



ADMINISTRATIVE RULES OF MONTANA



8.22.2402 DEFINITIONS

- (1) In applying the rules, the following definitions shall apply unless clearly inconsistent with the plain intent of the rule.
- (2) Singular use of a term shall include the plural, and the masculine gender shall include the feminine, except where a particular context clearly requires a different meaning.
- (3) Added money is the money an association adds to the fees paid by horsemen.
- (4) Age of a horse is reckoned as beginning on the first day of January in the year in which the horse is foaled.
- (5) Arrears means money due for entrance fees, jockey fees, nomination or supplemental fees in stakes races, purchase money in claiming races or default in any payment due incidental to the rules of racing or conditions of a race.
- (6) Authorized agent is a person appointed on a notarized instrument, signed by the owner granting authority to act on behalf of the owner and filed with the board.
- (7) Breeder of a horse is the owner of its dam at the time of foaling.
- (8) Bred means the state in which a horse was foaled. In the case of foreign horses, the country in which it was foaled.
- (9) Calendar day is 24 hours, ending at midnight.
- (10) "Board" means the Montana Board of Horse Racing in this chapter.
- (11) Breakage is the odd cents over any multiple of 10 cents in the amount calculated on a dollar basis of the pay-off computation made on a wagering pool.
- (12) Declared means scratched as defined below.
- (13) Directive means an official order issued by the board.
- (14) "Entrant" or "entry" means according to the requirement of the text:
 - (a) a horse eligible to run in a race;
 - (b) for the purpose of simulcast only, two or more horses which are entered in a race by the same owner or trained by the same trainer.
- (15) Equipment as applied to a horse means whip, blinkers, tongue strap, muzzle, hood, noseband, bit shadow roll, martingale, breast plate, bandage, boot, plates, and all other paraphernalia common or otherwise which might be used on or attached to a horse while racing.

- (16) Field means:
- (a) When the individual horses competing in a race exceed the capacity of the tote, the highest numbered horse within the capacity of the tote and all horses of a higher number shall be grouped together in the wagering and called the field.
 - (b) All horses competing in a race.
- (17) Forfeit means money due because of an error, fault, neglect of duty, breach of contract or penalty.
- (18) Horse includes filly, mare, colt, ridgling, or gelding; when referring to sex, a filly becomes a mare when five years old; a horse is an entire male five years old or older.
- (19) Jockey is a race rider whether a licensed jockey or apprentice.
- (20) Law means an act passed by the Montana Legislature or the Congress of the United States.
- (21) "Lessee" means a person who leases the horse from the actual owner (lessor) and is treated as the owner for racing purposes.
- (22) Lessor means the actual owner of a horse.
- (23) Licensee means a corporation, association, firm, political subdivision (fairs), or individual(s) receiving a license from the board to conduct parimutuel horse racing. The term licensee includes "persons" as used in 23-4-101, MCA.
- (24) "License holder" is the individual or firm issued a license by the board.
- (25) Maiden for purposes of eligibility at race meetings is a horse which, at the time of starting, has never won a race on the flat in any country.
- (a) A maiden which has been disqualified after finishing first is still a maiden.
- (26) Meeting is the entire period the licensee has been granted a license to conduct horse racing. Such meeting shall be deemed to open when the racing secretary opens the office for entries for the first day of racing and to close at midnight of the final day.
- (27) Month is a calendar month.
- (28) Nominator means the person in whose name a horse is entered for a stakes race.
- (29) "Montana bred" is a foal born in Montana.
- (30) "Owner" means sole owner or part owner of a horse.
- (31) Place in racing means first, second, and third, and in the order of finish called, win, place, and show.
- (32) Post position is the position assigned to a horse to start in a race.
- (33) Post time means the time set for the arrival at the starting point of the horses in a **race and** must be posted a reasonable time before a race.
- (34) Quarter horse means a horse registered with the American Quarter Horse Association.
- (35) "Race" is a contest between horses or mules for a purse and/or entry fees on a track under the jurisdiction of the board to be conducted under the parimutuel system of wagering with approved officials present.

- (36) Race meet means that time construed to begin at the time the racing office is first open to accept entries and to end at midnight the last day races are held.
- (37) Races means the following classifications:
- (a) Allowance race means a race in which contestants receive weight allowance based on performance and/or winnings is stipulated in the conditions.
 - (b) Claiming race means a race in which any horse entered therein may be claimed in conformity with the rules.
 - (c) Free handicap means a handicap in which no liability for entrance money is incurred.
 - (d) "Handicap" means a race in which the weights to be carried by the entered horses are assigned by the racing secretary for the purpose of equalizing their respective chances of winning.
 - (e) "Invitational handicap" means a handicap for which the racing secretary has selected the contestants and assigned the weights.
 - (f) Montana bred race means a race in which the contenders are Montana bred horses as stipulated in the conditions.
 - (g) Optional claim race means a race restricted to horses entered to be claimed for a stated claiming price and to those which have previously started for that claiming price or less. In the case of horses entered to be claimed in such a race, the race will be considered, for the purpose of these rules, a claiming race.
 - (h) Overnight race means a race for which entries close 72 hours or less before the time set for the first race of the day on which such race is to be run.
 - (i) Post race means a race in which subscribers announce at declaration time the horse or horses each intends to start, without limitations of choice other than prescribed by the rules and conditions of the race.
 - (j) Private sweepstakes means a race in which no money or other prize is added, and which, prior to closing, has not been advertised in publications or by circular or entry blank or in any other way.
 - (k) Produce race means a race in which the produce of previously nominated horses is eligible to enter.
 - (l) Purse race means a race for money or other prize to which the owners of the horses engaged do not contribute.
 - (m) Stakes race or sweepstakes means a race to which the nominator of the engaged entry contributes to a purse, to which money, or any other award, may be added, but no overnight race, regardless of its conditions shall be deemed to be a stakes race.
 - (n) Special weights mean a race in which weight for age and/or sex is set by the conditions thereof.
 - (o) Walkover means a race in which two or more horses in different interest fail to contest a race; the race being contested by one horse only or horses representing one interest only.

- (p) Weight for age means a race in which all horses carry weight according to an established scale based upon age without other penalties or allowances.
- (38) Rules are the rules herein prescribed and any amendments and additions hereto.
- (39) Ruled off means denial of entrance to premises of a licensee under the jurisdiction of the board.
- (40) Scratched means withdrawal of a horse entered in a race after the closing of overnight entries.
- (41) Scratch time means the time set for withdrawal of a horse entered in a race.
- (42) Starter means:
- (a) An official who dispatches the horses from the starting gate.
 - (b) A horse is a starter when the stall doors of the starting gate open in front of it at the time the official starter dispatches the horses.
- (43) Stewards means the stewards approved for the meeting by the board.
- (44) Subscription means a fee for eligibility of a horse in a stakes race.
- (45) Suspended means withdrawal by the stewards or board of racing privileges.
- (46) Thoroughbred is a horse registered with the New York Jockey Club.
- (47) "Tote" or "tote board" means the totalizator system.
- (48) Winner means, for purposes of eligibility at race meetings whose race records are recorded in an official chart book or the Daily Racing Form, a horse which, at the time of starting, has won a race on the flat in any country at a track whose racing records are recorded in an official chart or the Daily Racing Form.
- (a) A horse which has been disqualified after finishing first is not a winner.
 - (b) A statement on the definition of a winner shall appear in every race program.
- (49) Year means a calendar year.
- (50) "Simulcast facility licensee" means a simulcast facility licensed by the board. The simulcast facility may be located either at a **racetrack** or at an outside **location and** is deemed to be an extension of the host track during intrastate wagering and an extension of the simulcast network licensee during interstate wagering.
- (51) "Simulcast network licensee" means an association licensed by the board to receive and/or originate intrastate simulcast race signals and relay them to licensed simulcast facilities; to receive interstate race signals and relay them to licensed simulcast facilities; and to manage statewide wagering pools on simulcast races.
- (52) Track licensee means a corporation, association, firm, political subdivision (fair board, or individual(s)) licensed by the board to conduct live parimutuel horse racing at a **racetrack**.

Authorizing statute(s): 23-4-104, 23-4-202, MCA

Implementing statute(s): 23-4-101, 23-4-104, 23-4-202, MCA

History: Eff. 12/31/72; AMD, 1979 MAR p. 39, Eff. 1/26/79; AMD, 1980 MAR p. 1277, Eff. 4/25/80; AMD, 1981 MAR p. 423, Eff. 5/1/81; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1984 MAR p. 320, Eff. 2/17/84; AMD, 1989 MAR p. 968, Eff. 7/28/89; AMD, 1989 MAR p. 2189, Eff. 12/22/89; AMD, 1991 MAR p. 355, Eff. 3/29/91; AMD, 1994 MAR p. 1282, Eff. 5/13/94; AMD, 1994 MAR p. 3184, Eff. 12/23/94; AMD, 1996 MAR p. 763, Eff. 3/22/96; TRANS & AMD, from Dept. of Commerce, 2002 MAR p. 1897, Eff. 5/17/02; AMD, 2009 MAR p 1592, Eff. 9/11/09; TRANS, from 32.28.202, 2015 MAR p. 2252, Eff. 12/25/15.



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8.22.2903 EXERCISE PERSONS

- (1) Each exercise person shall obtain a license from the board before exercising any horses on the grounds of the race meeting.
- (2) No exercise person shall ride or exercise any horse on the **racetrack** without wearing a protective helmet, **properly fastened vests** and boots **with heels**. Each exercise person must wear a safety vest when riding on the track. The safety vest shall be designed to provide shock absorbing protection to the upper body of at least a rating of five as defined by the British equestrian trade association (BETA).
- (3) Before approving an application for an exercise person's license, a majority of the members of the board of stewards, the jockey representative and the starter, **if present**, shall concur that the applicant has the ability to safely and correctly perform duties of an exercise person.

Authorizing statute(s): 23-4-104, 23-4-202, MCA

Implementing statute(s): 23-4-104, MCA

History: Eff. 12/31/72; AMD, Eff. 5/4/74; AMD, Eff. 5/6/76; AMD, Eff. 4/4/77; AMD, 1979 MAR p. 39, Eff. 1/26/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1989 MAR p. 968, Eff. 7/28/89; AMD, 1995 MAR p. 2796, Eff. 12/22/95; AMD, 1996 MAR p. 1964, Eff. 7/19/96; TRANS & AMD, from Dept. of Commerce, 2002 MAR p. 1500, Eff. 5/17/02; TRANS, from 32.28.703, 2015 MAR p. 2252, Eff. 12/25/15.



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8.22.2905 JOCKEYS

- (1) Each jockey must obtain a license from the board.
- (2) All jockeys shall have a complete physical examination before being issued a license. A certificate from the medical doctor conducting the physical examination shall accompany the application for licensure. The stewards may in their discretion waive the requirement of a physical examination.
- (3) No person under the age of 16 years shall be granted a jockey's license.
 - (a) All jockey applicants not previously licensed by the Montana board of horse racing or another racing jurisdiction, shall present proof of age before being licensed by the Montana board of horse racing and a birth certificate may be required.
 - (b) If the applicant is 16 or 17 years old, a signature from his/her parent or legal guardian must accompany the application.
- (4) No person shall be allowed to ride before applying for his first license.
- (5) No jockey will be permitted to ride pending action on the jockey's application for license. A person who has never ridden in an official race may be granted a temporary license by the stewards. The temporary license will permit the holder to ride two races. If the rider holding a temporary license rides two races to the satisfaction of the stewards the rider may receive an apprentice jockey license.
- (6) No licensed jockey shall be the owner or trainer of any **racehorse**.
- (7) If a jockey is under contract **with** any trainer, the jockey shall not ride or agree to ride in any race without the written consent of the contract trainer.
- (8) Jockeys are required to present themselves to be weighed out at the time fixed by the clerk of scales.
- (9) All jockeys shall faithfully fulfill all engagements in respect to racing.
- (10) A jockey may not ride in any race against a starter of the jockey's contract employer.
- (11) In riding a race, a jockey must be neat in appearance. All riders must be dressed in clean jockey costumes, caps and jackets of silk or waterproof material, white breeches and top boots, unless otherwise approved by the stewards.
- (12) It shall be mandatory that jockeys wear a protective helmet **and properly fastened** which shall be approved by the board.
- (13) The weight of the protective helmet shall not be included in the jockey's weight.

- (14) A jockey must wear a safety vest when riding in any official race. The safety vest shall weigh no more than two pounds and shall be designed to provide shock absorbing protection to the upper body of at least a rating of five as defined by the British equestrian trade association (BETA) .
- (15) The weight of the safety vest shall not be included in the jockey's weight.
- (16) The use of spurs or steel is prohibited.
- (17) A jockey shall wear the standard colors for the post position of the horse he is riding except as otherwise ordered or permitted by the board.
- (18) A jockey shall wear a number on his helmet and **it**, and the saddle cloth number shall correspond to the number of the horse in the official program.
- (19) Every jockey who is engaged in a race shall report to the scale room on the day of the race at the time required by the officials. He shall then report his engagements and overweight, if any, to the clerk of the scales, and thereafter, except with the permission of the stewards, shall not leave the jockey room, except to view the races **from** a point approved by the stewards or to ride in a race, until after his engagements of the day have been fulfilled.
- (20) Before the commencement of a meeting or during the conduct of a meeting, the board of stewards may require that any jockey be examined by a licensed physician and may refuse to allow said jockey to ride until he successfully passes such examination.
- (21) No jockey shall make a bet on any race, nor accept the promise, or the token of any bet, with respect to the race in which he is riding, except through or from the owner or trainer of the horse he rides, and then only on that horse.
- (22) Jockey's riding fees, for a meeting must be approved by the board. If any owner or trainer engages two or more jockeys for the same race, he shall pay the losing fee for each engaged jockey not riding in the race, as well as the proper fee for the jockey who does ride. Jockey's fees shall be considered earned when the jockey is weighed out by the clerk of scales. The fee shall not be considered earned if the jockey, of his own free will, takes himself off his mount, where injury to the horse or rider is not involved.
- (23) In a dead heat the jockeys involved shall divide equally the sum total of the fees they would have received individually had one beaten the other or others. Likewise, the owners of the horses involved shall pay their equal share.
- (24) A jockey under temporary suspension shall not ride in a race for any one during the period of his suspension.
 - (a) Jockeys while under temporary suspension in any other state shall not be permitted to ride stakes engagements in Montana **unless approved by the presiding Board of Stewards upon review**.
- (25) A jockey under temporary suspension may, with the approval of the board, be permitted to exercise or gallop horses during the morning hours and to lodge on the grounds of the race meet at night, but he shall be refused admission to any part of the racing course during such periods of time as the stewards may order.
- (26) The suspension of a jockey for an offense not involving fraud shall begin on the second day after the ruling, unless otherwise ordered by the stewards. A suspension for fraud shall begin immediately after the ruling.

- (27) A forfeiture must be paid by the jockey himself and any other person paying it shall be subject to punishment.
- (28) Every jockey may have only one agent.
- (29) Every owner or trainer claiming a first or second preference on a named jockey for a specified horse in a particular race shall obtain written proof of same from the jockey or his agent and present said proof at time of entry.
- (30) No jockey shall have an attendant other than those provided by the licensee. Attendants shall be a minimum of 18 years of age. Attendants shall be subject to rules and regulations of the Montana board of horse racing. Attendants shall be authorized to assist trainers in the saddling paddock. They shall also care for the jockey equipment but not be responsible for the cost of necessary repairs to equipment not caused by their own acts.
- (31) Employers retaining the same jockeys have precedence according to the priority of retainers as specified in the contracts.
- (32) If a jockey intends to carry overweight, he must declare the amount thereof at the time of weighing out, or if in doubt as to proper weight, he may declare the weight he will carry.
- (33) If a jockey intends to carry overweight exceeding by more than two pounds the weight which the jockey's horse is to carry, the owner or trainer assenting, the jockey must declare the amount of overweight to the clerk of the scales at least 45 minutes before the time appointed for the race, and the clerk shall notify the stewards immediately. Failure on the part of a jockey to comply with this rule shall be reported to the stewards.
- (34) Any overweight exceeding seven pounds may be approved by the stewards.
- (35) After a race has been run and after he has pulled up the horse he has ridden, the jockey shall ride promptly to the winner's circle and there dismount, after obtaining permission from the judges, and present himself to the clerk of the scales to be weighed in. If a jockey is prevented from riding his mount to the judge's stand because of an accident or of illness either to himself or his horse, he may walk or be carried to the scales, or he may be excused by the stewards from weighing.
- (36) Except by permission of the stewards, every jockey must, upon returning to the unsaddling area, unsaddle the horse the jockey has ridden, and no person shall touch the jockey or the horse, except by the bridle, nor cover the horse in any manner until the jockey has removed the equipment to be weighed.
- (37) No person shall assist a jockey in removing from his horse the equipment that is to be included in the jockey weight, except by permission of the stewards.
- (38) Each jockey shall, in weighing in, carry over to the scales all pieces of equipment with which he weighed out. Thereafter he may hand it to his attendant.
- (39) Each jockey shall weigh in at the same weight as that at which the jockey weighed out, and if short of it by more than two pounds, the jockey shall be fined or suspended or ruled off at the discretion of the stewards, and the jockey's mount may be disqualified.
- (40) If any jockey weighs in at more than two pounds over the jockey's proper or declared weight, the jockey shall be fined or suspended or ruled off at the discretion of the stewards, who shall have regard for any excess weight caused by rain or mud.

- (41) No jockey shall take his horse back without reasonable cause, or intentionally ride wide on the turns, or otherwise cause his mount to lose ground when there is not reasonable cause for such **loss or** otherwise ride in a manner which is inconsistent with using the best efforts of the horse he is riding.
- (42) Rough riding is defined as a deliberate act in violation of any riding rule, or any willful or wanton act which is the proximate cause of any racing accident or injury to any jockey or his mount during the running of a race. The stewards shall report to the board any rough riding.
- (43) A jockey shall put forth every reasonable effort and exercise the greatest diligence in riding a race. If, in the opinion of the stewards, a jockey does not put forth every reasonable effort or use proper diligence in the riding of a race, such jockey shall be penalized by the board according to the gravity of the offense.

Authorizing statute(s): 23-4-104, 23-4-202, MCA

Implementing statute(s): 23-4-104, 23-4-201, MCA

History: Eff. 12/31/72; AMD, Eff. 5/4/74; AMD, Eff. 5/6/76; AMD, Eff. 4/4/77; AMD, 1979 MAR p. 39, Eff. 1/26/79; AMD, 1981 MAR p. 423, Eff. 5/1/81; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1989 MAR p. 968, Eff. 7/28/89; AMD, 1994 MAR p. 1282, Eff. 5/13/94; TRANS & AMD, from Dept. of Commerce, 2002 MAR p. 1500, Eff. 5/17/02; TRANS, from 32.28.705, 2015 MAR p. 2252, Eff. 12/25/15; AMD, 2017 MAR p. 132, Eff. 1/21/17.



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8.22.2909 PONY PERSONS

- (1) Each pony person and outrider shall obtain a license from the board and no person shall be allowed to pony horses or lead horses in a post parade without first obtaining a pony person's or outrider's license. A trainer may pony horses trained by the trainer without a pony person license.
- (2) No pony person or outrider shall pony or parade any horse on the track without wearing a protective helmet **that is properly fastened, protective vest** and boots with heels.
- (3) The stewards may require prior permission to lead a horse in a post parade.
- (4) At no time shall pony horses be permitted to enter the paddock nor shall outriders or pony persons be allowed to pick up horses in front of the unsaddling area after a race has been run.
- (5) Before approving an application for a pony person's or outrider's license, the stewards shall concur the applicant has the ability to safely and correctly perform the duties of a pony person or outrider.

Authorizing statute(s): 23-4-104, 23-4-202, MCA

Implementing statute(s): 23-4-104, MCA

History: Eff. 12/31/72; AMD, Eff. 5/4/74; AMD, Eff. 5/6/76; AMD, Eff. 4/4/77; AMD, 1979 MAR p. 39, Eff. 1/26/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1989 MAR p. 968, Eff. 7/28/89; AMD, 1995 MAR p. 2796, Eff. 12/22/95; AMD, 1996 MAR p. 1964, Eff. 7/19/96; TRANS & AMD, from Dept. of Commerce, 2002 MAR p. 1500, Eff. 5/17/02; AMD, 2008 MAR p. 41, Eff. 1/18/08; TRANS, from 32.28.709, 2015 MAR p. 2252, Eff. 12/25/15.



ADMINISTRATIVE RULES OF MONTANA

8.22.3001 GENERAL REQUIREMENTS

- (1) No horse may start unless a registration certificate is first filed with the racing secretary. All entry forms shall be in the correct form as required by the board, shall be signed and shall be kept by the tract management for the duration of the meet, and for 30 days thereafter.
- (2) All thoroughbred horses shall be registered with the New York Jockey Club.
- (3) The official stud book and registry of the American Quarter Horse Association shall be recognized as the sole official registry for quarter horses.
- (4) Other officially recognized breeds must be registered with their officially sanctioned breeding or registry associations and each association must be approved by the board before the registration certificate issued by said association will be accepted for purposes of entering and starting in a race.
- (5) The rules of the board shall govern all races regardless of the breed of horse or type of race insofar as they are applicable. When not applicable the stewards may enforce the rules of the appropriate, recognized and approved association as long as such rules are not inconsistent with the rules of the board.
- (6) For the purpose of encouraging the breeding within the state of valuable thoroughbreds, quarter horses, appaloosa and other purebred registered horses, at least one race each day at each race meeting shall be limited to Montana bred horses. If sufficient competition cannot be obtained among the Montana bred horses, said race shall be opened with Montana **breeds** being preferred.
- (7) A sum equal to 10% of the **first-place** money of every purse won by a Montana bred horse shall be paid to the board for a breeder bonus and an equal sum shall be paid to the board for an owner bonus. Such amount shall be paid within 14 days from the date the race is won. The board shall distribute the bonuses to the appropriate breeders and owners within 30 days of the end of the race meet in which the bonus was earned. Such amount shall not be deducted from the advertised purse. Only the money contributed by the licensee conducting the race meet may be considered in computing the bonus.
- (8) Licensees shall recognize as Montana bred any horse whose registration papers indicate that such horse was foaled in Montana. In the absence of positive identification of where the horse was foaled appearing on the registration papers, the owner must file with the board satisfactory written evidence showing that the horse was foaled in Montana before the horse may be entered in a Montana bred **race or** may claim a breeders allowance or a Montana bred weight allowance.
- (9) All Montana bred horses shall be allowed a weight allowance of five pounds in all races except handicaps, and stakes, Montana bred races and quarter horse races.

- (10) When six horses are entered in a Montana bred race under six separate entries, such race shall be considered filled and shall be run. If a race is cancelled through a lack of that number of entries, the names of all horses entered in such cancelled race shall be immediately posted by the racing secretary. No race shall be cancelled without the approval of the stewards.
- (11) If a stakes race is declared off, all subscription and entrance fees paid in connection with that race shall be refunded.
- (12) Entries and declarations shall be made in writing and assigned by the assistant trainer, trainer or owner of the horse. Each race meeting shall provide blank forms on which entries and declarations are to be made.
- (13) Entries may be made by telephone or facsimile but must be confirmed in writing.
- (14) No person not having an interest in a horse, equal at least to the interest or property of any other one person is entitled to enter the horse in a race as the owner.
- (15) Joint subscriptions and entries may be made by any one or more of the owners. However, all partners and each of them shall be jointly and separately liable for all fees and forfeitures.
- (16) If entered for the first time, a horse shall be identified by stating his name, color, sex and age, and the name of his sire and dam, as registered. This description must be repeated in every entry until a description of the horse with his name has been published on the official program or the list of entries of the race meet, or in such other publication as the board may designate. In every entry after such publication, his name, color, sex and age will be sufficient.
- (17) No horse shall be allowed to start in any race unless it has been tattooed or microchipped and fully identified; however, Arabians may be identified by either tattoo, **micro shipped** or freeze brand.
- (18) No horse shall be allowed to start in any race that has not been fully identified and the certificate of registration properly endorsed to the current owner and on file in the office of the racing secretary. The stewards also may require that the certificate of registration be on file at the time of entry.
- (19) A horse which during the past calendar year has started in a race shall not be entered at a Montana track unless and until the owner or trainer shall have furnished to the racing secretary at least 36 hours prior to such entry, performance records, as hereinafter designated. Such performance records shall show where and when said horse raced in his last three starts, the distance of each, the weight carried in each, amount earned in each, said horses finishing position in each and the official time in each. Such performance records furnished to the racing secretary shall be signed by the owner or trainer of the horse. Every licensee must post such performance records in five conspicuous spaces in the parimutuel area at least 30 minutes before post time of every day's race.
- (20) If the name of a horse is changed, the new name, together with the former name, shall be published in the official entries for the first three starts after the change has been made. No change of names will be acceptable unless first granted by the New York Jockey Club, the American Quarter Horse Association or other registry under which the horse is registered. Violation of any part of this rule shall cause the horse to be name a "ringer" and the horse and all persons connected with the violation shall be ruled off.
- (21) No horse shall be permitted to enter or to start unless he is in the care of and saddled by a licensed trainer.

- (22) No horse shall be permitted to start that has not been fully identified. Responsibility in the matter of establishing either the identity of a horse or his complete and actual ownership shall be as binding on the persons so identifying or undertaking to establish as it is on the person having the horse requiring identification and the same penalty shall apply to them in case of fraud or attempted fraud.
- (23) All ownerships in a horse, except a trainer's percentage of his winnings, shall be filed with the racing secretary, before the horse shall start, as shall every change in ownership thereafter during the meeting.
- (24) All horses must be eligible to start at time of entry.
- (25) For purposes of further encouraging the breeding within the state of valuable purebred registered horses and to increase the market value and salability of said horses, at least 50% of all maiden races run each day at every Montana parimutuel race shall be written with Montana bred maidens preferred.
- (26) A maiden **seven-year-old** or older shall not be eligible to enter or start in any race unless such horse has started in a race within the last 365 days and has recently had a successful veterinarian's examination. For purposes of this rule only, a maiden horse is a horse which at the time of starting has never won a race on the flat in any country.
- (27) No Arabian shall run on any track in the state of Montana until it is a **three-year-old**.
- (28) Any horse over 12 years old can run in Montana provided they have had one win in the **previous** season.
- (29) A horse shall not be qualified to be entered or to start in any race if owned in whole or in part, or if under the management, directly or indirectly of a disqualified person.
- (30) In any entry from a disqualified person or a disqualified horse is received, such entry shall be void and any money paid for such entry shall be returned if the disqualification is disclosed 45 minutes before post time for the race. Otherwise, any such money shall be paid to the winner.
- (31) No horse on the starter's schooling list shall be entered for a race.
- (32) No horse on the veterinarian's list shall be qualified to enter, or to start.
- (33) No horse on the bleeders list shall be qualified to enter or to start.
- (34) If a horse is sold to a disqualified person, said horse's racing engagement shall be void as of the date of sale.
- (35) No trainer may enter more than two horses in a purse race or overnight event. When making a double entry in the same ownership or trainership, the owner or trainer must express a preference, and in no case may two horses start in the same ownership or trainership to the exclusion of a single entry unless that single entry is an "in today" horse.
 - (a) If a race is divided or split into two or more divisions, horses under the same ownership or trainership shall be placed in separate divisions, but the division in which they compete shall be drawn by lot.
 - (b) Multiple horses owned by the same racing interests shall be uncoupled in overnight races and stakes races for wagering purposes.

- (c) An owner may enter multiple horses in stakes races. Stakes preferences and conditions will be used to determine eligibility in stakes races.
- (36) The race secretary shall have the right to withdraw or change any unclosed race.
- (37) If a race is declared off because of insufficient entries, the licensee may split any overnight race which may have closed and cause a new drawing for post positions.
- (38) An entry of a horse in a sweepstakes is a subscription to the sweepstakes. An entry or subscription may, before the time of closing, be altered or withdrawn.
- (39) A horse shall not become a starter for a race unless there has been duly paid any stakes or entrance money payable in respect to that race.
- (40) Entrance money is not refunded on the death of a horse, or his failure to start.
- (41) The nominator is liable for the entrance money, and the death of a horse or mistake in its entry when eligible, does not release the subscriber from liability. The entrance money to a purse shall not be returned on the death of a horse or its failure to start for any cause whatever.
- (42) Entries shall be closed at an advertised time, and no entry accepted thereafter. The racing secretary, however, with the consent of the stewards may postpone closing of overnight races.
- (43) In the absence of notice to the contrary entrance and declarations for sweepstakes, which close during or on the eve of a race meeting, close at the office of the racing secretary, who shall make provisions therefor. Closing at all other times for sweepstakes shall be at the office of the race meet.
- (44) When an hour for closing is designated, entries and declaration for sweepstakes cannot be received afterwards; but if an hour is not designated, they may be mailed or telegraphed up to midnight of the day of closing, provided they are received in time for compliance with every other condition of the race.
- (45) If a miscarriage of any entry or declaration in a **stake** is alleged, satisfactory proof that it was mailed or telegraphed must be presented within a reasonable time or it shall not be received.
- (46) Entries which have closed shall be compiled without delay by the racing secretary and conspicuously posted.
- (47) No alterations shall be made in any entry after closing of entries, but an error may be corrected.
- (48) If the number of entries to any purse race is in excess of the number of starters for the race that may, because of limitations, be permitted to start, the post positions and the starters for the race shall be determined by lot in the presence of those making the entries. Four of those not drawn may be placed on the overnight sheet as also eligible. In the event that any of the first group of starters declare out, horses shall be drawn from the group of also eligibles to fill the vacancies in the race.
- (49) Any horse which is entered and has drawn a post position in a race shall be termed an "in today" horse. Any "in today" horse shall not be eligible to enter for the following calendar day to the exclusion of any other horse.
- (50) A horse on the also eligible list shall not be considered as an "in today" horse until it has actually been drawn into the race and given a post position.

- (51) The racing secretary may divide a race and take double entries, in which case the double entry shall have preference over an "in today" horse.
- (52) If the entries exceed the number required for a full field and an also eligible list, the racing secretary shall keep a list of horses eliminated from the race, and they are to have precedence in any race of similar distance and similar conditions, in which they may be afterward entered and each subsequent time that a horse is so eliminated the horse shall gain an advance position on the preferred list.
- (53) A copy of the preferred list shall be posted each afternoon of **entries**, and any claim of error must be made by 8:00 a.m. the following day, and no claim of error not made within the prescribed time will be recognized by the stewards. In entering horses on the preferred **list**, a claim of preference must be made at time of entry and noted on the entry blank or the preference shall be lost and no claim of error will be considered by the stewards if the person making the entry has signed the entry blank.
- (54) If a scratch card is deposited for a horse listed as also eligible the horse shall lose its position on the preferred list.
- (55) Horses excluded as part of an entry shall not receive a place on the preferred list.
- (56) Any horse which is withdrawn from a race after the overnight entries are closed shall be deemed a scratch and shall lose all accrued preference up to that date.
- (57) Scratch time shall be 7:00 a.m. the morning of the day preceding the day scheduled for the running of the race from which the scratch is made. A licensee may request a different scratch time, for good cause shown. Any change in scratch time may be approved by the stewards.
- (58) Preferred list preference and weight allowance is waived if not claimed at time of entry. The stewards will adjust no claims after the close of entries.
- (59) The racing secretary may in event a stakes or handicap does not fill, replace such race with an overnight race carrying a guaranteed purse consistent with the daily average purse.
- (60) If the racing secretary declares a race off, the names of entrants in that race shall be posted on the official bulletin board that day, identifying the race by number as it appears in the condition book.
- (61) Post positions shall be determined publicly by lot in the presence of the stewards, and racing secretary or his assistant. In thoroughbred races only, after a regularly carded horse or horses have been excused from the race, all horses shall move up in **post-position** order. In quarter horse and mixed races utilizing the straightaway, a horse or horses shall assume the post position or positions of the horse or horses excused.
- (62) Winnings shall include all purse money up to the time appointed for the start, and shall apply to all races in any country, and embrace walking over or forfeit, but not second, third, fourth or less not the value of any prize not paid or paid in money. Winnings during the year shall be reckoned from January 1 preceding. Winner of a certain sum shall mean winner of a single race of that value unless otherwise expressed in the conditions.
 - (a) Foreign winnings shall be estimated on the basis of the normal rate of exchange prevailing on the day of the winnings.
 - (b) The entrance money, starting and subscription fees in every race shall go to the winner unless otherwise provided in its conditions, but if for any reason a race is not run, all stakes or entrance money shall be refunded to those entries remaining eligible at time of decision

to cancel or postpone. If the trials of said race have been run and the finals are cancelled due to unforeseeable circumstances, the remaining qualifiers will equally divide the entrance, starting and subscription fees.

- (c) Any horse failing to start or finish in any race shall not share in the purse distribution of that race, except a horse that has qualified for that race through a trial race.
- (63) In the event that management prefers to use a date system of preference rather than the preferred list referred to in (52) then the racing secretary shall post and adhere to the following procedure. At tracks which choose to use date system, this rule will supersede those rules set down for other forms of determining preference.
- (a) Horses will not be eligible to receive a date in a race until their papers are on file in the racing office.
 - (b) All horses with registration papers on file with the racing office prior to the first day of racing shall receive an opening day entry date. This date is the earliest possible date a horse may receive. A horse keeps its opening day date until it races or scratches. All horses registered with the racing secretary after the first racing date will receive an entry date corresponding to the date registered with the racing secretary.
 - (c) Horses that run will receive a running date corresponding to the date on which they are entered, and lose all dates previously held.
 - (d) Horses which scratch or are scratched must re-enter to reestablish a date.
 - (e) Horses on the vet's, steward's or starter's, **paddock lists shall** forfeit their designated date, and cannot establish a date until removed from said category.
 - (f) In all cases, an entry date takes preference over a running date of the same day.
 - (g) Horses which have established a date at a current meet will lose that preference date should they race elsewhere or demonstrate intent to race elsewhere by entering at such **tracks and** must re-enter to reestablish a preference date at the current meet.
 - (h) Stakes races are not a part of the preference system.
 - (i) In no way does the claiming, ownership transfer or trainer transfer of a horse affect the preference rule.
 - (j) Second choices of entries in overfilled races receive no consideration and should not be given a preference date unless they have different owners.
 - (k) In all races, winners have preference. Maidens will receive no consideration in races other than maiden races.
- (64) In all thoroughbred races where qualifying races are held to select finalists, the method of determining those finalists will be by order of finish in each qualifying heat. In quarter horse trials, finalists will be selected based on fastest times.
- (65) In handicap races, high weighted horses shall be preferred regardless of ownership or trainer.
- (a) When horses have equal handicap weights, preference shall be determined by lots regardless of ownership or trainer.

Authorizing statute(s): 23-4-104, 23-4-202, MCA

Implementing statute(s): 23-4-104, 23-4-202, 23-4-301, MCA

History: Eff. 12/31/72; AMD, Eff. 5/5/74; EMERG, AMD, Eff. 7/3/74; AMD, Eff. 10/5/74; AMD, Eff. 4/4/75; AMD, Eff. 5/6/76; AMD, Eff. 4/4/77; AMD, Eff. 8/4/77; EMERG, AMD, 1978 MAR p. 995, Eff. 7/5/78; AMD, 1979 MAR p. 39, Eff. 1/21/79; AMD, 1980 MAR p. 1277, Eff. 4/25/80; AMD, 1981 MAR p. 423, Eff. 5/1/81; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 484, Eff. 3/12/82; AMD, 1984 MAR p. 499, Eff. 3/30/84; AMD, 1984 MAR p. 1843, Eff. 12/28/84; AMD, 1987 MAR p. 100, Eff. 1/30/87; AMD, 1988 MAR p. 569, Eff. 3/25/88; AMD, 1989 MAR p. 968, Eff. 7/28/89; AMD, 1990 MAR p. 1891, Eff. 10/12/90; AMD, 1992 MAR p. 315, Eff. 2/28/92; AMD, 1992 MAR p. 1605, Eff. 7/31/92; AMD, 1995 MAR p. 843, Eff. 5/12/95; AMD, 1998 MAR p. 1156, Eff. 5/1/98; TRANS & AMD, from Dept. of Commerce, 2002 MAR p. 1500, Eff. 5/17/02; AMD, 2008 MAR p. 41, Eff. 1/18/08; AMD, 2009 MAR. p. 1592, Eff. 9/11/09; AMD, 2010 MAR p. 1992, Eff. 9/10/10; TRANS, from 32.28.801, 2015 MAR p. 2252, Eff. 12/25/15; AMD, 2020 MAR p. 574, Eff. 3/28/20; AMD, 2020 MAR p. 777, Eff. 5/1/20.



ADMINISTRATIVE RULES OF MONTANA

8.22.3004 CLAIMING

- (1) In claiming races any horse is subject to claim for its entered price by an owner whose horse's papers have been entered in the race office for racing at that meeting or by a licensed authorized agent for the account of such owner, provided however, that no person shall claim his own horse, or cause his horse to be claimed directly or indirectly for his own account.
- (2) No authorized agent, although representing several owners, shall submit more than one claim for any one race.
- (3) When a stable consists of horses owned by more than one person, trained by the same trainer, not more than one claim may be entered on behalf of such stable in any one race.
- (4) A horse which is declared the official winner in a claiming race, and is claimed out of that race, must start for 25% or more than that claiming price for a period of 30 days (excluding the day it was claimed). Any horse which is not declared the official winner of a race, and is claimed from that race, is eligible to start for any price.
- (5) If a horse is claimed it shall not be sold or transferred to **anyone** wholly or in part, except in a claiming race, for a period of 30 days from the date of claim, nor shall it, unless reclaimed, remain in the same stable or management of its former owner or trainer for a like period.
- (6) A claimed horse shall not race elsewhere until after the close of the meeting at which it was claimed except by permission of the stewards at the meeting where the horse was claimed.
- (7) The claiming price of each horse in a claiming race shall be printed on the program, and all claims for said horse shall be the amount so designated. Should more than one claim be filed for the same horse, the disposition of the horse shall be determined by lot under the direction of one or more of the stewards or their representative.
- (8) All claims must be made in writing, on forms and in envelopes furnished by the race meeting and approved by the board. Both forms and envelopes must be filled out completely and must be sufficiently accurate to identify the claim, otherwise the claim will be void.
- (9) No money shall accompany the claim. Each person desiring to make a claim, must first deposit with the licensee the whole amount of the claim in cash, certified check or money order for which a receipt will be given unless at the time of depositing said claim he shall have such amount to his credit with the licensee.
- (10) In claiming races not more than two horses in the same interest or under the control of the same trainer can start. The foal certificate of a claimed horse must remain in the racing secretary's office until the new owner removes the horse from the track.

- (11) All claims shall be deposited in the claiming box at least 10 minutes before each post time. Any exception to this rule must be made by the board of stewards and posted in the racing office before the meet starts.
- (12) No official or other employee of any race meeting shall give any information as to the filing of claims until after the race has been run.
- (13) All claims shall be passed upon by the stewards, or their designated representatives. When a claim has been filed it is irrevocable and at the risk of the claimant.
- (14) A horse claimed shall not be delivered by the original owner to the successful claimant, until authorization shall be given by the stewards, and every horse so claimed shall run in the interest and for the account of the owner who entered it in the race, but title to the claimed horse shall be vested in the successful claimant from the time said horse becomes a starter and said successful claimant shall become the owner of the horse, whether it be alive or dead, sound or unsound, injured during the race or after it.
- (15) The stewards may, at any time, in their discretion, require any person making a claim for a horse in any claiming race, to make affidavit in writing that he is claiming said horse for his own account or as authorized agent, and not for any other person.
- (16) No person shall refuse to deliver to the person legally entitled thereto a horse claimed out of a claiming race. Any horse not delivered to the person legally entitled thereto shall be disqualified from racing until delivery is made.
- (17) No person shall offer, or enter into an agreement, to claim or not to claim, or attempt to prevent another person from claiming any horse in a claiming race; nor shall any person attempt, by intimidation, to prevent anyone from running a horse in any race for which it is entered; nor shall any owner or trainer running horses in any claiming race make any agreement for the protection of each other's horses.
- (18) When a stable has been eliminated by claiming, the owner or representative so affected (if he has not acquired a horse or horses before the close of the meeting) may obtain a certificate from the stewards of the meeting and on presentation of that certificate, the owner or representative shall be entitled to claim during the next 30 racing days at any recognized meeting in this state until he has claimed a horse. Stables eliminated by fire or other hazards may also be permitted to claim this rule at the discretion of the stewards.
- (19) Should any stable registered at a meeting be eliminated by sale or removal from the grounds, the right to claim is void.
- (20) Should the stewards, within 24 hours after the running of a race, be of the opinion that the lease, sale or entry of a horse was not made in good faith, but was made for the purpose of obtaining the privilege of entering a claim, then in such case they may disallow or cancel any such claim and order the return of a horse that may be delivered and refer the case to the board for further action.
- (21) When a registered quarter horse is claimed the racing secretary shall collect a transfer fee from the claimant, which shall be forwarded to the American Quarter Horse Association, Amarillo, Texas, together with the registration certificate, written report of the race showing the date of the race, and the name and address of the person claiming the horse. Upon receipt of such fee, certificate, and report, the association shall make the transfer without report signed by the registered owner.

- (22) Any registered quarter horse claimed in Montana will be permitted to race for the duration of the meet at which the horse was claimed, with a registration certificate in the name of the prior owner if the transfer attached thereto adequately indicates the present ownership. The registration certificate will be sent to the American Quarter Horse Association at the conclusion of said meet.
- (23) For claiming purposes, a corporation must have an authorized agent. A notarized instrument acceptable to the board must be signed by the president and secretary of the corporation with the corporate seal attached appointing the authorized agent.
- (24) When a horse is claimed, all of its conditions accompany the claim.

Authorizing statute(s): 23-4-104, 23-4-202, MCA

Implementing statute(s): 23-4-104, MCA

History: Eff. 12/31/72; AMD, Eff. 5/5/74; EMERG, AMD, Eff. 7/3/74; AMD, Eff. 10/5/74; AMD, Eff. 4/4/75; AMD, Eff. 5/6/75; AMD, Eff. 4/4/77; AMD Eff. 8/4/77; EMERG, AMD, 1978 MAR p. 995, Eff. 7/5/78; AMD, 1979 MAR p. 39, Eff. 1/21/79; TRANS, from Dept. of Prof. & Occup. Lic, Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1994 MAR p. 1282, Eff. 5/13/94; AMD, 1996 MAR p. 763, Eff. 3/22/96; TRANS & AMD, from Dept of Commerce, 2002 MAR p. 1500, 5/17/02; AMD, 2010 MAR p. 1992, Eff. 9/10/10; TRANS, from 32.28.804, 2015 MAR p. 2252, Eff. 12/25/15.



ADMINISTRATIVE RULES OF MONTANA



8.22.3006 PADDOCK TO POST

- (1) Only bandages authorized or approved by the track veterinarian may be used on a horse during a race, and all other bandages or leg coverings shall be removed before the horse reports to the paddock.
- (2) Horses must be in the paddock at least 20 minutes before post time.
- (3) Permission must be obtained from a steward to exercise a horse between races unless the horse is being warmed up on the way to and just prior to entering the paddock for the next race to be run. When a horse is being so warmed up before entering the paddock, his official program number shall be displayed by the rider.
- (4) In a race each horse shall carry a conspicuous saddlecloth number and a head number, corresponding to his number on the official program. In the case of an entry each horse making up the entry shall carry the same number on head and saddlecloth with a distinguishing letter. For example, 1-1A. In the case of a field the horses comprising the field shall carry an individual number, i.e. 9, 10, 11, 12 and so on.
- (5) After the horses enter the track, no jockey shall dismount and no horse shall be entitled to the care of an attendant without consent of the stewards or the starter, and the horse must be free of all hands other than those of the jockey or assistant starter before the starter releases the barrier.
- (6) In case of an accident to a jockey, his mount or equipment, the stewards or the starter may permit the jockey to dismount and the horse to be cared for during the delay and may permit all jockeys to dismount and all horses to be attended during the delay.
- (7) All horses shall parade, and, under penalty of disqualification, shall carry their weight from the paddock to the starting post, such parade to pass the steward's stand.
- (8) After entering the track, not more than 12 minutes shall be consumed in the parade of the horses to post except in cases of unavoidable delay. After passing the stand twice, horses will be allowed to break formation and canter, warm up or go as they please to the post. When horses have reached the post, they shall be started without unnecessary delay.
- (9) If a jockey is injured on the way to the post so as to require another jockey, the horse shall be taken to the paddock and another jockey obtained.
- (10) No person shall willfully delay the arrival of a horse at the post.

- (11) Whips and/or blinders may be used on two-year olds and other first starters if such use is approved by the official starter and/or the stewards prior to the time of entry. The absence of whips shall be made known by the announcer prior to the start of the race.
- (12) Equine nasal strips may be used if declared at the time of entry. Use of such strips must be noted in the racing program. A horse that wins a race while using the nasal strip must race with the nasal strip for the next race. If the horse does not win while using the nasal strip, the horse is not required to use it in the next race.

Authorizing statute(s): 23-4-104, 23-4-202, MCA

Implementing statute(s): 23-4-104, MCA

History: Eff. 12/31/72; AMD, Eff. 5/5/74; EMERG, AMD, Eff. 7/3/74; AMD, Eff. 10/5/74; AMD, Eff. 4/4/75; AMD, Eff. 5/6/76; AMD, Eff. 4/4/77; AMD, Eff. 8/4/77; EMERG, AMD, 1978 MAR p. 995, Eff. 7/5/78; AMD, 1979 MAR p. 39, Eff. 1/21/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1994 MAR p. 1282, Eff. 5/13/94; AMD, 2000 MAR p. 953, Eff. 4/14/00; TRANS, from Dept. of Commerce, 2002 MAR p. 1500; TRANS, from 32.28.806, 2015 MAR p. 2252, Eff. 12/25/15.



ADMINISTRATIVE RULES OF MONTANA

8.22.3201 GENERAL RULES

- (1) The board may require the licensee to set apart a building or other enclosure in a building in a location acceptable to the board containing such facilities for medication or other test of horses as may be required by the board.
- (2) All horses entered in races held under these rules may be subject to inspection by the track veterinarian at any time before or after a race. After each race whenever possible a urine and/or hair and/or post-race serum or plasma sample shall be collected from each winning horse and such other horses as may be designated by the stewards. Such samples shall be designated as official **samples**, and they shall be sealed in the presence of the trainer or his or her authorized representative and an official receipt signed by such person to indicate that the sample is a true and prompt sample from the horse in question shall be given.
- (3) The stewards of the meeting may require at any time that any horse be sent to the testing enclosure for the taking of such specimens of saliva, urine and/or blood as shall be directed, as well as for an examination for "sponging" and other examinations as may be directed.
- (4) The trainer or his authorized representative must be present in the testing enclosure when saliva, urine or other specimen is taken from his horse, and must remain until the sample tag attached to the specimen shall be signed by the trainer or his representative as witness to the taking of the specimen. Willful failure to be present at or refusal to allow the taking of any such specimen, or otherwise to interfere therewith, shall subject the person or persons guilty thereof, to immediate disciplinary action by the stewards of the meeting and the matter shall be referred to the board for such further action as in their discretion they may determine.
- (5) All specimens taken by or under the direction of the track veterinarian or other authorized representative of the board shall be delivered to the laboratory approved by the board for official analysis. Each specimen shall be marked by number and date and may also bear such information as may be essential to its proper analysis; but the identity of the horse from which the specimen was taken or the identity of its owner, trainer, jockey, or the stable shall not be revealed to the laboratory.
 - (a) The container of each specimen shall be sealed as soon as the specimen is placed therein, and each such seal shall bear the name of the race meet.
- (6) The official veterinarian, the board representatives, the stewards or their authorized representatives may take samples of any medicines, feeds or other materials suspected of containing substances which might affect the performance of a horse in a race which may be found in the stables or elsewhere on the premises of a licensee, or in the possession of any person on the premises of the licensee.

- (7) The trainer, groom, assistant trainer and substitute trainer having charge, custody or care of horses racing on any track under the jurisdiction of the board are obligated to protect the horses in their care against the administration of any substance which could affect the performance of a horse in a race. Failure to protect any horse may result in any penalty deemed proper by the stewards and the matter may be referred to the board.
- (8) The trainer shall be absolutely responsible for the condition of any horse he enters in a race as disclosed by any test and/or analysis conducted by an approved chemist.
- (9) Possession of any material or substance, for human or animal use, not approved by the U.S. food and drug administration or use of such material or substance on a horse by external application, ingestion or injection or in any other manner is prohibited.
- (10) Any licensed veterinarian who administers or makes available for administration by external application, ingestion or injection or by any other means any material or substance to a horse stabled at a licensed race meeting during the course of the race meeting shall maintain records of all treatments and make those records available to the board or its representative upon demand.
 - (a) This rule shall not apply to water, heat or cold treatment or customary liniments or salves, provided the same be applied externally only.
- (11) Should any analysis made by any testing laboratory approved by the board, or any urine, saliva, blood or other sample taken from a horse entered in a race, before or after the race, prove positive, i.e. show the presence of any narcotic, stimulant, depressant, or any derivative or compound thereof, or any other identifiable drug or ingredient, the testing laboratory shall report the positive test in the manner described. The approved testing laboratory shall send an original and a duplicate signed copy reporting the results of such analysis and/or test the testing laboratory has conducted to the office of the board. The board secretary shall file the original and immediately mail duplicate copy to the state steward.
- (12) The state steward shall not authorize purse payment of a race until the state steward has received a report from the approved testing laboratory. If the report shows a positive test indicating the presence of a forbidden substance, the stewards will conduct a hearing. The purse shall not be released until ordered by the stewards after hearing the case.
- (13) When the stewards receive a written report from the testing laboratory that a positive urine or other test has been found, they shall at once summon the trainer, the groom or grooms, and any other employees of the trainer who may have had contact with the horse from which a positive test was obtained. The trainer, grooms and such other employees shall appear before the stewards.
- (14) After the stewards have informed the trainer of the positive test, they **may** request the security officer or officers to assist them to accompany the trainer to the stable and to conduct in the presence of the trainer, a thorough search of the trainer's barn, automobile, and any other vehicles which the trainer may have in the trainer's possession or under the trainer's control.
- (15) As a result of the evidence gathered, the board of stewards shall have the authority to fine and/or suspend or revoke the license of a trainer up to the limits allowed in 23-4-202, MCA. If for any reason the stewards determine the matter should be heard by the Board of Horse Racing, they have the option of imposing such sanctions as they see fit and referring the matter for further action to the Board of Horse Racing.

- (16) Any horse showing a positive test indicating the presence of a forbidden substance shall be subject to disqualification and the owner or owners shall not participate in the purse distribution and shall not receive any trophy, blanket, or other prize awarded unless so ordered by the board after hearing the case.
- (17) Any track record established by a horse showing a positive test indicating the presence of a forbidden substance shall be null and void.
- (18) Except by specific written permission of the stewards, no person other than a licensed veterinarian within the grounds of a race meet where horses are lodged or kept shall have in or upon the premises which he occupies or has the right to occupy, or in his personal property or effects, any hypodermic instrument or part of a hypodermic instrument.
- (19) Any time a positive test and/or analysis is reported by the approved testing laboratory and at any other time deemed advisable, the board, the stewards, or duly authorized representative of either may conduct a search for and seize any illegal paraphernalia, forbidden substance, or substance not approved by the U.S. Food and Drug Administration.
- (20) In regard to hair sampling, the presence of any prohibited substances that appear in a pre-race or post-race sample.
- (21) If a horse is selected for hair testing and the mane is less than three inches in length, a hair sample may be collected from the tail.

Authorizing statute(s): 23-4-104, 23-4-202, 37-1-131, MCA

Implementing statute(s): 23-4-104, 23-4-202, MCA

History: Eff. 12/31/72; AMD, Eff. 5/4/74; AMD, Eff. 4/4/77; AMD, 1979 MAR p. 39, Eff. 1/26/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1988 MAR p. 569, Eff. 3/25/88; AMD, 1989 MAR p. 968, Eff. 7/28/89; AMD, 1990 MAR p. 1891, Eff. 10/12/90; TRANS & AMD, from Dept. of Commerce, 2002 MAR p. 1500, Eff. 5/17/02; TRANS, from 32.28.1401, 2015 MAR p. 2252, Eff. 12/25/15; AMD, 2017 MAR p. 132 Eff. 1/21/17; AMD, 2018 MAR p. 2400, Eff. 12/8/18.



ADMINISTRATIVE RULES OF MONTANA

8.22.3202 PERMISSIBLE MEDICATION

- (1) No horse participating in a race shall carry in its body any substance foreign to the natural horse except as hereinafter provided.
- (2) No foreign substance shall be administered to a horse entered to race by injection, oral administration, rectal infusion or suppository or by inhalation within 24 hours prior to the scheduled post time for the first race, except as hereinafter provided.
- (3) The only substances permitted to be administered to a horse by this rule is phenylbutazone (Butazoladin) or derivatives thereof and furosemide (Lasix).
- (4) Phenylbutazone shall be administered in a dosage amount such that concentrations shall not exceed 2 micrograms per milliliter of post-race serum or plasma.
- (5) Race day medication is allowed in treatment of EIPH (exercise induced pulmonary hemorrhage). Up to 250 mg (5cc or 50 md/ml) furosemide (Lasix) IV is permitted up to four hours before race time. A horse racing with furosemide must show a detectable concentration of the drug in the post-race serum or plasma, not to exceed 100 nanograms per milliliter.
- (6) A horse which, during a race or following a race, or which, during exercise or following exercise, is found to be hemorrhaging from one or both nostrils or is found to have bled into its trachea as determined by endoscopic examination is eligible to be placed on the Lasix list and treated on race day to prevent bleeding during its race.
- (7) In order to obtain authorization for race day treatment of the bleeder, the horse's trainer must:
 - (a) provide evidence that the horse was certified as a bleeder by another state; or
 - (b) provide an affidavit signed by a veterinarian stating that the horse had bled; or
 - (c) have had the affected horse bleed as witnessed by the official veterinarian on the track or in the test barn.
- (8) When confirmed by the official veterinarian, the horse may be placed on the Lasix list which is maintained by the official veterinarian and the stewards. Being on the Lasix list will enable the horse to be entered to race on furosemide (Lasix). Once on the Lasix list, a horse may be removed from the Lasix list by the trainer after 30 days. A horse removed from the Lasix list cannot be put back on the list for a period of 30 days, and only then after being determined to bleed after a race or work as witnessed by the official veterinarian or a practicing veterinarian. Lasix lists will apply to horses listed at all tracks on a statewide basis. Lasix approval will expire each year on December 31. Horses on the current year's Lasix list leaving Montana to race in another jurisdiction which does not allow the use of furosemide (Lasix) will assume their place back on the Lasix list upon returning to Montana.

- (a) No horse may be entered in a race under the influence of furosemide unless the trainer and veterinarian of the horse submit to the official veterinarian a drug request form and obtain written approval from the official veterinarian. The board shall supply the drug request form. The drug request form shall include provision for the following:
- (i) the name, age, sex and breed of the horse;
 - (ii) the names of the licensed trainer and licensed veterinarian;
 - (iii) the nature of the horse's injury or disease as determined the veterinarian;
 - (iv) a place for a request by the trainer to discontinue medication; and
 - (v) a place for the signatures of the trainer and veterinarian attending the horse and the board approved official veterinarian.
- (9) Horses observed or certified to have bled during or after racing or exercise will be automatically put on a "bleeder's list." This list will be maintained by the official veterinarian and steward, and will require that a horse bleeding for the first time will be ineligible to enter a race for a period of 10 days after the bleeding incident. Horses which are placed on the bleeder's list following a second incident of bleeding will be ineligible to enter a race for a period of 20 days after the second incident. Horses which are placed on the bleeder's list following a third or greater incident of bleeding will be ineligible to enter a race for a period of 60 days after the third or greater incident. After the 60-day ineligibility period, a horse may become eligible to enter only after consultation with the official veterinarian and authorization by the official veterinarian.
- (10) A horse on medication the Lasix list cannot be treated less than four hours prior to post time with furosemide (Lasix). No other medication may be administered for bleeder treatment. Lasix must be administered in the manner approved by the official veterinarian. Oral administration of furosemide (Lasix) is not permitted. Permitted bleeder medication shall be administered by a licensed veterinarian. Such administration may be performed at the trainer's barn.
- (a) Trainers are required to have Lasix forms completed by the veterinarian at the time of administration of Lasix, not less than four hours prior to post time. The form shall include date, time and amount of Lasix administered. After signature by the veterinarian, the Lasix form must be returned to the test barn personnel within ten minutes of the time of administration of Lasix.
 - (b) Test barn personnel, upon receipt of the Lasix form, shall log in the date and time of receipt. If the time of receipt exceeds the **ten-minute** grace period, the test barn personnel shall notify the stewards, and the horse will be scratched by the stewards for that day's racing.
- (11) Horses are allowed to compete in races with phenylbutazone in their system as long as the trainer has declared phenylbutazone at time of entry.
- (12) Systemic therapy of phenylbutazone consistent with accepted standards of veterinary practice is allowed up to 24 hours before race time. Systemic therapy means the administration of phenylbutazone given at dosage of two grams IV or the oral equivalent thereof at **24-hour** intervals on a daily basis, with the final dosage given by injection or the oral equivalent thereof 24 hours prior to post time.
- (13) The first violation of this rule by the trainer may result in a fine imposed upon the horse's trainer, loss of purse and such other **penalties** deemed appropriate.

- (14) A second violation, and each succeeding violation of this rule, by the same trainer, shall result in imposition of a fine, loss of purse and such other **penalties** deemed appropriate.
- (15) If furosemide (Lasix) is not detected in the urine or in any other specimen taken from a horse authorized to be on Lasix, then the trainer of record shall be subject to such penalties deemed appropriate by the stewards as to protect the integrity of the racing industry.
- (16) If phenylbutazone or furosemide is detected in the urine or in any other specimen taken from a horse not authorized to use the drugs as specified at time of entry, the horse's trainer is subject to such penalties deemed appropriate as provided elsewhere in these rules.
- (17) The horse's veterinarian shall be responsible for any medication he administers, prescribes or causes to be administered to a horse. If the veterinarian is found to have made an error in type or quantity of medication administered, or in causing a trainer to be in violation of these rules, then such veterinarian shall be subject to disciplinary action.
- (18) Horses that are being treated with phenylbutazone or furosemide must be indicated on the daily racing programs.

Authorizing statute(s): 23-4-104, 23-4-202, MCA

Implementing statute(s): 23-4-104, MCA

History: NEW, 1989 MAR p. 968, Eff. 7/28/89; AMD, 1990 MAR p. 1891, Eff. 10/12/90; AMD, 1994 MAR p. 1282, Eff. 5/13/94; AMD, 1994 MAR p. 2128, Eff. 8/12/94; AMD, 1994 MAR p. 3184, Eff. 12/23/94; AMD, 1997 MAR p. 889, Eff. 5/20/97; TRANS & AMD, from Dept. of Commerce, 2002 MAR p. 1500, Eff. 5/17/02; AMD, 2008 MAR p 1591, Eff. 8/1/08; TRANS, from 32.28.1402, 2015 MAR p. 2252, Eff. 12/25/15; AMD, 2017 MAR p. 132 Eff. 1/21/17.



ADMINISTRATIVE
RULES OF
MONTANA



8.22.3412 DISTRIBUTION OF POOLS

- (1) Horses separately owned or trained may be coupled as an entry, for the purpose of parimutuel wagering, by the presiding steward, where it is deemed necessary to do so to protect the public interest.
- (2) A wager on one horse of an entry or a mutuel field shall be considered a wager on all horses so coupled in that particular entry of mutuel field. Entries shall not be uncoupled in dealing with the parimutuel wagering except as otherwise provided.
- (3) If no money has been wagered to place on a horse which is placed first or second in a race, the place pool for that race shall be apportioned among holders of place tickets on the other horse which was placed first or second.
- (4) If no money was wagered to show on a horse which is placed first, second or third in a race, the show pool in that race shall be apportioned among the holders of show tickets on the other horses which are placed first, second, or third in that race.
- (5) The win pool shall be calculated as follows:
 - (a) Deduct 20%. Deduct the value of the winning tickets. Divide the net pool by the value of tickets on the winning horse. Pay off at the result obtained multiplied by the purchase price of each ticket, plus the purchase price of each ticket.
- (6) The place pool shall be calculated as follows:
 - (a) Deduct 20%. Deduct the total value of the two winning tickets. Allot half the net pool to each horse. Divide by the value of tickets on each winning horse. Pay off at the result obtained multiplied by the dollar amount wagered by each bettor, plus the purchase price of each ticket.
- (7) The show pool shall be calculated as follows:
 - (a) Deduct 20%. Deduct the total value of the three winning tickets. Allot one-third of the net pool to each horse. Divide the value of tickets on each winning horse. Pay off at the result obtained multiplied by the dollar amount wagered by each bettor, plus the purchase price of each ticket.

Implementing statute(s): 23-4-301, 23-4-302, 23-4-303, MCA

History: Eff. 12/31/72; AMD, Eff. 5/4/74; AMD, Eff. 5/5/77; AMD, 1979 MAR p. 39, Eff. 1/26/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Dept. of Commerce, 2002 MAR p. 1500; TRANS, from 32.28.1612, 2015 MAR p. 2252, Eff. 12/25/15.