when using a riding crop:

- (1) Showing the horse the riding crop and giving it time to respond before hitting it;
- (2) Having used the riding crop, giving the horse a chance to respond before using it again;
  - (a) A jockey gives a horse the “chance to respond” when the jockey:
    - (i) Pauses the use of the riding crop on the horse before resuming use; or,
    - (ii) Pushes on the horse with a rein in each hand, keeping the riding crop in the up or down position; or,
    - (iii) Shows the horse the riding crop without making contact; or
    - (iv) Moves the riding crop from one hand to the other.
- (3) Using the riding crop in rhythm with the horse’s stride.

## PROPOSED RULE

7.744 – Except for extreme safety reasons All-all riders should comply with the following when using a riding crop:

- (1) Initially Showing-showing the horse the riding crop, and/or tapping the horse with the riding crop down, and giving ~~it~~ the horse time to respond before hitting-using it ~~the riding crop~~;
- (2) The riding crop shall not be used more than twice in succession and the Having used the riding crop, giving the horse must be given a chance to respond before using it again;
  - (a) A jockey gives a horse the “chance-Chance to respond” ~~when the jockey~~ means the horse has taken at least two complete strides and one of the following actions by a rider:
    - (i) Pauses-Pausing the use of the riding crop on the horse before resuming use; or,
    - (ii) Pushes-Pushing on the horse with a rein in each hand, keeping the riding crop in the up or down position; or,
    - (iii) Shows-Showing the horse the riding crop without making contact; or
    - (iv) Moves-Moving the riding crop from one hand to the other.
- (3) Using the riding crop in rhythm with the horse’s stride.

**Statement of Authority, Basis and Purpose  
of Amendment of Regulation**

**1 CCR 208-1**

**Rule 7.746**

**Statutory Authority:**

§44-32-201(1), C.R.S.  
§44-32-202(3)(f), C.R.S.  
§44-32-202(3)(g), C.R.S.

§44-32-202(3)(i), C.R.S.  
§44-32-501(1)(a), C.R.S.  
§44-32-204, C.R.S.

§44-32-503(1)(a), C.R.S.  
§44-32-507(1)(a), C.R.S.

**Basis and Purpose:**

To clearly define standards the stewards may use during and/or immediately following a race to determine whether a jockey is to be given notice that there will be a Rule 7.724 film review for prohibited use of the riding crop. The rule is not intended, nor should it be treated as a rule violation, but instead only as a guide in determining whether a formal review at a later date is necessary.

This rule is recommended by the Director under her statutory responsibility to do so for the improvement and conduct of racing in Colorado. This rule is within the authority of the Commission to promulgate reasonable rules for control of licensees and rules regarding the running of a race. This rule is also within the authority of the Commission to promulgate rules to ensure the health, safety and welfare of equine athletes. Finally, this rule is a proper delegation of authority from the Commission to the Board of Stewards, as it pertains to on-track conduct and the running of a race which has previously been determined as exclusively within the purview of the Board.

**PROPOSED RULE**

7.746 – When deciding whether or not to review a jockey’s use of the riding crop under Rule 7.724, the Stewards will consider how the jockey has used the riding crop during the course of the entire race, with particular attention to its use in the closing state, and relevant factors such as:

- (1) The manner in which the riding crop was used;
- (2) The purpose for which the riding crop was used;
- (3) The distance over which the riding crop was used and whether the number of times it was used was reasonable and necessary;
- (4) Whether the horse was continuing to respond;
- (5) Whether a post-race inspection by a veterinarian finds cuts, welts or bruises in the skin;
- (6) The degree to which the jockey complied with the factors set forth in Rule 7.744.

**Statement of Authority, Basis and Purpose  
of Amendment of Regulation**

**1 CCR 208-1**

**Rule 7.748**

**Statutory Authority:**

§44-32-201(1), C.R.S.  
§44-32-202(3)(f), C.R.S.  
§44-32-202(3)(g), C.R.S.

§44-32-202(3)(i), C.R.S.  
§44-32-204, C.R.S.

§44-32-501(1)(a), C.R.S.  
§44-32-503(1)(a), C.R.S.

**Basis and Purpose:**

To provide the circumstances where the Board may make a finding during a Rule 7.724 film review that apparent misuse or prohibited use of the riding crop was, in fact, warranted to keep a race competitive, to prevent injury to any rider or horse or where there was clearly minimal use of force.

This rule is recommended by the Director under her statutory responsibility to do so for the improvement and conduct of racing in Colorado. This rule is within the authority of the Commission to promulgate reasonable rules for control of licensees and rules regarding the running of a race. This rule is also within the authority of the Commission to promulgate rules to ensure the health, safety and welfare of equine athletes. Finally, this rule is a proper delegation of authority from the Commission to the Board of Stewards, as it pertains to on-track conduct and the running of a race which has previously been determined as exclusively within the purview of the Board.

**PROPOSED RULE**

7.748 – In the event there is a review of a jockey’s use of the riding crop, use of the riding crop may be deemed appropriate in the following circumstances:

- (1) To keep a horse in contention or to maintain a challenging position prior to what would be considered the closing stages of a race;
- (2) To maintain a horse’s focus and concentration;
- (3) To correct a horse that is noticeably hanging;
- (4) To assure the horse maintains a straight course; or,
- (5) Where there is only light contact with the horse.