

## NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

### NOTICE OF PROPOSED RULEMAKING

#### TITLE 17. TRANSPORTATION

#### CHAPTER 4. DEPARTMENT OF TRANSPORTATION TITLE, REGISTRATION, AND DRIVER LICENSES

[R08-337]

#### PREAMBLE

- |                                    |                                 |
|------------------------------------|---------------------------------|
| <b>1. <u>Sections Affected</u></b> | <b><u>Rulemaking Action</u></b> |
| R17-4-510                          | Amend                           |
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rule is implementing (specific):**  
Authorizing statute: A.R.S. § 28-366  
Implementing statute: A.R.S. § 28-955.02
- 3. A list of all previous notices appearing in the *Register* addressing the proposed rule:**  
Notice of Rulemaking Docket Opening: 14 A.A.R. 3903, October 10, 2008
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
- |            |   |
|------------|---|
| Name:      | Celeste M. Cook, Administrative Rules Analyst   |
| Address:   | Administrative Rules Unit<br>Department of Transportation, Motor Vehicle Division<br>1801 W. Jefferson St., Mail Drop 530M<br>Phoenix, AZ 85007 |
| Telephone: | (602) 712-7624  |
| Fax:       | (602) 712-3081  |
| E-mail:    | ccook@azdot.gov   |
- Please visit the ADOT web site to track progress of these rules and any other agency rulemaking matters at [www.azdot.gov/mvd/MVDRules/rules.asp](http://www.azdot.gov/mvd/MVDRules/rules.asp).
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**  
This rulemaking action arises from a Five-year Review Report approved by the Governor's Regulatory Review Council on June 7, 2005. The Arizona Department of Transportation, Motor Vehicle Division, proposes to amend the existing motorcycle noise level limits rule to incorporate 40 CFR 205.166 and to allow local jurisdictions to place more stringent noise level limit standards. Changes are also made to ensure conformity with the Arizona Administrative Procedures Act, Secretary of State, and Governor's Regulatory Review Council rulemaking format and style requirements.
- 6. A reference to any study relevant to the rules that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**  
None
- 7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**  
Not applicable

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**8. The preliminary summary of the economic, small business, and consumer impact:**

ADOT and the Governor’s Regulatory Review Council will bear the costs related to this rulemaking, which should be minimal.

ADOT and Department of Public Safety will have a rule that is clear and easy to understand.

A.R.S. § 28-955.02 allows for fines for non-compliance to be collected after the state establishes motorcycle noise level standards.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

See item 4.

**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

An oral proceeding is not scheduled for these proposed rules. To request an oral proceeding or to submit a comment in writing, by fax or e-mail, please contact the Administrative Rule Analyst listed in item 4 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except legal holidays. If no request for an oral proceeding is made, the public record will close on November 24, 2008 at 5:00 p.m.

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable

**12. Incorporations by reference and their location in the rule:**

40 CFR 205.166 incorporated in R17-4-510(A)

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

**TITLE 17. TRANSPORTATION**

**CHAPTER 4. DEPARTMENT OF TRANSPORTATION**

**TITLE, REGISTRATION, AND DRIVER LICENSES**

**ARTICLE 5. SAFETY**

Section

R17-4-510. ~~Motorcycle noise level limits~~ Noise Level Limits

**ARTICLE 5. SAFETY**

**R17-4-510. ~~Motorcycle noise level limits~~ Noise Level Limits**

**A.** ~~No person shall operate any motorcycle on the streets or highways of the state of Arizona at any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed the following noise limits. For the purpose of this Section, “dBA” shall mean “A” weighted decibel, a sound level measurement unit.~~

<del>Model year of motorcycle</del>	<del>Speed limit of 35 m.p.h. or less</del>	<del>Speed limit of more than 35 m.p.h. and less than or equal to 45 m.p.h.</del>	<del>Speed limit of more than 45 m.p.h.</del>
<del>Before 1972</del>	<del>84 dBA</del>	<del>88 dBA</del>	<del>88 dBA</del>
<del>1972-1980</del>	<del>79 dBA</del>	<del>82 dBA</del>	<del>86 dBA</del>
<del>After 1980</del>	<del>76 dBA</del>	<del>80 dBA</del>	<del>83 dBA</del>

**B.** ~~The noise limits established by this Section shall be based on measurements taken at a distance of 50 feet from the center of the lane of travel within the specified speed limit. Noise measurements can be made at distances other than 50 feet from the center of the lane of travel. In such cases, the measurement shall be corrected to what it would be at the standard distance of 50 feet, for comparison with the standard.~~

**C.** ~~For speed zones of 35 miles per hour or less, notwithstanding the provisions stated above, measurement shall not be made within 200 feet of any intersection controlled by an official traffic device or within 20 feet of the beginning or end of any grade in excess of plus or minus 1%. Measurements shall be made when it is reasonable to assume that the vehicle flow is at a constant rate of speed and measurement shall not be made under congested traffic conditions which require noticeable acceleration or deceleration.~~

**A.** Incorporation of federal regulations. The Division incorporates by reference 49 CFR 205.166 published July 1, 2006, and

no later amendments or editions. The incorporated material is available from the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-0001, and is on file with the Division.

- B.** Local government authority. Local units of government may adopt ordinances that are more restrictive than the federal standards prescribed under 40 CFR 205.166.

## NOTICE OF PROPOSED RULEMAKING

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

#### CHAPTER 2. ARIZONA RACING COMMISSION

[R08-276]

#### PREAMBLE

**1. Sections Affected**

R19-2-102  
R19-2-106  
R19-2-109  
R19-2-110  
R19-2-111  
R19-2-112  
R19-2-113  
R19-2-114  
R19-2-115.02  
R19-2-115.03  
R19-2-115.04  
R19-2-115.06  
R19-2-119  
R19-2-121  
R19-2-123  
R19-2-124  
R19-2-302  
R19-2-306  
R19-2-307  
R19-2-309  
R19-2-311  
R19-2-322  
R19-2-323

**Rulemaking Action**

Amend  
Amend

**2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. §§ 5-104(A)(2), (5), and 5-104(T)

Implementing statute: A.R.S. §§ 5-104(B), (I) and 5-107.01

**3. A list of all previous notices appearing in the Register addressing the proposed rules:**

Notice of Rulemaking Docket Opening: 13 A.A.R. 2797, August 10, 2007

Notice of Rulemaking Docket Opening: 14 A.A.R. 4048, October 24, 2008 (*in this issue*)

**4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Nan Mitchell

Address: Arizona Department of Racing  
1110 W. Washington St., Suite 260  
Phoenix, AZ 85007

Telephone: (602) 364-1730

Fax: (602) 364-1703

**5. An explanation of the rules, including the agency's reasons for initiating the rule:**

The rules changes were initiated at the direction of the Arizona Racing Commission at the request of industry stakeholders. Several of the rules being amended were included in the Department's Five-year Rule Report as needing

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changes. The changes are intended to conform the rules with changing industry practices and modernize the language of the rules. The proposed rules add new definitions, delete antiquated definitions, remove the Department of Racing's authority over workers' compensation, specify time requirements for jockeys on race days, increase the maximum length of a whip, require jockeys to wear certain safety equipment, require announcement to the public of program changes, define the proper and improper use of a whip in a race, permit jockey agents to be licensed in more than one category, specify time at which horses must be in the paddock before a race, prohibit unauthorized licensees from entering the stable area of another licensee without permission, prohibit treating horses and greyhounds in an inhumane manner, permit uncoupled entries in all races, define workout requirements, remove eligibility requirements for starter allowance races, permit an owner to participate in a stable and run horses in the owner's name separately, make specific the requirement that an owner may not participate in the claim of more than one horse in a race, specify the time-frame in which a claimed horse may not be sold or returned to the owner from whom it was claimed, specify the time in which a horse claimed in another state may race in Arizona, require the removal of blankets and bandages once a horse enters the paddock for a race, and designate a bond for appeals to the Director and the Commission as an appearance bond. Corresponding changes were made in areas pertaining to applicable greyhound racing rules for consistency.

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

The agency did not rely on any study in this rulemaking.

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

None

**8. The preliminary summary of the economic, small business, and consumer impact:**

There are no appreciable costs to the agency, the permittees or the licensees from the proposed changes in the rules. The changes are necessary to bring the rules in line with current industry practices, both for horseracing and greyhound racing, as well as style, grammar and language changes.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Nan Mitchell  
Address: Arizona Department of Racing  
1110 W. Washington St., Suite 260  
Phoenix, AZ 85007  
Telephone: (602) 364-1730  
Fax: (602) 364-1703

**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

The Arizona Department of Racing and the Racing Commission have previously conducted oral proceedings and public hearings on the proposed rules. However, the Department will conduct an additional oral proceeding on the proposed rules if a written request is submitted to the person named in item 4 within 30 days after the date this notice is published. In addition to several meetings with industry stakeholders regarding the amendments to the rules, the Arizona Racing Commission has considered the rules at regularly scheduled open meetings on July 11, 2007, on October 10, 2007, and on February 13, 2008. The Department will accept written comments on the proposed rules for at least 30 days following publication of this notice.

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

None

**12. Incorporations by reference and their location in the rules:**

None

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

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

**CHAPTER 2. ARIZONA RACING COMMISSION**

**ARTICLE 1. HORSE RACING**

Notices of Proposed Rulemaking

Section

- R19-2-102. Definitions
- R19-2-106. Licensing
- R19-2-109. Jockeys and Apprentices Jockeys
- R19-2-110. Jockey Agents
- R19-2-111. Trainers
- R19-2-112. Prohibited Acts
- R19-2-113. Entries and Subscriptions
- R19-2-114. Penalties and Allowances
- R19-2-115.02. Claiming Races: Steward Claiming Authorization
- R19-2-115.03. Claiming Races: Claiming Restrictions
- R19-2-115.04. Claiming Races: Delivery of Claimed Horse
- R19-2-115.06. Claiming Races: Claimed Horse Racing and Ownership Restrictions
- R19-2-119. Rules of the Race and Winnings
- R19-2-121. Officials
- R19-2-123. Procedure ~~before~~ Before the Department
- R19-2-124. Procedure ~~before~~ Before the Commission

ARTICLE 3. GREYHOUND RACING

Section

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

ARTICLE 1. HORSE RACING

**R19-2-102. Definitions**

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

1. “Added money” means the money a permittee adds to the nominating and starting fees in a race.
2. “Age” means the age of a horse as computed from the first day of January in the year in which the horse is foaled.
3. “Allowance race” means an overnight race for which eligibility and weight to be carried is determined according to specified conditions that include age, sex, earnings and number of wins.
4. “Also eligible” means a number of eligible horses, properly entered, that were not drawn for inclusion in a race, but become eligible according to preference or lot if an entry is scratched prior to the scratch time deadline.
- 3-5. “Authorized agent” means a person appointed pursuant to ~~R19-2-106(F)~~ R19-2-106(H) of these rules this Chapter.
- 4-6. “Breeder” of a horse means the owner or lessee of ~~its~~ the horse’s dam at the time of foaling.
- 5-7. “Breeding place” means the place of birth of a horse.
8. “Business day” means a day on which live racing is conducted or a day on which entries are taken.
9. “Carryover” means non-distributed pool monies that are retained by the permittee and added to corresponding pool in accordance with this Chapter.
10. “Claiming race” means a race in which any horse entered may be claimed in conformity with this Chapter.
- 6-11. “Commission” means the Arizona Racing Commission.
12. “Complaint” means a written allegation of a violation of this Chapter.
13. “Contest” means a competitive racing event on which pari-mutuel wagering is conducted.
- 7-14. “Course” means the track over which horses race.
- 8-15. “Declaration” means the act of withdrawing an entered horse from a race.
- 9-16. “Department” means the Arizona Department of Racing.
- 10-17. “Director” means the Director of the Arizona Department of Racing.
- 11-18. “Entrance fee” means a fee set by ~~the~~ a permittee ~~which that~~ must be paid in order to make a horse eligible for a stakes race.
- 12-19. “Entry” means, according to its context, either:
  - a. A horse eligible and entered in a race, or
  - b. Two or more horses ~~which that~~ are entered in a race and are owned in whole or in part by the same owner or are trained by a trainer who owns any interest in any of the other horses in the race.
- 13-20. “Equipment” as applied to a horse means whips, blinkers, tongue straps, muzzles, hoods, nose bands, shadow rolls,

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martingales, breast plates, bandages, boots, plates (shoes), and all other paraphernalia ~~which that~~ is or might be used on or attached to a horse while racing.

~~14-21.~~ "Field" means:

- a. The entire group of horses in a race, ~~or~~
- b. The highest numbered horse within the capacity of the tote and all horses of a higher number grouped together in the wagering.

~~15-22.~~ "Foreign substance" means any drug, medicine, metabolite, or ~~any~~ other substance ~~which that~~ does not exist naturally in the an untreated horse and ~~which that~~ may have a pharmacological effect on the racing performance of a horse or ~~which~~ may affect sampling or testing procedures. Foreign substances include but are not limited to stimulants, depressants, local anesthetics, narcotics, and analgesics.

~~16-23.~~ "Foul" means any action by a horse or jockey ~~which that~~ interferes with another horse or jockey in the running of a race.

~~17-24.~~ "Grounds" means the entire area used by ~~the a~~ permittee to conduct racing meetings including, but not limited to, the track, grandstand, stables, concession areas, and parking facilities.

25. "Handicap" means a race in which weights to be carried by the entered horses are adjusted by a handicapper for the purpose of equalizing each horse's chance of winning.

~~18-26.~~ "Horse" ~~includes~~ means a filly, mare, colt, horse, gelding, and ridgling.

- a. In general when referring to sex, a horse is ~~an entire~~ a male five years old or older, that retains all reproductive organs.
- b. Ridgling ~~shall mean~~ means a half-castrated male horse or a horse with one or both organs of reproduction absent from the sac.

27. "Hurdle race" means a race over a course in which jumps or hurdles are used.

28. "Immediate" for the purpose of suspension or revocation of a license issued in accordance with this Chapter, means the first date that the suspension or revocation does not negatively impact another licensee, as determined by the Department.

29. "Inquiry" means an investigation by the stewards of potential interference in a contest prior to declaring the result of the contest official.

30. "In-today horse" means a horse that is entered to run on the race day following a day that it runs.

~~19-31.~~ "Lawfully issued prescription" means a prescription-only drug, as defined in A.R.S. § 13-3401, obtained directly from or pursuant to a valid prescription or order ~~from~~ written by a licensed physician acting in the course of professional practice.

~~20-32.~~ "Lessee" or "lessor" means a person who ~~has leased~~ leases a horse for racing purposes.

~~21-33.~~ "Maiden" means a horse ~~which that~~ at the time of starting has never won a race on the flat in any country on a recognized track or ~~which that~~ has been disqualified after finishing first.

34. "Match race" means a race between two or more horses, each the property of different owners, on terms agreed upon by the owners and approved by the Department.

~~22-35.~~ "Meeting" "Meet" means the entire period for which a permit to conduct racing has been granted to any permittee by the Commission.

36. "Minus pool" occurs when the payout is in excess of the rules.

37. "Net pool" means the amount of gross ticket sales less refundable wagers and statutory commissions.

~~23-38.~~ "Nominating fee" means a fee set by ~~the a~~ permittee ~~which that~~ must be paid ~~in order~~ to make a horse eligible for a stakes or handicap race.

~~24-39.~~ "Nomination" means the naming of a horse or its foal in utero to compete in a specific race or series of races, eligibility for which may be conditional upon the payment of a fee at the time of naming.

~~25-40.~~ "Nominator" means the person in whose name a horse is nominated for a stakes or handicap race.

~~26-41.~~ "Off time" means the moment at which, on signal of the starter, the horses break and run.

42. "Overnight race" means a race for which entries close 96 hours or less before the time set for the first race of the day on which the race is to be run.

~~27-43.~~ "Overpayment" means the amount by which purses paid exceeds the amount due horsemen based upon the net take and break calculation.

~~28-44.~~ "Owner" means any person possessing all or part of the legal title to a horse.

45. "Payout" means the amount of money payable to winning wagers.

46. "Performance" means a schedule of races run consecutively as one program.

~~29-47.~~ "Place" means the position in which a horse finishes in a race, and more specifically a horse finishes on one of the following positions in a race: win-first, place-second, and or show-third.

~~30-48.~~ "Post position" means the position assigned to a horse for the start of a race.

~~31-49.~~ "Post time" means the time set for the arrival at the starting point of the horses in a race.

50. "Program" means the published listing of all contests and contestants for a specific performance.

~~32-51.~~ "Prohibited substance" means any substance regulated by A.R.S. Title 13, Chapter 34.

52. "Purse" means the total dollar amount for which a race is contested.
53. "Purse race" means a race for money or other prize to which the owners of the horses engaged in the race do not contribute an entry fee.
54. "Quarter race" means a race on the flat of 1000 yards or less.
- ~~33-55.~~ "Race" means a contest among horses for purse, stakes, premium, or wager for money, run in the presence of the racing officials of the track and of the a Department representative.
- a. "Claiming race" means a race in which any horse entered may be claimed in conformity with these rules.
- b. "Graded quarter race" means a quarter race for which horses are classified by the racing secretary on the basis of prior racing times and past performances.
- e. "Handicap" means a race in which weights to be carried by the entered horses are adjusted by a handicapper for the purpose of equalizing their respective chances of winning.
- d. "Hurdle race" means a race over a course in which jumps or hurdles are used.
- e. "Match race" means a race between two or more horses, each the property of different owners, on terms agreed upon by the owners and approved by the Department.
- f. "Overnight race" means a race for which entries close 96 hours or less before the time set for the first race of the day on which such race is to be run.
- g. "Purse race" means a race for money or other prize to which the owners of the horses engaged in the race do not contribute an entry fee.
- h. "Quarter race" means a race on the flat at 870 yards or less.
- i. "Race on the flat" means a race over a course in which no jumps or other obstacles are placed.
- j. "Stakes race" means a race in which any monies are to be deposited by the owners of the horses engaged in the race, including a race in which money or other prize is added, and in which nominations must close more than 72 hours before the time for the first race of the day on which such stakes race is to be run.
56. "Race on the flat" means a race over a course in which no jumps or other obstacles are placed.
- ~~34-57.~~ "Recognized track" means a track where pari-mutuel wagering is authorized by law or which that is recognized by the American Quarter Horse Association.
58. "Restricted area" means an enclosed portion of the permittee grounds where access is limited to licensees whose occupation or participation requires access.
59. "Result" means the part of the official order of finish used to determine the pari-mutuel payout of pools for each individual contest.
- ~~35-60.~~ "Ruled off" means the act of barring a licensee from the grounds of a permittee and denying the licensee all racing privileges.
- ~~36-61.~~ "Scratch" means the act of withdrawing an entered horse from a race after the closing of overnight entries.
- ~~37-62.~~ "Scratch time" means the time set by the permittee for the withdrawing of entries from the races of that a particular day.
63. "Split sample laboratory" means a facility approved by the Department to test split samples independent of the official laboratory with which the Department contracts under A.R.S. § 5-105(A).
64. "Stakes race" means a race in which any monies are to be deposited by the owners of the horses engaged in the race, including a race in which money or other prize is added, and for which nominations close more than 72 hours before the time for the first race of the day the stakes race is to be run.
65. "Starter race" means an allowance race or handicap race for a horse having previously started for a specified claiming price and for which the racing secretary may establish other conditions.
- ~~38-66.~~ "Starting fee" means a fee, specified by the conditions of the race and set by the a permittee, which that must be paid in order to start in a race.
- ~~39-67.~~ "Starting horse" means a horse which that leaves the paddock for the post, excluding:
- a. A horse subsequently excused by the stewards, or
- b. A horse whose starting gate stall doors do not open in front of # the horse at the time the starter dispatches the field.
- ~~40-68.~~ "Subscription" means the act of nominating to a stakes race.
- ~~41-69.~~ "Supplemental fee" means a fee set by the permittee that must be paid at a time prescribed by the permittee to make a horse eligible for a stakes race.
- ~~42-70.~~ "Suspended" means that any privilege granted by the officials of a racing meeting or by the Commission or the Department has been temporarily withdrawn.
- ~~43-71.~~ "Sustaining fees" mean fees which that must be paid periodically, as prescribed by the conditions of the race, in order to keep a horse eligible for that the race.
- ~~44-72.~~ "Tote/totalizator" means the a machines which sell machine that sells mutuel tickets and the board on which the approximate odds are posted.
- ~~45-73.~~ "Track" means the course over which a races take race takes place.
- ~~46-74.~~ "Trainer" means the a person employed by an owner or lessee to condition horses for racing.

47-75. "Underpayment" means the amount by which the amount due horsemen based upon the net take and break calculation exceeds the amount of purses paid.

48-76. "Walkover" means a race in which there are not two or more horses of separate interest sent postward.

49-77. "Weight" means the standard weight according to the scale set forth in R19-2-118.

**R19-2-106. Licensing**

- A. A person participating in any capacity in a ~~racing meeting~~ race meet, including any person who performs services in connection with the conduct of the ~~racing meeting~~, race meet, shall obtain a license from the Department, except:
1. A person performing services during a county fair race meet who is identified by a steward as a volunteer; or
  2. No change
- B. Applications.
1. To apply for a license, a person shall complete the license application prescribed by the Department. Information provided on the license application may include, but not be limited to:
    - a. Name, including any alias or other names you have used;
    - b. Current mailing and local address;
    - c. Telephone contact information;
    - d. Date of birth and physical description;
    - e. Social Security and Alien status numbers;
    - f. Citizenship status (may require documentation issued by the United States Government);
    - g. Complete prior criminal history information, including racing-related sanctions; and
    - h. License Category desired.
  2. No change
  3. No change
  4. An applicant who is at least 18 years of age shall submit a two full set ~~sets~~ of fingerprints to the Department. The fingerprints shall be taken by the Department or certified by a municipal police department, sheriff's office, or other authority acceptable to the Department; and may be submitted in a format currently acceptable to the Arizona Department of Public Safety and the Federal Bureau of Investigation.
  5. An applicant for a trainer license shall demonstrate knowledge and skill in protecting and promoting the safety and welfare of animals participating in ~~racing meetings~~ race meets by passing an examination prescribed by the Department. An applicant who fails to pass the examination shall wait at least ~~six months~~ 90 days before retaking the examination. An applicant who has not been licensed as a trainer in any jurisdiction for a period of 10 years may, after interview by the stewards, be required to pass the trainer's test.
  6. An applicant for a racing license shall indicate on the license application whether the applicant hires employees or independent contractors to work at an Arizona racetrack. For the purposes of this Section, "employee" has the meaning in A.R.S. § 23-902(B) and "independent contractor" has the meaning in A.R.S. § 23-902(C).
    - a. ~~An applicant that hires employees to work at an Arizona racetrack shall provide proof of compliance with A.R.S. § 23-961(A) by providing to the Department a copy of the declaration page of the applicant's workers' compensation insurance policy.~~
    - b. ~~The Department shall notify the Industrial Commission of Arizona of an applicant that fails to provide proof of workers' compensation insurance as required in this Section. The Department shall notify the Industrial Commission of Arizona of an applicant that hires independent contractors to enable the Industrial Commission of Arizona to investigate the characterization of the applicant's workers as independent contractors.~~
- C. Each applicant and licensee shall is presumed to know and shall follow the rules governing racing in Arizona.
- D. License procedure.
1. Under delegation from the Director, a steward shall grant or deny a temporary license and transmit ~~the~~ a license application to the Director.
  2. In considering each application for a license, a steward may require the applicant, as well as ~~the applicant's endorses~~ individuals attesting to the applicant's abilities, to appear before the steward and show that the applicant is qualified to receive the license requested. The Steward shall grant a license only if the applicant meets all the requirements in A.R.S. Title 5, Chapter 1, and ~~these rules~~ this Chapter.
  3. Licensing ~~time frame~~ time-frames.
    - a. Administrative completeness review time-frame.
      - i. Within 85 days after receiving a license application, the Department shall determine whether the license application contains the information required by subsection (B).
      - ii. If the license application is incomplete, the Department shall issue a written notice that specifies what information is required and return the license application. If the license application is complete, the Department shall provide a written notice of administrative completeness.
      - iii. The Department shall deem a license application withdrawn if the applicant or licensee fails to file a complete license application within 10 days ~~of being notified~~ after receipt of notification that the license applica-

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- tion is incomplete.
- b. Substantive review time-frame: Within five days after determining that a license application is administratively complete, the Department shall determine whether the applicant or licensee meets all substantive requirements and the Director, or designee, shall issue a written notice granting or denying a license.
- c. Overall time-frame: For the purpose of A.R.S. § 41-1073, the Department establishes the following time-frames for issuing a license:
  - i. Administrative completeness review time-frame: 85 days.
  - ii. Substantive review time-frame: five days.
  - iii. Overall time-frame: 90 days.

- 4. No change
- 5. The Department shall perform a background investigation of an applicant at least 18 years of age, including fingerprint processing through the Department of Public Safety and the FBI, and reviewing records of ~~the Association of Racing Commissioners International, Inc., North American Pari-mutuel Regulators Association~~ a national database containing license information and rulings, information systems, courts, law enforcement agencies, and the Department within the time-frame prescribed in subsection ~~(D)(3)~~ (D)(3)(a).

**E. Denials.**

- 1. A license may be denied if the applicant:
  - a. Has been or is intoxicated at the time of application, or has a history as a user of a narcotic drug as defined at A.R.S. § 36-2501(A)(8) within the grounds of the permittee; or
  - b. Fails to disclose the true ownership or interest in any horse.
- 2. When a license is denied, the Director shall report the reason for the denial in writing to the applicant and to ~~the Association of Racing Commissioners International, Inc. and the North American Pari-mutuel Regulators Association~~ a national database listing license information and rulings.

**F. General requirements and restrictions.**

- 1. A licensee who is employed in more than one license category or who changes from one category to another shall be licensed in each category.
- 2. A licensee who is an official at ~~different types~~ more than one type of ~~tracks~~ track (horse, harness, or greyhound) shall be licensed at each type of track.
- 3. The Director or designee shall not license a person who is less than 16 years of age in any capacity other than as an owner, and shall not license a person who is less than 18 as an official, trainer, or assistant trainer. A person less than 18 ~~who is not eligible to be licensed as an owner, shall have~~ unless a parent or guardian sign the owner's license application, and assuming ~~assumes~~ full financial responsibility for the owner, ~~before that owner is eligible to be licensed.~~
- 4. A license expires on the 30th day of June, 1995, and every third year thereafter, except that:
  - a. Apprentice jockey licenses expire as provided in R19-2-109(D)(2); and
  - b. One-year licenses issued for mutuel workers, concession workers, grooms, and peace officers expire each year on June 30.
- 5. No change

**G. Fees. Three years is the length of a license cycle. However, an individual who chooses to become licensed during the second or third year, shall pay reduced fees as follows:**

	<del>1st</del> <u>First</u> <del>Year</del>	<del>2nd</del> <u>Second</u> <del>Year</del>	<del>3rd</del> <u>Third</u> <del>Year</del>
1. Three-year licenses:			
a. New stable name:	\$124	\$112	\$100
b. Owner/trainer, jockey agent, jockey, or apprentice jockey:	\$75	\$50	\$25
c. Owner, trainer, assistant trainer, veterinarian, authorized agent, official, lessee, lessor, or stable name renewal:	\$36	\$24	\$12
d. Occupational license:	\$15	\$10	\$5
2. One-year license:	\$7		
3. Duplicate license:	\$5	\$5	\$5
4. Temporary claiming license:	\$36	\$36	\$36
5. Authorized agent when licensed in another category:	\$5	\$5	\$5
6. Authorized agent when not licensed in another category:	\$36	\$24	\$12

H. Authorized agents.

1. A person may hold a license solely as an authorized agent or be licensed as an authorized agent and be licensed in another category.
2. No change
3. No change

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

A. ~~Generally.~~ In these rules, unless the context otherwise requires:

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

B. Equipment.

1. A bridle that exceeds two pounds in weight shall not be used in a race.
2. A jockey shall use a whip in a race that is at least 1/4 inch in diameter but not more than one pound in weight or ~~29~~ 30 inches in length including the popper.
3. When a jockey races without a whip, a notice shall be made in the official program or announced to the general public, or both, through effective, usual, and customary mechanisms intended and expected to reach the majority of the racing public.
- ~~3-4.~~ A jockey, apprentice jockey, exercise rider, pony person, and any other person mounted on a racing surface shall wear a properly fastened helmet.
5. Jockeys, apprentice jockeys, and exercise riders shall wear an industry approved safety vest at all times when mounted on a racing surface.

C. Weight; weighing.

1. No change
2. No change
3. No change
4. A jockey shall not ~~weigh~~ ride in the race if the jockey weighs in more than one pound less than the jockey's assigned weight published in the official program.
- ~~5. A jockey shall declare the amount of overweight at the time of weighing out.~~
5. A jockey shall report the jockey's weight to the clerk of scales one hour before the time set for the first scheduled race of the race day.
  - a. No change
  - b. No change
  - c. A steward shall not disqualify a horse because of any overweight the horse ~~might carry~~ carries.

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- d. A permittee shall ~~publicly post~~ notify the public of any change of weight different from that published in the official program through effective, usual, and customary mechanisms intended and expected to reach the majority of the wagering public.
  6. No change
  7. A jockey shall not intentionally touch any person or thing other than the jockey's own equipment before weighing in.
    - a. A jockey shall unsaddle the jockey's own horse, unless the jockey has obtained permission from an official in charge.
    - b. An attendant may touch a horse only by its bridle unless the attendant has obtained permission from an official in charge.
    - c. A person shall not touch the equipment of a jockey who has returned to the winner's circle to dismount until the jockey has been weighed in unless the person has obtained permission from ~~the~~ an official in charge.
  8. A jockey who is not able to ride to the place of weighing in because of an accident or illness ~~which~~ that disables either the jockey or the horse shall walk or be assisted to the scales.
- D. Apprentice jockey.**
1. Licenses.
    - a. An applicant for an apprentice jockey license shall provide to the Department a certified copy of the applicant's birth certificate or other satisfactory evidence of date of birth.
    - b. A steward shall issue an apprentice jockey license if an applicant:
      - i. Is more than 16 years of age and, if less than 18, a parent or guardian signs the license application assuming full financial responsibility for the applicant;
      - ii. Is approved ~~by the starter for~~ working a horse out of the gate ~~by the starter;~~
      - iii. Successfully demonstrates to a steward the ability to gallop or exercise a horse; and
      - iv. Has the necessary tack and ~~wearing~~ wearing apparel.
  2. Expiration of license; weight allowance.
    - a. An apprentice jockey license expires when the apprentice jockey can no longer claim the weight allowances under subsection ~~(b)~~ (D)(2)(b). Upon expiration, an apprentice jockey shall surrender the apprentice jockey license to the Department. If a license expires during the term of the current licensing cycle, the Department shall issue a jockey license at no additional cost.
    - b. An apprentice jockey who has not been licensed previously in any country may claim an allowance under the weight limits specified, in all overnight races except handicaps and stakes as follows:
      - i. Five pounds for one year from the date of the apprentice jockey's fifth winner; ~~or~~
      - ii. If an apprentice jockey has not ridden a total of 40 winners within one year from the date of the apprentice jockey's fifth winner, the ~~Department shall allow the jockey to claim the~~ five-pound allowance for three years from the date of the apprentice jockey's first winner or until the apprentice jockey has ridden a total of 40 winners, whichever comes first.
    - c. The calculation of time for which an apprentice jockey can claim an allowance shall not include time:
      - i. In the armed forces; or
      - ii. The apprentice jockey is physically incapacitated from performing as a jockey.
    - d. An apprentice jockey may ride quarter horses, ~~provided that~~ under the following conditions:
      - i. ~~An~~ The apprentice jockey ~~shall~~ does not claim an apprentice jockey weight allowance in the race; and
      - ii. The Department does not consider a winner in the race for the purpose of computing the expiration of the right to claim an apprentice jockey allowance.
- E. Prohibited acts.**
1. A jockey shall not fail or refuse to fulfill an engagement for a race ~~or for a specified time~~ unless:
    - a. The race or race card is cancelled; or
    - b. A steward excuses the jockey.
  2. No change
  3. No change
  4. No change
  5. No change
  6. A jockey shall not whip a horse:
    - a. On the head, flanks, or on any part of the horse's body other than the shoulders or hind quarters;
    - b. During the post parade except when necessary to control the horse;
    - c. Excessively or brutally causing welts or breaks in the skin;
    - d. When the horse is clearly out of the race or has clearly obtained its maximum placing; or
    - e. Persistently even though the horse is showing no response to the whip.

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

- A. A jockey agent shall be accompanied by ~~the~~ a jockey ~~such~~ the jockey agent will represent when applying for a jockey

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agent's license.

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

**R19-2-111. Trainers**

- A. ~~Trainers~~ A trainer shall ~~be obligated to~~ know and shall follow the provisions of the rules governing racing in the state of Arizona.
- B. ~~Trainers~~ A trainer and ~~their~~ the trainer's employees shall ~~accept~~ comply with the decisions of the stewards on all questions to which ~~their~~ the stewards' authority extends, subject to the right of appeal to the Department pursuant to R19-2-123.
- C. ~~Trainers~~ A trainer shall ~~be~~ is responsible for the condition of horses under ~~their~~ the trainer's care and ~~are required to~~ shall protect ~~such~~ the horses from acts of other parties.
- D. ~~Trainers~~ A trainer shall ~~be responsible for determining~~ ensure that each person employed by ~~them~~ the trainer at a licensed track is licensed by the Department and that the owner of each horse ~~which that~~ is to be entered by ~~them~~ the trainer in any race is licensed by the Department at least one hour before the horse starts in the race.
  1. ~~Trainers~~ A trainer shall refuse to act on behalf of any participant at a licensed track if ~~they have~~ the trainer has ~~reason~~ reasonable cause to believe, ~~in the exercise of reasonable discretion,~~ that ~~such a~~ the participant is not licensed by the Department.
  2. A trainer shall not start a horse in any race if the trainer has reason to believe that ~~the an~~ an owner ~~or owners~~ of the horse ~~are~~ is not licensed by the Department ~~before the race.~~ A trainer may enter a horse for an unlicensed owner ~~or owners~~ in a race. If there are no horses on the also-eligible list for the race and the owner or owners must be is not licensed at least one hour before post time of the first race of the day, ~~or~~ the trainer shall have the horse scratched. If there are horses on the also-eligible list, a trainer who entered a horse of an owner ~~or owners~~ who ~~remain~~ remains unlicensed at the designated scratch time for the race, shall have the horse scratched.
  3. ~~Trainers~~ A trainer shall report the existence of the circumstances set forth in subsections (D)(1) and (2) ~~of this Section~~ to the stewards.
  4. A trainer shall present the trainer's horse in the paddock at least 17 minutes before post time or at a time otherwise appointed by the stewards before the race in which the horse is entered.
- E. ~~Trainers~~ A trainer shall file all registration papers with the racing secretary within 48 hours of ~~their~~ the trainer's arrival on the grounds of the permittee.
- F. ~~Trainers~~ If track colors are not in use, a trainer shall ensure that each of ~~their owners~~ the trainer's horses has a set of colors registered in the office of the racing secretary and possessed by the jockey room custodian before a horse is entered in a race, ~~if track colors are not in use.~~
- G. ~~Trainers~~ A trainer shall pick up all registration papers and colors at the close of the meeting race meet.
- H. A trainer shall notify the stewards before the transfer of a horse to or from a another trainer during a meeting race meet. The stewards shall approve any transfer.

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- I. No change
- J. When a trainer is absent from the grounds where the trainer's horses are racing, the trainer shall provide a substitute licensed trainer to be responsible for the horse or horses. If there is a violation of subsection (C) or ~~R19-2-112(16)~~ R19-2-112(19), the stewards shall ~~determine whether the absent or substitute trainer is responsible~~ take appropriate action against the responsible party. No provision of ~~these rules~~ this Chapter relieves an absent trainer of responsibility or limits the absent trainer's responsibility under subsection (C). Both the absent and substitute trainers shall sign a "Trainers' Responsibility Form" provided by the Department, ~~and which shall~~ be approved by a steward.
- K. A trainer shall not have an ownership interest in a horse unless the trainer trains the horse and the horse is located at the track where the trainer trains. For purposes of this ~~rule~~ subsection, a reversionary interest created by an agreement transferring control of a horse is not an ownership interest.
- L. No change

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

~~Generally:~~ In addition to any other prohibitions described in this Chapter:

1. A licensee shall not enter, or cause or permit to be entered, or start a horse a licensee knows or has reason to believe should be disqualified or that may be ineligible to race.
2. A veterinarian or plater, licensed to practice on a track under the jurisdiction of the Department, shall not own, lease, or train ~~horses~~ a horse at the track on which ~~they practice~~ the veterinarian or plater practices.
3. A person shall not enter the stalls, shed row, tack rooms, or feed sheds of another person without the prior approval of the person to whom the areas are assigned. The Department may impose sanctions against the person violating this Section, including the voiding of the transfer of a horse as a result of having made a successful claim.
4. A person under the jurisdiction of the Department shall not subject or permit any animal under the person's control, custody, or supervision to be subjected to any form of cruelty, mistreatment, neglect or abuse, and shall not abandon, injure, maim, kill, administer any noxious substance to, or deprive any animal of necessary care, sustenance, or shelter.
- ~~3-5.~~ A person shall not participate in an unauthorized race on a track while a ~~racing meeting~~ race meet is in progress.
- ~~4-6.~~ A person shall not offer or receive money or other consideration for declaring an entry out of a purse or stakes race.
- ~~5-7.~~ A person shall not possess, within the grounds of any permittee, an electrical, mechanical, or other device, other than a whip, ordinary equipment, which that may be used to affect the speed or racing condition of a horse. Possession includes, but is not limited to, possession:
  - a. On the person;
  - b. In living or sleeping quarters;
  - c. In an assigned stall, tack room, or other area; and
  - d. In a motor vehicle or trailer.
- ~~6-8.~~ Other than a physician or veterinarian licensed by the Department, a person shall not possess, within the grounds of any permittee, any foreign or prohibited substance as defined elsewhere in this Chapter, injectable vial, hypodermic needle, syringe, or any other instrument which might be used for injection, without written permission of the stewards. Possession includes, but is not limited, to possession:
  - a. On the person;
  - b. In living or sleeping quarters;
  - c. In an assigned stall, tack room, or other area; and
  - d. In a motor vehicle or trailer.
- ~~7-9.~~ A licensee holding a license as listed in A.R.S. § 5-104(F) shall not apply, inject, inhale, ingest, be under the influence of, possess or use any narcotic, dangerous drug or controlled or prohibited substance as regulated by A.R.S. Title 13, Chapter 34, while on permittee grounds, unless, upon the request of a steward, the licensee can produce evidence that the possession or use of a the prohibited substance is legitimized by pursuant to a lawfully issued prescription.
- ~~8-10.~~ A jockey, apprentice jockey, exercise rider, or pony rider shall not consume ~~intoxicating liquor~~ any alcoholic beverage, in any quantity on a race day, prior to completing riding commitments for the day.
- ~~9-11.~~ A licensee or race track employee shall not accept, either directly or indirectly, a bribe, gift, or gratuity in any form which that is intended to or might influence the results of a race or the conduct of a ~~racing meeting~~ race meet.
- ~~10-12.~~ A licensee, while on the premises of ~~the~~ a permittee, shall not create a disturbance, be intoxicated, interfere with a racing operation, or act in an abusive or threatening manner to a racing official or other person.
13. A licensee shall not engage in any conduct prohibited by the Department and shall not engage in any conduct that by its nature is detrimental to the best interests of horse racing including, but not limited to, solicitation of or aiding and abetting any other person to participate in any act or conduct prohibited by the Department.
- ~~11-14.~~ Only veterinarians licensed by the Department shall administer to or prescribe for horses on the premises of ~~any~~ a permittee.
  - a. A licensed veterinarian shall maintain a written record, as required by the provisions of A.R.S. § 32-2212, of the

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- name, date, and amount of any drugs or treatments prescribed or administered, ~~at the track.~~
- b. Notwithstanding the provisions of subsection ~~(11)~~ (14) of this ~~rule~~ Section, any veterinarian may treat a horse if an emergency involving the life or health of ~~such~~ the horse exists.
- ~~12-15.~~ Notwithstanding the provisions of subsection ~~(16)~~ (19) of this Section, a person shall not administer or cause to be administered a foreign substance, internally or externally, to a horse entered in a race, prior to the race on the calendar day in which the horse is to run, except that:
- a. With permission of the Department veterinarian, a licensed veterinarian may administer furosemide or conjugated estrogens on the day of the race to control exercise-induced pulmonary hemorrhage, subject to the restrictions ~~prescribed~~ provided in R19-2-121(P)(5), (6), and (7). The Department veterinarian shall place ~~these horses~~ the horse on the ~~lasix bleeder~~ list. The Department veterinarian shall grant permission for placement of a horse on the ~~lasix bleeder~~ list if a ~~veterinarian licensed by~~ the Department veterinarian determines that a horse suffers from exercise-induced pulmonary hemorrhage or a racing regulatory agency has placed the horse on a ~~bleeder's~~ bleeder list at a track outside of Arizona.
- b. No change
- c. No change
- ~~13-16.~~ The Commission has established permissible trace levels of the following foreign substances, ~~as defined in R19-2-102(15):~~
- a. No change
- b. No change
- ~~14-17.~~ A person shall not participate in the ~~nerving~~ chemical or surgical desensitizing of the nerves of a horse intended to be entered in a race at a track within the state of Arizona.
- a. Registration papers ~~will~~ shall not be accepted by the racing secretary on ~~nerved~~ desensitized horses.
- b. A person shall not enter a ~~nerved~~ desensitized horse in a race.
- c. A person shall not race a horse ~~which~~ that is desensitized by the application of cold, chemical, or mechanical freezing devices at the time of arrival at the receiving barn or saddling paddock.
- ~~15-18.~~ Test samples.
- a. Animal testing.
- i. A steward or Department veterinarian may subject an entry in a race to saliva, urine, blood, or other tests for the purpose of ~~finding~~ detecting foreign substances.
- ii. Only a person ~~Persons~~ approved by the Department shall take samples of saliva, urine, blood, or other substances.
- iii. A steward may authorize the splitting of any sample.
- iv. A Department veterinarian may require blood, urine, or saliva samples to be stored in a frozen state for future analysis.
- v. The owner, trainer, or ~~their~~ the owner's or trainer's representative may be present at all times during the taking and sealing of ~~such~~ tests and samples.
- vi. The owner, trainer, or a ~~representatives~~ representative of the owner or trainer ~~either~~ shall sign documents evidencing the ~~procedure~~ testing under this subsection.
- vii. A person shall not interfere with the collection or procedures conducted under this ~~rule~~ subsection.
- b. Human testing.
- i. As set forth in A.R.S. § 5-104(C) and ~~R19-2-112(8)~~ R19-2-112(10) and ~~(10)~~ (12), a licensee shall immediately submit to blood, urine, breath, or other tests ordered by the stewards, if the stewards have reason to believe the licensee is under the influence of or in possession of any prohibited substance or has consumed alcohol in violation of subsection ~~(8)~~ (10) or ~~(10)~~ (12) of this Section.
- ii. A licensee shall provide a test sample in the presence of a steward or the steward's designee, submitted in a container furnished by the Department and immediately sealed by the steward or the steward's designee in the presence of the licensee being tested.
- iii. The steward or steward's designee shall mark the container with the following items: sample identification number; time, date, and location where the sample was given; and the signature of Department personnel sealing the container.
- iv. The steward or steward's designee shall submit the container to a Department-approved laboratory for analysis.
- v. If laboratory analysis indicates the ~~positive~~ presence of any prohibited substance alcohol in the tested licensee's sample, the licensee may be subject to license suspension or revocation or civil penalties, as set forth in R19-2-121(E)(3)(f) and A.R.S. § 5-108.05(A).
- vi. Test results and information obtained during the testing process are accessible only to members of the Commission, the Director or designees of the Director, and the tested licensee pending the completion of any disciplinary action or other administrative proceeding. The Department shall keep the information in a locked, secured area of the Department office.

- vii. The steward's or designee's compliance with ~~these rules~~ this subsection constitutes prima facie evidence that the chain of custody of the test samples is secure. The presiding officer or administrative law judge in an administrative proceeding of the Department or the Commission shall admit the results of ~~such the~~ tests as evidence.
- ~~16-19.~~ The trainer, groom, and any other person charged with the custody and care of a horse ~~is required to~~ shall protect ~~and guard~~ the horse against the administration, either internally or externally, of any foreign substance except as set forth in subsections (15) and (16) of this Section. A positive test indicating the presence of a foreign substance ~~(except as set forth in subsections (12) and (13) of this Section)~~ creates the presumption of failure to meet the duty imposed by ~~this rule~~ this Section.
- ~~17-20.~~ The owner of a horse disqualified in a race because of an infraction of ~~these rules~~ this Section shall forfeit and return the purse or stakes, the trophy received from the race, and the entry or subscription money.
- a. The stewards shall distribute winnings forfeited pursuant to this subsection among the remaining entitled entries in the race.
- b. The stewards shall disqualify and may declare a horse unplaced for every purpose except pari-mutuel wagering if the chemical analysis performed pursuant to subsection ~~(15)(a)~~ (18)(a) of this Section indicates the presence of a foreign substance classified as Class 1 or Class 2 under the Association of Racing Commissioners International, Inc., February 14, 1995, Uniform Classification Guidelines for Foreign Substances, available from the Association offices located in Lexington, Kentucky and which is incorporated by reference, on file with the Office of the Secretary of State, Department, and not including any later amendments or editions.
- c. The stewards may disqualify and declare a horse unplaced for every purpose except pari-mutuel wagering if the chemical analysis performed pursuant to subsection ~~(15)(a)~~ (18)(a) of this Section indicates the presence of a foreign substance classified as Class 3, Class 4, or Class 5 under the Association of Racing Commissioners International, Inc., February 14, 1995, Uniform Classification Guidelines for Foreign Substances incorporated by reference, which is on file with the Office of the Secretary of State, Department, and not including any later amendments or editions.
- d. The stewards may disqualify and declare a horse unplaced for every purpose except pari-mutuel wagering if the chemical analysis performed pursuant to subsection ~~(15)(a)~~ (18)(a) of this Section shows that a horse on the ~~lasix bleeder~~ list raced without the medication described in subsection ~~(12)~~ (15) of this Section, or that the plasma of the horse contained trace levels of medication in excess of the level permitted by subsection ~~(13)~~ of this Section. (16).
- e. The Department veterinarian shall review all reports indicating the presence of a foreign substance and consult with the stewards prior to the initiation of disciplinary action. When a report indicates the presence of a substance classified as a Class 3, Class 4, or Class 5, the Department veterinarian's review shall specifically address trace-level detection to prevent the initiation of disciplinary action based upon pharmacologically insignificant traces of a substance.
- ~~18-21.~~ A licensee shall not fail or refuse to make ~~The Department may suspend the license of a licensee who refuses to make a payment for financial obligation incurred in connection with racing in this state. Failure to do so may lead to license suspension or revocation.~~

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

#### **A. Entry.**

1. An owner, ~~or~~ trainer or authorized agent shall not register a horse for racing under ~~these rules~~ this Chapter unless the horse is registered by the Jockey Club, American Quarter Horse Association, Arabian Horse Club Registry of America, Inc., Appaloosa Horse Club, Inc., American Paint Horse Association, American Donkey and Mule Society, or American Mule Association.
2. An owner, ~~or~~ trainer or authorized agent shall list each person with an ownership interest in a horse on the back of the horse's registration papers.
3. An owner, trainer, or ~~their~~ the owner's or trainer's authorized agent may enter a horse in person, by telephone, by telegram, or in writing.
4. A person shall not enter a horse entered in a race unless the horse is eligible in all aspects at the time of entry, except with the permission of the stewards.
- ~~4-5.~~ The stewards shall consider a horse entered for a purse a "starting horse" unless ~~they~~ the stewards declare the horse out of the race.
- ~~5-6.~~ A person nominating a horse in a stakes race shall write the person's full name, mailing address, and telephone number on the nomination form.
- ~~6-7.~~ A person shall not enter a horse in more than one race in one day.
- ~~7-8.~~ An owner shall not transfer a horse to a new trainer after entry.
- ~~8-9.~~ An owner shall not enter a horse if ~~if~~ unless the horse's performance records for the preceding calendar year are ~~not~~ printed in the Daily Racing Form Monthly Chart Book, unless the owner provides the horse's performance records to

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the racing secretary prior to entry.

- ~~9-10.~~ An owner, ~~or~~ trainer or authorized agent shall sign and certify a horse's performance record and shall ~~include~~ provide the following information for the horse's last four races in the record;
- Where and when the horse raced;
  - The distance, the weight carried, and the amount earned; and
  - The finishing position and time of the race.
- ~~10-11.~~ The second half of an entry has no preference over a single entry except in stakes, handicaps, and qualifying races.
- ~~11-12.~~ An owner entering two or more horses in a race shall indicate the owner's preference for the horse that is to start if the race overfills. A horse excluded because a race overfills receives no consideration.
- ~~12-13.~~ Two or more horses that are entered in a race may be uncoupled for wagering purposes ~~in stakes, handicaps, futurities, and maturities~~ if approved by the stewards, and:
- No change
  - No change
- ~~13-14.~~ In a race in which spouses who are both licensed trainers have entered horses, the trainers are not required to list an overfill preference unless there is common ownership of the horses entered.
- ~~14-15.~~ The racing secretary shall decide whether to use an "also-eligible" list for any meeting.
- The racing secretary shall determine the number of "also eligibles" if the entries of a race exceed the capacity of the starting gate.
  - If the number of entries ~~to~~ in a race exceeds the number of horses permitted to start, the racing secretary shall determine the starters by lot in a drawing supervised by a steward and witnessed by those making entries. If any of the starters declare out, the racing secretary shall draw, by lot from the "also-eligible" list, the number of horses needed to fill the vacancies in the race.
  - The racing secretary shall assign horses, other than quarter horses, that gain a position in a race from the "also eligible" list to the outside post positions in the order in which they are drawn from the list. The racing secretary shall assign a quarter horse to the stall of horse that is declared out.
  - If a horse on the "also eligible" list does not start because of insufficient declarations, the racing secretary shall place the horse on the preferred list. The racing secretary shall not place a horse on the preferred list if the owner does not accept the opportunity to start the horse.
  - A horse whose owner, trainer, or authorized agent has drawn its position in a race and entered it again for the next race day is called an "~~in today~~ in-today horse."
    - If a race in which a horse is entered overfills, the racing secretary shall not consider the "~~in today~~ in-today horse." except in stakes, handicaps, and in cases where the conditions read "Arizona Breds Preferred," ~~stakes, and handicaps.~~
    - The racing secretary shall not consider a horse on the "also eligible" list as an "~~in today~~ in-today horse." until it has been given a position in a race or an opportunity to run.
  - At tracks where entries are taken two or more days ~~ahead of~~ before the date of the race, an owner, trainer, or authorized agent may re-enter a horse on the next date if ~~it~~ the horse has been placed on the "also eligible" list. If it is drawn into a race from its position on the "also eligible" list, the horse shall be declared an "~~in today~~ in-today horse." and be withdrawn from the race the following day in favor of a horse on the "also eligible" list of that race.
- ~~15-16.~~ A person shall make a claim of preference at the time of entry by noting it on the entry blank or the preference will be lost.
- No change
  - No change
- ~~16-17.~~ If an owner, ~~or~~ trainer, or authorized agent does not declare a horse from the "also-eligible" list by the prescribed time, the racing secretary shall consider the owner or trainer willing to start the horse if another horse is scratched from the race. The racing secretary shall not place a horse on the preferred list if the owner does not accept the opportunity to start the horse.
- ~~17-18.~~ A person shall not alter an entry after the closing of entries. The racing secretary may correct an error in an entry at any time.
- ~~18-19.~~ If the name of a horse is changed, the racing secretary shall publish the new name and the former name in the official entries for the horse's first three starts after the name change. If the name of an Arizona-bred horse is changed, the racing secretary shall report it to the Department in writing within 30 days, listing the new name and the former name.
- B. Conditions for entry.**
- A person shall not enter a horse in a race unless ~~its~~ the horse's certificate of foal registration, certificate of foreign registration, or racing permit is on file in the racing office of the track at which the horse is to race, or unless permission is granted by the stewards. Foal certificates, ~~which that~~ that are registered with the racing secretary and are in transit between ~~that~~ the office of the racing secretary and the American Quarter Horse Association because of a transfer of

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ownership; are considered to be in the possession of the racing secretary.

2. No change
3. The stewards shall not permit a horse to run for a purse or stakes unless ~~it~~ the horse is entered in a race and is eligible for the race.
4. The stewards may ~~summon~~ require a person in whose name a horse is entered to produce proof that the horse entered is not the property, either in whole or in part, of a person who is disqualified, or to produce proof of the extent of the person's interest in the horse. ~~Failure~~ If the person fails to produce satisfactory proof, ~~shall result in the stewards declaring shall declare~~ the horse out of the race if the stewards determine that it is necessary to protect the public peace, safety or welfare.
5. A ~~person shall not enter a~~ horse ~~is not qualified for entry if~~ the horse is on the stewards', paddock judge's, starter's, or veterinarian's list, or if ~~it~~ the horse has been ruled off.
6. The racing secretary shall consider the performance record of a horse racing on the county fair circuit to determine ~~its~~ the horse's eligibility at a commercial meet. A county fair racing secretary shall place a county fair win on the back of the foal certificate.
7. Workouts. The owner, trainer, or authorized agent shall ensure that a horse that has not started within 45 days has one official workout before starting at a commercial meet. A horse that has not started within 45 days of the race the horse has been entered in, and has not completed one official workout, is not eligible to start.
  - a. A first-time starter is not eligible to race unless the horse has gate approval and a minimum of two timed workouts, one of which is out of the gate and within 30 days, prior to the race in which the horse is entered.
  - b. A horse, other than a first-time starter, that has not started for one year or more, is not eligible to start unless the horse has completed two timed workouts within 60 days of the race for which the horse has been entered. At least one of the workouts must be performed in the presence of the track veterinarian at a distance determined by the track veterinarian.
  - c. A quarter horse is not eligible to be entered in any race around a turn for the first time unless the horse has at least one timed workout around the turn.
  - d. For a county fair meet not run at a commercial track, all workout requirements are waived except for a horse that has not started for one year or more the owner or trainer shall schedule with the Department veterinarian and complete a workout determined by the Department veterinarian prior to entry.

C. Starts.

1. A person shall not start a horse in a race unless ~~it~~ the horse is fully identified and tattooed, or otherwise authorized by the stewards. A person who participates in any manner in establishing the identity of a horse, including the breeder, owner, trainer, and identifier, is responsible for the accuracy of the information the person provides.
2. No change
3. The racing secretary shall not permit a horse to start in a stakes race unless ~~it~~ the horse has passed the entry box on the day on which entries for the stakes races are taken.
4. No change
5. The racing secretary shall post the ~~saddle-cloth~~ post position numbers of the horses in a race after overnight entries are closed and post positions are drawn. If a horse with an assigned ~~saddle-cloth~~ number does not start or run the course, the stewards may require an explanation from the owner, trainer, or jockey.

D. Fees.

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

E. Closing.

1. The racing secretary shall close the entries for purse races at the time advertised in the condition book specifying the terms of the race and shall not ~~receive~~ accept an entry after that time. If a race fails to fill, additional time may be granted by the stewards.
2. In the absence of notice to the contrary by the permittee, nominations for stakes ~~which~~ that close during or on the eve of a racing meeting close at the office of the racing secretary at the published time.
3. The racing secretary shall not ~~receive~~ accept entries and declarations for stakes after the designated closing time.

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4. The racing secretary shall not accept an entry after a race has been drawn even ~~though~~ if the number of horses on the "also eligible" list is insufficient to provide a full field.
  5. The racing secretary shall consider a horse, to be a scratch if the horse is withdrawn from a race after the overnight entries are closed, ~~a scratch~~. The scratched horse loses all of its accrued preferences up to ~~that~~ the date of the scratch unless ~~it~~ the horse is excused by the stewards.
- F. Declarations.
1. An owner, trainer, or authorized agent shall declare a horse from a stakes, handicap, or qualifying race in writing no later than one hour prior to post time of the race.
  2. The racing secretary shall not give preference to a horse which is declared from the "also eligible" list of a race ~~for having entered in that race~~. The horse may retain the position ~~it~~ previously held on the preferred list if a full field is left in the race at scratch time.

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

- A. ~~Eligibility, penalties, and allowances of weight for all races shall be determined after~~ After consideration of the reports, records, and statistics published by the Daily Racing Form and by other racing statistical publications, eligibility, penalties, and allowances are determined. The owner and trainer retain Responsibility responsibility for weight carried and for eligibility, ~~shall remain with the owner and trainer.~~
- B. Penalties and allowances shall not be cumulative unless ~~so~~ declared as cumulative by the conditions of the race. ~~They~~ Penalties and allowances shall take effect at the time of starting; ~~provided, however, except~~ that in overnight events a horse shall have only the allowance to which it was entitled at the time of entry.
- C. Penalties shall be obligatory. Allowances shall not be optional in whole or in part. In overnight events, ~~allowances must be claimed~~ a person shall claim the allowance at the time of entry.
- D. Failure to claim a weight allowance by overnight omission shall not be a cause for disqualification. A claim of weight allowance to which a horse is not entitled shall not be a cause for disqualification unless ~~such~~ the incorrect weight is carried in the race. ~~However, a fine may be imposed upon~~ The Department may fine the person claiming a weight allowance to which ~~such~~ the person's horse is not entitled.
- E. No change
- F. ~~No~~ A horse shall not incur a weight penalty for a placement from which it is disqualified, but a horse placed through disqualification of another horse shall incur the weight penalties of ~~that~~ the placement. No ~~such~~ placement shall make a horse ineligible for a race which has already been run.
- G. When a race is in dispute, both the horse that finished first and any horse claiming the race shall be liable ~~to~~ for all penalties attaching to the winner of that race until the matter is decided.
- H. ~~Horses which have started~~ A horse that starts for a claiming price in optional or combination races shall be considered to have started in a claiming race.
- I. No change
- J. No change
- K. In all races except handicap races and races in which conditions expressly provide otherwise:
1. Two-year-old fillies are allowed three pounds.
  2. Fillies and mares 3 years old and older are allowed five pounds ~~before the first of September~~ between January 1 and August 31, and three pounds ~~thereafter~~ from September 1 through December 31.
  3. The provisions of subsections (K)(1) and (2) ~~of this Section shall do~~ not apply to quarter horse fillies and mares.
- L. The racing secretary may write races either above or below the scale, ~~in the racing secretary's discretion; provided that~~ as approved by the Department if:
1. ~~Other than in handicap races, not~~ Not more than 10 pounds ~~shall be~~ are deducted from the scale of weights for age with the exception of allowances in overnight races.
  2. ~~With the exception of two-year-olds racing with older horses, the~~ The total allowances of any type shall not reduce ~~the lowest~~ any weights below 100 pounds in any race.
  3. ~~The provisions of subsection (L)(1) of this Section shall not apply to handicap races.~~
  4. ~~The provisions of subsection (L)(2) of this Section shall not apply to 2-year-olds racing with older horses.~~
- M. ~~Starter allowance eligibility conditions:~~
1. ~~A horse shall have started in a claiming race, or in an optional claiming race to be claimed, in order to establish eligibility in a starter allowance race.~~
  2. ~~In addition to the provisions of subsection (M)(1) of this Section, to be eligible for a starter allowance a horse shall:~~
    - a. ~~Have started for the claiming price designated in the conditions of the race or have started for a price less than that claiming race.~~
    - b. ~~Not have won for a price higher than that designated in the conditions of the race since last starting for that price or for less than that price.~~
    - e. ~~Not have won a race other than a claiming race since last starting for the claiming price designated in the conditions of the race or for less than that price.~~

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3. A horse claimed in a claiming race must subsequently start for a claiming price to establish new eligibility for a starter allowance race.
4. Eligibility for a starter allowance race remains unchanged following a private sale.

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

- A. The following persons may apply to the stewards for claiming authorization:
1. No change
  2. A person licensed in partnership or other form of multiple ownership wanting to claim a horse in sole ownership, or currently licensed persons wanting to join in a multiple ownership venture. ~~A licensed owner may not be a party to more than one stable name or use his or her legal name for racing purposes if already registered in a stable name.~~
  3. No change
  4. A person making application for an owner's license who intends to obtain his or her first horse through claiming. ~~a. At least seven days prior to entering a claim, the applicant shall submit to the Department a completed owner's license application and fingerprint card cards, the owner's license fee, and evidence of current employment or other indication of financial responsibility. In addition an applicant with previous pari-mutuel racing participation shall submit documentation that the applicant is in no way disqualified in this or any other jurisdiction.~~
    - ~~b.a.~~ Upon determination that an applicant has met all requirements for an owner's license, except the requirement of horse ownership, the stewards may grant claiming authorization ~~may be granted~~ and claiming credentials ~~may be issued~~.
    - ~~e.b.~~ Upon the successful claim of a horse, the Department shall issue an the owner's license ~~shall be issued~~.
- B. A person applying for claiming authorization pursuant to this ~~rule~~ Section shall submit written acknowledgment that a licensed trainer shall assume care and responsibility for any horse claimed.
- ~~C. A person who claims a horse through authorization obtained under this rule shall start the claimed horse back pursuant to R19-2-115 through R19-2-115.10 before claiming again in his or her own name or in partnership.~~
- ~~D.C.~~ Claiming authorization obtained pursuant to this ~~rule~~ Section shall be valid for six months or until the authorized person successfully claims a horse, which occurs first.

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

- A. An authorized agent, ~~although even~~ if representing more than one owner, ~~may shall~~ not submit more than one claim in any one race, or claim a horse for himself or herself in the capacity of an agent.
- B. When a stable consists of horses owned by more than one person ~~and trained by the same trainer~~, not more than one claim may be entered on behalf of the stable or on behalf of any of the stable's owners in any one race.
- C. The stewards, at their discretion, may require any person making a claim for a horse to provide a written affidavit that ~~he or she is claiming the horse for his or her~~ the claim is made for the person's own account, or as an authorized agent, and not for any other person.
- D. A person shall not enter into or offer to enter into an agreement to claim or not to claim, or attempt to prevent another person from claiming, any horse in a claiming race. A person shall not attempt to prevent anyone from running a horse in any claiming race. Owners or trainers running horses in any claiming race shall not make any agreement ~~for the protection of not to claim~~ each other's horses.
- E. A person ~~may shall~~ not enter, or allow to be entered, in a claiming race a horse against which any lien is held, unless, ~~when or before entering the horse,~~ the written consent of the holder of the lien is first filed with the ~~clerk or the~~ course racing secretary.
- F. A person ~~may shall~~ not claim an ownership interest in a horse after the horse has run in a claiming race in the name of another person who, at the time of the race, had peaceable and undisputed possession of the horse.
- G. A person ~~may shall~~ not claim ~~his own horse,~~ or cause ~~his own horse~~ to be claimed, directly or indirectly, the person's own horse for his the person's account.
- H. No change

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

- A. The owner of any ~~Any~~ horse claimed shall, after the running of the race, ~~be ensure that the horse is~~ delivered to the claimant. The claimant shall present written authorization from the stewards or ~~their~~ the stewards' representative to the owner of the horse.
- B. Claimed horses ~~which that~~ are sent to the detention area for post-race testing shall be delivered to the claimant at the detention area. All other claimed horses shall be delivered to the claimant pursuant to directions from the stewards ~~on a meet-by-meet basis.~~
- C. The claimant of a horse not known to be designated by the stewards for testing may require ~~such procedure, testing provided that~~ if physical delivery of the claimed horse has not occurred and ~~that~~ the claimant ~~shall pay~~ pays testing costs. The original trainer shall maintain responsibility for the condition of the horse. If the test is positive for a prohibited substance, the claim may be voided at the direction of the stewards.
- D. ~~No~~ A person shall not refuse or fail to deliver a claimed horse.

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

- A. If a horse is claimed:
1. ~~It may~~ The horse 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~~ day of claim.
  2. Unless reclaimed, the horse ~~may~~ shall not be returned to the same stable or under control or management of ~~its~~ the horse's former owner or trainer for a ~~period of~~ 30 days from the day of claim. The day following the claim shall be considered the first day for purposes of this subsection.
  3. ~~The~~ A horse ~~may~~ shall not race outside Arizona until the meeting at which ~~it~~ the horse was claimed has closed or for a period of 60 days from the day of the claim, whichever is less, except to fulfill a stakes engagement transferring automatically to the new owner, or when the horse is entered and starts for a claiming price ~~which~~ that would cause the horse to become ineligible to be reentered at the track where claimed.
- ~~B.~~ All horses claimed in other states and racing here shall be subject to the conditions of the claiming restrictions in the state where the claim was made.
- B.** A horse claimed in another state and entered to race in Arizona shall be subject to the claiming restrictions in the state where the claim was made. The restrictions preventing the horse from racing in Arizona are only applicable until the close of the meeting at which the horse was claimed or for a period of 60 days, whichever is less, except:
1. To fulfill a stakes engagement transferring automatically to the new owner; or
  2. When the horse is entered and starts for a claiming price that would cause the horse to become ineligible to be reentered at the track where claimed.

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

- A. Generally,
1. The permittee shall conspicuously post all ~~All~~ track rules ~~shall be posted conspicuously and file~~ a copy of ~~said~~ the rules ~~shall be filed~~ with the Department.
  2. The permittee shall ensure that post times are based upon the number of races run daily, and that all ~~All~~ races ~~shall be~~ are off at a regular ~~interval~~ intervals. ~~Post times shall be based upon the number of races run daily. The permittee shall set the~~ The intervals shall be set by the permittee with the approval of the stewards.
  3. ~~No~~ Purse monies earned by a horse shall not be paid to anyone except the horse's registered owners or their authorized agents.
  4. In a stakes race ~~which~~ that is a walkover, unless otherwise specified in the conditions, the entry ~~which~~ that appears for the race may walk over the course and be declared the winner. ~~Such a~~ The winner shall be entitled to the entire stakes and to the winning percentage of the purse.
- B. Pre-race activity,
1. The number on the saddle cloth of a horse shall correspond with ~~its~~ the horse's number on the daily program.
  2. Upon arrival in the paddock, the trainer shall remove all blankets and bandages except those bandages that will be worn during the race. A horse arriving late to the paddock may be scratched by the stewards.
  - ~~2-3.~~ Each horse shall parade and shall carry ~~their~~ the horse's weight from the paddock to the starting post.
  - ~~3-4.~~ If a horse is led to the post with permission of the paddock judge, ~~it carries~~ the horse shall carry its weight and shall pass the stewards' stand on its way to the post.
  - ~~4-5.~~ After the horses are ordered to the starting post and until the stewards direct the track gates to be reopened, all persons except licensees designated by the stewards shall be excluded from the track.
  - ~~5-6.~~ After the horses have entered the track, not more than 12 minutes shall elapse during the parade of the horses to the post, except with the approval of the stewards.
  - ~~6-7.~~ After passing the stand once, the horses ~~will be allowed to~~ may break formation, canter, warmup, or move in any other manner until ~~they~~ the horses are within 100 yards of the post.
- C. Races,
1. All races shall be started by a starting gate approved by the Department.
    - a. A race may be started without a stall gate or a gate with the doors open may be used in case of necessity and with the permission of the stewards.
    - b. If a race is started without a stall gate, there shall be no start until, and no recall after, a starter's assistant has dropped ~~his~~ the starter's flag in response to the order of the official starter.
  2. No change
  3. When a horse, during the post parade, is deemed by the stewards to be unfit to start or is injured by an accident in the gate, ~~it may be excused by the stewards~~ the stewards may excuse the horse. ~~Such a~~ If excused, the horse shall not be considered to have started in the race.
  4. When a horse misbehaves in the gate and thereby unduly delays the start of a race, ~~it~~ the horse may be excused by the starter ~~and after consultation with~~ the stewards. ~~Such a~~ The horse shall not be considered to have started in the race, but ~~it~~ shall be penalized by being put on the schooling list. ~~Its~~ The horse's entry in future races will be refused for a period of time to be determined by the starter, with the approval of the stewards.

5. ~~No~~ A race shall not be run when it is so dark that if conditions do not allow the horses cannot to be plainly seen from the stand by the judges or stewards.
6. Every horse in a race is entitled to racing room and shall not be deliberately pocketed by another horse or jockey and, in a straightaway race, each horse shall maintain the position in the lane in which it starts as nearly as possible.
7. If a horse is ridden or drifts out of its lane in such a manner that ~~it~~ interferes with or impedes another horse in any way, a foul has been committed. The ~~offending~~ horse committing the foul may be disqualified if the outcome of the race is affected by the foul and replaced at the discretion of the stewards, in a manner as to correct the effect of the interference as nearly as possible including placing the horse committing the foul behind the horse that was fouled. The provisions of this subsection shall apply to fouls caused by the horse or the jockey and fouls caused ~~either carelessly or purposefully intentionally or unintentionally.~~
  - a. In the event of disqualification of any part of an entry, it shall be at the discretion of the stewards as to the stewards shall decide whether ~~such~~ the disqualification shall extend extends to all or any part of the entry.
  - b. If the stewards rule that the foul referred to in under subsection (C)(7) of this Section was caused by the horse, despite ~~the~~ obvious efforts of the jockey to maintain the horse's position in its lane, the jockey shall not be penalized.
  - c. If the stewards rule that the foul referred to in subsection (C)(7) of this Section was caused by the jockey's failing attempt to prevent the foul or willfully riding the horse out of its lane, the jockey shall be subject to imposition of penalties by the stewards shall be penalized.
- ~~8-d.~~ In a race run around a turn, a horse which is in the clear may be taken to any part of the track. Weaving back and forth in front of another horse may be considered interference or intimidation and may be penalized.
- ~~9-8.~~ A jockey shall not cause ~~such~~ the jockey's horse to shorten stride with a view to complaint. If the stewards decide that an intentional foul was committed in the riding of the race or that any jockey was instructed or induced to ride in such a manner, all persons guilty of complicity shall be suspended.
- ~~10-9.~~ When a horse is disqualified by the stewards under these rules this Chapter, every horse in the race belonging wholly or in part to the same owner, or under the management of the same trainer, may be disqualified and replaced upon a finding of good cause by the stewards.
- ~~11-10.~~ A horse shall be ridden across the finish line carrying its assigned weight in order to participate in the purse distribution of the race unless the nomination blank states otherwise.
- ~~12-11.~~ ~~No~~ A whip shall not be carried on any 2-year-old in a race on the straightaway before March 1. After March 1, following satisfactory performance out of the gate with a whip and with the approval of the starter, a whip may be carried in ~~such~~ a race under this subsection.
- ~~13-12.~~ ~~No~~ An owner, trainer, handler, or jockey shall not attempt to prevent ~~his~~ a horse from running its best and winning.

**D. Dead heats,**

1. No change
2. No change
3. When a dead heat is run for second place, and an objection is made and sustained to the winner of the race, the horses ~~which~~ that ran the dead heat shall be deemed to have run a dead heat for first place.
4. If the dividing owners cannot agree as to which ~~of them~~ owner is to have a cup or other prize ~~which~~ that cannot be divided, the question shall be determined by lot by the permittee.
5. Each horse that runs a dead heat for a race or place shall be deemed a winner of that race or place and shall be liable as ~~such~~ the winner for any penalty or disability ~~attaching to the same~~ incurred.

**E. Winnings or wins,**

1. Winnings shall include all prizes and wins up to the time appointed for the start, ~~and shall apply to all~~ including prizes and wins in races in any country; ~~provided~~ except that in county fair race meets not having an "also eligible" list, winnings shall include all prizes and wins up to the time of entry. Maiden races at County Fair Race Meets shall be an exception to this rule.
2. Winnings shall include walking over or receiving forfeit but shall not include second place and third place money or the value of any ~~prize not of money or not paid in~~ money non-monetary prize.

**R19-2-121. Officials**

**A. Generally,**

1. ~~The~~ For purposes of this Chapter, the term "track official" means the following persons employed by the permittee and approved and licensed by the Department: Director of Racing, one steward, mutuel manager, patrol judges, clerk of the scales, starter, timer, placing judge, paddock judge, track veterinarian, track superintendent, racing secretary, assistant racing secretary, handicapper, horsemen's bookkeeper, jockey room custodian, and chief of security.
2. The term "Department official" means the following persons appointed by the Department: two stewards, state mutuel supervisor, Department veterinarian, identifier, and investigator. ~~Certain~~ Other "track officials" may be appointed by the Department for county fair race meets.
3. ~~One~~ A person may serve in more than one ~~official~~ official position as a track or Department official if the person can do so

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without detriment to any of the other positions, and if the person has the consent and approval of the Department; ~~provided except~~ that neither the racing secretary nor the permittee director of racing may serve as a steward.

4. ~~In all rulings~~ A ruling by the stewards, is controlling if made by a majority of the stewards, ~~is deemed to be controlling.~~
  5. Vacancies.
    - a. When a vacancy occurs among officials other than stewards, the stewards shall fill the vacancy prior to the post time of the first race of the day or immediately, if the vacancy occurs after the post time of the first race when the vacancy occurs. The appointment is effective only for the day unless the permittee fails to fill the vacancy on the following day and ~~has notified~~ notifies the stewards of its action not less than one hour before the post time of the first following race of the following day. An appointment shall be reported promptly to the Department.
    - b. As required by subsection (E)(1), three ~~Three~~ stewards shall view the running of a race. If a vacancy occurs among the stewards, the stewards present shall appoint one or two persons to serve as temporary stewards. The stewards making the appointment under this subsection shall report ~~the appointment~~ in writing to the Department.
    - c. In case of emergency, the stewards may appoint a substitute to fill a vacancy ~~for that emergency only.~~ for only as long as the emergency exists.
  6. The Department shall not license or appoint minors as officials.
  7. A person ~~interested~~ with a financial interest in the result of a race ~~because of such as an~~ ownership interest in any entered horse; or bets, or otherwise shall not act as an official at the ~~meeting~~ race meet in which the race occurs.
- B. Prohibited acts,**
1. No change
  2. No change
  3. An official shall not accept, directly or indirectly, a bribe, gift, or other form of gratuity which is intended to or might influence the results of a race or the conduct of a ~~racing meeting~~ race meet.
  4. An official or employee of a permittee shall not write or solicit horse insurance at a ~~racing meeting~~ race meet.
  5. An official or employee of a permittee at the ~~meeting~~ meet shall not buy or sell a contract upon a jockey or apprentice jockey for ~~an~~ another official or employee or for another individual, either directly or indirectly.
- C. No change**
- D. Complaints,**
1. A person with a grievance or complaint against a track official or employee of the permittee, or a licensee shall submit it in writing to the stewards within five days of the alleged act or omission giving rise to the objectionable act or behavior ~~grievance or complaint.~~ The stewards shall consider the matter, take appropriate action, and make a full written report of their action to the Department.
  2. A person with a grievance or complaint against an official or employee of the Department shall report it in writing to the ~~Deputy~~ Director of the Department or designee within five days of the act or omission giving rise to the objectionable act or behavior ~~grievance or complaint.~~
  3. The Department ~~reserves the right to demand a change of any~~ may require removal of an official or employee for failure to comply with ~~state rules~~ this Chapter.
- E. Stewards,**
1. Two stewards appointed by the Director, and one steward appointed by the permittee and licensed by the Director, shall supervise each race ~~meeting~~ meet.
    - a. Stewards' duties include being in attendance at the office of the racing secretary or on the grounds of the permittee on any day in which entries are being taken or racing is being conducted and representing the Department in all matters pertaining to the enforcement and interpretation of the rules adopted by the Department.
    - b. The stewards shall advise the Director of all hearings and rulings made.
    - c. If a steward is unable to perform the steward's duties for more than one day, the steward shall immediately notify the Director ~~of that fact~~ so that an alternate steward may be named to act in the steward's place.
  2. No change
  3. The stewards shall have the power to interpret the rules and to decide all questions not specifically covered by the rules. In all interpretations and decisions, the orders of the stewards supersede the orders of the permittee.
    - a. The stewards shall have control over and ~~shall~~ have free access to all stands, weighing rooms, enclosures, and all other places within the grounds of the permittee.
    - b. The stewards shall investigate and render a decision promptly on each objection properly made to them pursuant to R19-2-117 of these rules. ~~A majority of the stewards, shall~~ Even if all agree, only a majority need to sign each ruling.
    - c. The stewards shall supervise all entries and declarations. ~~They~~ The Stewards may refuse entries or the transfer of entries for violations of state rules or statutes.
    - d. No change
    - e. The stewards shall have the right to:

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

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marily declare a horse scratched and may suspend a license pending a stewards' hearing if the stewards determine that it is in the best interest of the public health, safety, and welfare to do so.

- h. The stewards shall recover and forward to the Department any license ~~they~~ the stewards suspend.
- i. A majority vote of the stewards shall determine all matters within their jurisdiction.
- j. The stewards shall have the power to modify, change, or remit any ruling imposed by them.
- k. ~~The A~~ licensee shall promptly pay to the Department any civil penalty imposed by the stewards for deposit with the state treasurer.

7. No change

**F.** Racing secretary<sub>2</sub>

1. The duties of the racing secretary include:
  - a. Reporting to the stewards all violations of ~~these rules~~ this Chapter or of the regulations of the permittee ~~which that~~ come to the racing secretary's attention; and
  - b. Keeping a complete record of all races.
2. The racing secretary, or authorized representative shall inspect all ~~papers and~~ documents dealing with owners and trainers, partnership agreements, appointments of authorized agents, and adoption of stable names. The racing secretary may demand production of ~~such documents and papers in order~~ to verify their validity and authenticity and to ensure that the rules have been followed.
3. The racing secretary shall write the conditions of all races and ~~shall~~ publish them sufficiently before closing time for entries. The racing secretary shall not alter the conditions of the races after ~~the time set for~~ closing time.
  - a. The racing secretary shall not write ~~aces~~ race conditions that conflict with racing rules.
  - b. The racing secretary shall include in the conditions or post a list of eligible horses ~~in the conditions~~ prior to the time of entry for every graded quarter-horse race. The racing secretary shall not add a horse to this list after entering has begun without the consent of those who have entered eligible horses.
4. The racing secretary shall act as the official handicapper in all races.
  - a. The racing secretary shall assign weight to ~~each nominee~~ all entered horses.
  - b. The racing secretary shall post the weights in handicaps before 10:30 a.m. on the day set for publication.
5. The racing secretary shall determine the character and condition of substitute and extra races, subject to the stewards' approval.
  - a. If a stakes or overnight handicap does not fill, it may be replaced by another overnight race carrying a guaranteed purse consistent with the daily average purse.
  - b. If a race is canceled ~~or declared off~~, the racing secretary may split any race programmed for the same day and which previously ~~may have been~~ was closed.
  - c. The racing secretary shall give preference to races printed in the condition book over substitute and extra races.
6. The racing secretary or the racing secretary's designee shall conduct the drawing of all races and immediately post an overnight listing of the horses in each race.
7. The office of the racing secretary shall keep the preferred list of all horses.
8. The racing secretary shall not allow any horse to start in a race unless the horse is entered in the name of the legal owner and unless the owner's name appears on the back of the registration papers or on a legal lease or bill of sale attached to the registration papers.

**G.** No change

**H.** Starter<sub>2</sub>

1. The starter has:
  - a. Complete jurisdiction over the starting of any field of horses; and
  - b. Authority to give orders necessary to ensure a fair start; and
  - c. Authority to recommend to the stewards the fining or suspension of any person violating the starter's orders.
2. No change
3. No change

**I.** Starter's assistant<sub>2</sub>

1. No change
2. No change

**J.** Clerk of the scales<sub>2</sub>

1. The duties of the clerk of the scales include:
  - a. Weighing all jockeys in and out; and
  - b. Posting all overweights promptly after weighing; and
  - c. Notifying a trainer that the trainer's jockey is overweight; and
  - d. Reporting all late scratches, changes in riders, overweights, and corrected weights for posting on a bulletin board located in a place conspicuous to the wagering public; and
  - e. Recording winning records of jockeys with apprentice certificates and attesting to the date and track on each line as provided on the jockey's apprentice certificate.

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2. A jockey shall not pass the scale more than seven pounds overweight without the consent of the stewards.
  3. A jockey shall not be more than one pound short at weigh in.
  4. The clerk of the scales shall report to the stewards any violations of the weight rules or any attempt to alter specified weights.
- K.** Paddock judge<sub>2</sub>
1. The duties of the paddock judge include:
    - a. Checking all contestants for each race<sub>2</sub>;
    - b. Keeping a record of all equipment carried by the horses in each race under the paddock judge's jurisdiction<sub>2</sub>; and
    - c. Permitting no change of equipment unless the change is approved by the stewards.
  2. Only the owner or trainer of a horse, or the employees of ~~each~~ the owner or trainer shall touch a horse in the paddock without the permission of the paddock judge.
  3. No change
- L.** Patrol judges<sub>2</sub>
1. The duties of the patrol judge include:
    - a. Viewing the portion of the track allotted to them<sub>2</sub>; and
    - b. Reporting to the stewards any irregular incident occurring during a race.
  2. No change
  3. No change
- M.** Timers<sub>2</sub>
1. No change
  2. No change
  3. No change
- N.** Jockey room custodian<sub>2</sub>
1. The duties of the jockey room custodian include:
    - a. Maintaining the jockey room in proper order and as a restricted area<sub>2</sub>;
    - b. ~~Seeing~~ Ensuring that jockeys conduct themselves in accordance with the rules of racing<sub>2</sub>;
    - c. ~~Seeing~~ Ensuring that jockeys are on time for their races<sub>2</sub>;
    - d. Supervising the valets employed to assist the jockeys<sub>2</sub>; and
    - e. Assisting the clerk of scales to ensure jockeys have proper equipment and carry the correct weight.
  2. The jockey room custodian shall report immediately to the stewards any horse's colors not in the jockey room custodian's possession for ~~a given~~ the day's racing.
- O.** Horsemen's bookkeeper<sub>2</sub>
1. No change
  2. No change
  3. No change
  4. The horsemen's bookkeeper shall segregate and hold as trust funds all fees paid in added money events, early closing events, stakes, and futurities until the event is contested. The horsemen's bookkeeper shall submit proof of segregation by bank letter or bank statement to the Department through ~~its~~ the bank's authorized representative.
  5. The horsemen's bookkeeper shall not pay purse money earned by a horse to anyone except ~~its~~ the horse's registered owners or ~~their~~ the owners' authorized agent. The Department shall determine when purse monies are released, based on results of laboratory analysis.
  6. ~~In the event~~ If the stewards notify the horsemen's bookkeeper of an objection or positive sample ~~and upon notification by the stewards~~, the horsemen's bookkeeper shall hold the purse monies until released by the Department.
- P.** Veterinarians<sub>2</sub>
1. The Department shall approve two official veterinarians, licensed to practice veterinary medicine by the state of Arizona. ~~The~~ Each permittee shall employ one of the official veterinarians, and the Department shall employ the other official veterinarian.
  2. No change
  3. No change
  4. No change
  5. No change
  6. The racing secretary ~~may~~ shall not accept the entry of a horse on the veterinarian's list ~~only after approval~~ unless approved by the track and the Department veterinarian and if three calendar days have elapsed since the horse was placed on the veterinarian's list.
  7. Every veterinarian licensed by the Department shall keep a written record of the veterinarian's practice on the grounds of a permittee relating to horses participating in racing.
    - a. ~~This~~ The record ~~includes~~ shall include:
      - i. The name of the horse treated,
      - ii. The nature of the horse's ailment,

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- iii. The type of treatment prescribed and performed for the horses, and
- iv. The date and time of the treatment.
- b. Veterinarians shall keep ~~this~~ the record for practice engaged in at all licensed tracks.
- c. A veterinarian shall produce ~~this~~ the record without delay upon request of the stewards or the Department.
- d. Veterinarians engaged in private practice on ~~tracks~~ the premises of any permittee under the jurisdiction of the Department shall also be licensed by the Arizona State Board of Veterinarian Examiners ~~and the Department~~.
- e. Only veterinarians licensed by the Department shall administer to or prescribe for horses on the premises of any permittee except in case of emergency as provided by (R19-2-112(A)(11)(b)) R19-2-112(A)(14)(b).
- f. ~~The Department, acting on the recommendation of~~ When recommended by the Department veterinarian, ~~the Department~~ shall evaluate all new and experimental medications and drugs and determine whether the medications and drugs may be used on the grounds of a permittee.

8. No change

**Q.** Horse identifier,

1. No change

2. No change

3. The horse identifier may make photographs or permanent identification records for horses referred to in subsection (Q)(1) ~~of this Section~~. The horse identifier shall include the tattoo number, markings, cowlicks, dimples, and other characteristics of each horse on its identification record.

**R19-2-123. Procedure ~~before~~ Before the Department**

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

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

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

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

4-3. A person filing an appeal of a ruling may be required by the Director or the Commission to furnish a bond ~~in the amount equal to an assessed fine and an additional of \$200, to cover the costs, which may be forfeited should the appeal be denied.~~ The funds shall be returned if the person appears at the appeal hearing. The bond shall be forfeited if the person fails to appear for the scheduled hearing. If the person withdraws the appeal after the hearing has been noticed, \$100 of the bond shall be forfeited to cover the administrative costs incurred. The forfeited funds shall be deposited in the General Fund.

5-4. The stewards may refer any ruling ~~made by them~~ to the Director, recommending further action, including the revocation of a license suspended by the stewards. Upon receipt of ~~such referrals~~ the referral, the Director shall review the record and may affirm, reverse, or modify the stewards' ruling or conduct ~~such~~ other proceedings as the Director may deem appropriate.

6-5. Upon the filing of a referral in the manner set forth above, the Director may fix a time and place for a hearing and shall give written notice of the hearing at least ~~20~~ 30 days prior to the date set for the hearing, unless waived in writing by the appellant.

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

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

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

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

2. The appeal shall be signed by the person making the appeal or by the person's attorney and shall contain the grounds for appeal and the reasons for believing the person is entitled to a hearing.

3. A person filing an appeal of a ruling may be required by the Director or the Commission to furnish a bond of \$200. The funds shall be returned if the person appears at the appeal hearing. The bond shall be forfeited if the person fails to appear for the scheduled hearing. If the person withdraws the appeal after the hearing has been noticed, \$100 shall be forfeited to cover administrative costs incurred. All forfeited funds shall be deposited in the General Fund.

4. Upon the filing of an appeal in the manner set forth above, the Director may fix a time and place for a hearing or refer the matter to a hearing officer and shall give written notice of the hearing at least 30 days prior to the date set for the hearing, unless waived in writing by the appellant.

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

6. ~~In case of an appeal or protest, the purse money affected shall be retained subject to order of the Director.~~

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

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

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

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

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

**E.F.** Depositions.

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

**F.G.** Service.

1. Service of ~~any a~~ a decision, order, or other process may be made in person or by mail. Service by mail shall be made by enclosing ~~the same or a copy thereof~~ a copy in a sealed envelope and depositing ~~the same the~~ the envelope in the United States mail, postage prepaid, addressed to the party served, at the address as shown by the records of the Department.
2. No change
3. Service upon an attorney who has appeared on behalf of a party shall constitute service upon ~~such the~~ the party, except that papers required to be served upon the Director or Commission shall in all cases be filed in the office of the Department with a copy served on the Attorney General.
4. No change

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

1. Except as provided in subsection ~~(G)(7)~~ (H)(7), ~~any a~~ a party in a contested case before the Director who is aggrieved by a decision rendered in ~~such a~~ the case may file with the Director, not later than 10 days after service of the decision, a written motion for rehearing or review of the decision specifying the particular grounds ~~therefor~~ for the motion. For purposes of this subsection, a decision shall be deemed to have been served when personally delivered or mailed to the party at ~~such the~~ the party's last known residence or place of business.
2. The motion for rehearing may be amended at any time before it is ruled upon by the Director. A response may be filed within 10 days after service of ~~such the~~ the motion or amended motion by any other party. The Director may require the filing of written briefs upon the issues raised in the motion and may provide for oral argument.
3. No change
  - a. No Change
  - b. No change
  - c. No change
  - d. No change

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- e. No change
- f. No change
- g. No change
- 4. The Director may affirm or modify the decision or grant a rehearing to all or any of the parties and on all or part of the issues for any of the reasons set forth in subsection ~~(G)(3)~~ (H)(3) of this subsection. An order granting a rehearing shall specify with particularity the ~~ground or~~ grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.
- 5. Not later than 10 days after a decision is rendered, the Director may, on the Director's own initiative, order a rehearing or review of the Director's decision for any reason for which the Director might have granted a rehearing on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Director may grant a motion for rehearing for a reason not stated in the motion. In either case, the order granting ~~such~~ a rehearing shall specify the grounds ~~therefor~~ for granting the rehearing.
- 6. When a motion for rehearing is based upon affidavits, ~~they~~ the affidavits shall be served with the motion. An opposing party may, within 10 days after ~~such~~ the service, serve opposing affidavits, ~~which~~ This period may be extended for an additional period not exceeding 20 days by the Director for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
- 7. If in a particular decision it is necessary for the immediate preservation of the public peace, health, and safety and if a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the ~~decision may be issued as~~ Director may issue a final decision without an opportunity for a rehearing or review.
- 8. No change
- 9. ~~To the extent that~~ If the provisions of this ~~rule~~ subsection are in conflict with the provisions of ~~any~~ a statute providing for rehearing of decisions of the Director, ~~such~~ the statutory provisions shall govern.

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

- A. Appeal of Director's rulings.
  - 1. ~~Any~~ A person or persons aggrieved by a ruling of the Director may appeal to the Commission. ~~Such an~~ An appeal shall be filed in writing ~~in~~ to the office of the Commission within ~~45~~ 30 days after service of the Director's ruling.
  - 2. The appeal shall be signed by the person making ~~said request~~ the appeal or by ~~his~~ the person's attorney and shall ~~set forth with specificity~~ contain ~~such~~ the person's grounds for appeal and reasons for believing ~~such~~ the person is entitled to a hearing.
  - 3. Upon the filing of an appeal ~~set forth above~~, the Commission shall review the record and may affirm, reverse, or modify the Director's ruling or conduct such other proceedings as the Commission deems appropriate.
- B. Permit denial, suspension, or revocation.
  - 1. The Commission may deny a permit application pursuant to a hearing upon ~~45~~ 30 days notice.
  - 2. The Commission shall revoke or suspend a permit only after notice and opportunity for hearing. Notice of the hearing shall be given in writing at least ~~20~~ 30 days prior to the date set for hearing, unless waived in writing by the applicant.
  - 3. Unless specifically ordered otherwise, if the Commission suspends one permit held by a permittee, all permits held by that permittee are considered suspended for the term of the suspension.
  - ~~3-4.~~ A party appearing before the Commission shall be afforded an opportunity for a hearing and the opportunity to respond and present evidence and argument on all issues.
  - ~~4-5.~~ A party appearing before the Commission shall have the right to appear in person, or by counsel, except that a corporation may appear only through counsel. ~~Any~~ A party may submit ~~such~~ the party's case in writing. Failure of a party to appear for a hearing shall leave the Commission free to act upon the evidence at hand without further notice to the ~~parties~~ party. ~~Proceedings may be reopened by the~~ The Commission may reopen the proceedings upon written petition of any party to the proceedings.
- C. Hearing officer. If the Commission assigns a matter to a hearing officer, the hearing officer shall submit to the Commission within ~~45~~ 30 days after the conclusion of the hearing a written decision which shall include proposed findings of fact, conclusions of law and order. The decision of the hearing officer may be approved or modified by the Commission. The decision of the hearing officer becomes the decision of the Commission unless modified by the Commission within 45 days.
- D. Depositions.
  - 1. When ~~any~~ a party desires to take the oral deposition of ~~any~~ a witness residing outside the state or otherwise unavailable as a witness, ~~such~~ the party shall file with the Commission a petition for permission to take the deposition of ~~such~~ the witness, showing the name and address of ~~such~~ the witness and setting forth specifically and in detail the nature and substance of the testimony expected to be given by ~~such~~ the witness. The application may be granted if it appears from ~~such~~ the petition that the witness resides outside the state or is otherwise unavailable and that the testimony of ~~such~~ the witness is relevant and material. If ~~such~~ the statement is not made specifically and in detail, so that the Commission may determine ~~therefrom~~ from the statement the relevancy and materiality of the testimony of ~~such~~ the witness, ~~such~~ the petition may be denied.

2. The Commission may, at its discretion, designate the time and place ~~and office~~ at which such a deposition may be taken. The expense of any deposition ~~shall be borne by~~ is the responsibility of the party applying to the Commission for permission to take ~~same the deposition~~.
3. ~~Any~~ A deposition taken under this subsection shall be returned and filed with the Commission within 30 days after permission for taking ~~same the deposition~~ is granted.

E. Service,

1. Service of ~~any~~ a decision, order, or other process may be made in person or by mail. Service by mail shall be made by enclosing the ~~same decision, order, or other process~~ or a copy thereof in a sealed envelope and depositing ~~the same the envelope~~ in the United States mail, postage prepaid, addressed to the party served, at the address as shown by the records of the Department, ~~except that notice of a hearing before the Commission shall be~~ and mailed by certified mail to the last known address of the parties as shown by the records of the Department.
2. Proof of service may be made by the affidavit or oral testimony of the person making ~~such~~ the service.
3. No change
4. Service upon an attorney who has appeared on behalf of a party will constitute service upon ~~such~~ the party. In the case of papers requested to be served upon the Commission, an original and five copies shall be filed in the office of the Department and a copy shall be served upon the Attorney General.

F. Rehearing or review,

1. Except as provided in subsection (F)(7) of this subsection, ~~any~~ a party in a contested case before the Commission who is aggrieved by a decision rendered in ~~such~~ the case may file with the Commission, not later than ~~15~~ 30 days after service of the decision, a written motion for rehearing or review of the decision, specifying the particular grounds ~~therefor~~ for motion. For purposes of this subsection, a decision shall be deemed to have been served when personally delivered or mailed to the party at ~~such~~ the party's last known residence or place of business.
2. The motion for rehearing may be amended at any time before it is ruled upon by the Commission. A response may be filed within 10 days after service of ~~such~~ the motion or amended motion by any other party. The Commission may require the filing of written briefs upon the issues raised in the motion and may provide for oral argument.
3. No change
  - a. No Change
  - b. No change
  - c. No change
  - d. No change
  - e. No change
  - f. No change
  - g. No change
4. The Commission may affirm or modify the decision or grant a rehearing to all or any of the parties and on all or part of the issues for any of the reasons set forth in subsection (F)(3). An order granting a rehearing shall specify with particularity the ~~ground~~ or grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.
5. Not later than 10 days after a decision is rendered, the Commission may, on its own initiative, order a rehearing or review of its decision for any reason for which it may have granted a rehearing on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Commission may grant a motion for rehearing for a reason not stated in the motion. In either case, the order granting such a rehearing shall specify the grounds ~~therefor~~ for granting the rehearing.
6. When a motion for rehearing is based upon affidavits, the affidavits shall be served with the motion. An opposing party may, within 10 days after ~~such~~ service, serve opposing affidavits, which period may be extended for an additional period not exceeding 20 days by the Commission for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
7. If in a particular decision it is necessary for the immediate preservation of the public peace, health, and safety and if a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the ~~decision may be issued as~~ Commission may issue a final decision without an opportunity for a rehearing or review.
8. No change
9. To the extent that the provisions of this ~~rule~~ subsection are in conflict with the provisions of ~~any~~ a statute providing for rehearing of decisions of the Commission, ~~such~~ the statutory provisions shall govern.

ARTICLE 3. GREYHOUND RACING

**R19-2-302. Definitions**

In addition to the definitions in A.R.S. § 5-101 and in these rules this Chapter, unless the context otherwise requires:

1. No change
2. No change

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3. No change
4. "Authorized agent" means a person appointed pursuant to ~~R19-2-306(I)~~ R19-2-306(H) of these rules.
5. "Breeder" of a greyhound means the owner or lessee of ~~its~~ the greyhound's dam at the time of whelping.
6. No change
7. No change
8. "Business day" means a day on which live racing is conducted or a day on which entries are taken.
- ~~8-9.~~ "Commission" means the Arizona Racing Commission.
10. "Complaint" means a written allegation of a violation of this Chapter.
11. "Contest" means a competitive racing event on which pari-mutuel wagering is conducted.
- ~~9-12.~~ "Course" means the track over which greyhounds race.
- ~~10-13.~~ "Declaration" means the act of withdrawing an entered greyhound from a race.
- ~~11-14.~~ "Department" means the Arizona Department of Racing.
- ~~12-15.~~ "Director" means the Director of the Arizona Department of Racing.
- ~~13-16.~~ "Entrance fee" means a fee set by the permittee ~~which that~~ must be paid ~~in order~~ to make a greyhound eligible for a stakes race.
- ~~14-17.~~ "Entry" means a greyhound eligible and entered in a race.
- ~~15-18.~~ "Equipment" as applied to greyhounds means muzzles and number blankets.
- ~~16-19.~~ "Exercise areas" are fenced locations where greyhounds are released to exercise for a short period of time and then returned to their kennel housing crates, or to their run housing.
- ~~17-20.~~ "Field" means the entire group of greyhounds in a race.
- ~~18-21.~~ "Foreign substance" means any drug, medicine, or ~~any~~ other substance foreign to the greyhound's body ~~which that~~ does or may affect the racing condition of a greyhound or ~~which that~~ does or may affect sampling or testing procedures. Foreign substances include, but are not limited to, stimulants, depressants, local anesthetics, narcotics, and analgesics.
- ~~19-22.~~ "Grounds" means the entire area used by the permittee to conduct racing meetings including, but not limited to, the track, grandstand, kennels, concession areas, and parking facilities.
23. "Immediate" for the purpose of suspension or revocation of a license issued in accordance with this Chapter, means the first date that the suspension or revocation does not negatively impact another licensee, as determined by the Department.
24. "Inquiry" means an investigation by the stewards of potential interference in a contest prior to declaring the result of the contest official."
- ~~20-25.~~ "Kennel housing" means any facility where greyhounds are housed indoors.
- ~~24-26.~~ "Kennel owner" means a person who has a contract or agreement with a permittee to provide dogs to the permittee's facility.
- ~~22-27.~~ "Lawfully issued prescription" means a prescription-only drug, as defined in A.R.S. § 13-3401, obtained directly or pursuant to a valid prescription or order ~~from~~ written by a licensed physician acting in the course of professional practice.
- ~~23-28.~~ "Lessee" or "lessor" means a person who ~~has leased~~ leases a greyhound for racing or breeding purposes.
- ~~24-29.~~ "Lure" means mechanical apparatus consisting of the following component parts: A stationary rail installed around the track and a reasonable decoy which shall be attached to the pole.
- ~~25-30.~~ "Maiden" means a greyhound ~~which that~~ at the time of starting has never won a race in any country on a recognized track or ~~which that~~ has been disqualified after finishing first.
- ~~26-31.~~ "Manager/Agent," for purposes of R19-2-327, means a person managing a racing kennel, breeding farm, or other operation.
32. "Match race" means a race between two or more greyhounds, each the property of different owners, on terms agreed upon by the owners and approved by the Department.
- ~~27-33.~~ "Matinee" means a schedule of races conducted ~~upon~~ on a track in daylight hours.
- ~~28-34.~~ "Meeting" "Meet" means the entire period for which a permit to conduct racing has been granted to any permittee by the Department.
35. "Minus pool" means a payout that is in excess of the rules.
36. "Net pool" means the amount of gross ticket sales less refundable wagers and statutory commissions.
- ~~29-37.~~ "Night performance" means a schedule of races conducted upon a race track during night hours.
- ~~30-38.~~ "Nominating fee" means a fee set by ~~the~~ a permittee ~~which that~~ must be paid ~~in order~~ to make a greyhound eligible for a stakes race.
- ~~31-39.~~ "Nomination" means the naming of a greyhound or its pup (~~offspring~~) to compete in a specific race or series of races, eligibility for which may be conditional upon the payment of a fee at the time of naming.
- ~~32-40.~~ "Nominator" means the person in whose name a greyhound is nominated for a stakes or handicap race.
- ~~33-41.~~ "Off time" means the moment at which, on signal of the starter, the greyhounds break and run.
- ~~34-42.~~ "Other operation" means a facility where greyhounds are trained; or kept.

43. “Overnight race” means a race for which entries close 96 hours or less before the time set for the first race of the day on which the race is to be run.
- ~~35-44.~~ “Owner” means any person possessing all or part of the legal title to a greyhound, or any person possessing all, or part of the legal interest in a racing kennel, breeding farm, or other operation.
45. “Payout” means the amount of money payable to winning wagers.
46. “Performance” means a schedule of races run consecutively as one program.
- ~~36-47.~~ “Place” means the position in which a greyhound finishes in a race; and, more specifically, win-first, place-second, and or show-third.
- ~~37-48.~~ “Post position” means the position assigned to a greyhound for the start of a race.
- ~~38-49.~~ “Post time” means the time set for the arrival at the starting point of the greyhounds in a race.
50. “Program” means the published listing of all contests and contestants for a specific performance.
- ~~39-51.~~ “Prohibited substance” means any substance regulated by A.R.S. Title 13, Chapter 34.
52. “Purse” means the total dollar amount for which a race is contested.
53. “Purse race” means a race for money or other prize to which the owners of the greyhounds engaged in the race do not contribute an entry fee.
- ~~40-54.~~ “Race” means a contest among greyhounds for purse, stakes, premium, or wager for money, run in the presence of the racing officials of the track and of the a Department representative.
- a. “Hurdle race” means a race over a course in which jumps or hurdles are used.
- b. “Match race” means a race between 2 or more greyhounds, each the property of different owners, on terms agreed upon by the owners and approved by the Department.
- e. “Overnight race” means a race for which entries close 96 hours or less before the time set for the first race of the day on which such race is to be run.
- d. “Purse race” means a race for money or other prize to which the owners of the greyhounds engaged in the race do not contribute an entry fee.
- e. “Race on the flat” means a race over a course in which no jumps or other obstacles are placed.
- f. “Stakes race” means a race in which any monies are to be deposited by the owners of the greyhounds engaged in the race, including a race in which money or other prize is added, and in which nominations must close more than 72 hours before the time for the first race of the day on which such stakes race is to be run.
55. “Race on the flat” means a race over a course in which no jumps or other obstacles are placed.
- ~~41-56.~~ “Racing kennel” means a kennel located off-track and operated under contract, or agreement with a permittee to provide greyhounds to the permittee’s facility.
- ~~42-57.~~ “Recognized track” means a track where pari-mutuel wagering is authorized by law.
58. “Restricted area” means an enclosed portion of the racing facility to which access is limited to licensees whose occupation or participation requires access.
59. “Result” means that part of the official order of finish used to determine the pari-mutuel payout of pools for each individual contest.
- ~~43-60.~~ “Ruled off” means the act of barring from the grounds of a permittee and denying all racing privileges.
- ~~44-61.~~ “Run housing” means a fenced area where greyhound puppies and ~~nonracing~~ non-racing greyhounds live and are permitted to move about freely.
- ~~45-62.~~ “Scratch” means the act of withdrawing an entered greyhound from a race after the drawing for post positions in that race has been completed. There shall be no substitutions or replacements after post positions have been drawn.
- ~~46-63.~~ “Scratch time” means the time set by the permittee for the withdrawing of entries from the races of that day.
64. “Split sample laboratory” means a facility approved by the Department to test split samples independent of the official contracted laboratory.
65. “Stakes race” means a race in which any monies are to be deposited by the owners of the greyhounds engaged in the race, including a race in which money or other prize is added, and in which nominations must close more than 72 hours before the time for the first race of the day on which such stakes race is to be run.
- ~~47-66.~~ “Starting fee” means a fee set by the permittee ~~which that~~ must be paid in order to start in a race. ~~This~~ The fee is specified by the conditions of the race.
- ~~48-67.~~ “Starting greyhound” means a greyhound ~~which that~~ leaves the paddock for the post, excluding:
- a. A greyhound subsequently excused by the stewards, or
- b. A greyhound whose starting box door does not open in front of ~~it~~ the greyhound at the time the starter dispatches the field.
- ~~49-68.~~ “Subscription” means the act of nominating a greyhound to a stakes race.
- ~~50-69.~~ “Supplemental fee” means a fee set by the permittee to make a greyhound eligible for a stakes race that must be paid at a time prescribed by the permittee.
- ~~51-70.~~ “Suspended” means that any privilege granted by the officials of a ~~racing meeting race meet,~~ or by the Commission, or the Department has been temporarily withdrawn.
- ~~52-71.~~ “Sustaining fee” means a fee ~~which that~~ must be paid periodically, as prescribed by the conditions of the race, in

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order to keep a greyhound eligible for that race.

~~53-72.~~ "Tote/totalizer" means the machines ~~which~~ that sell mutuel tickets and the board on which the approximate odds are posted.

~~54-73.~~ "Track" means the course over which races take place.

~~55-74.~~ "Trainer" means the person employed by an owner or lessee to condition greyhounds for racing.

~~56-75.~~ "Turn-out pens" ~~are~~ means the enclosed, or fenced areas where racing greyhounds are briefly released from their kennel housing crates for the purpose of urinating and defecating.

~~57-76.~~ "Walkover" means a race in which there are not two or more greyhounds of separate interest sent postward.

~~58-77.~~ "Weighing in" means the act of recording weight of a greyhound taken at the first weighing in, in accordance with ~~these rules~~ this Article.

~~59-78.~~ "Weighing out" means the act of recording weight of a greyhound previous to post time or time of the race in which it is entered.

~~60-79.~~ "Whelped" means the birth of a greyhound.

**R19-2-306. Licensing**

A. A person participating in any capacity in a ~~racing meeting~~ race meet, including any person who performs services in connection with the conduct of the ~~racing meeting~~ race meet, obtain a license from the Department, except:

1. A person performing services during a county fair race meet who is identified by a steward as a volunteer; or
2. A person owning less than 10 percent of shares of stock, regardless of classification or type, of any permittee or licensee.

B. Applications.

1. To apply for a license, a person shall complete the license application prescribed by the Department. Information provided on the license application may include, but not be limited to:

- a. Name, including any alias or other names you have used;
- b. Current mailing and local address;
- c. Telephone contact information;
- d. Date of birth and physical description;
- e. Social Security and Alien status numbers;
- f. Citizenship status (may require documentation issued by the United States Government);
- g. Complete prior criminal history information, including racing-related sanctions; and
- h. License Category desired.

2. No change

3. No change

4. An applicant who is at least 18 years of age shall submit ~~a two~~ two full ~~set~~ sets of fingerprints to the Department. The fingerprints shall be taken by the Department or certified by a municipal police department, sheriff's office, or other authority acceptable to the Department; ~~and may be submitted in a format currently acceptable to the Arizona Department of Public Safety and the Federal Bureau of Investigation.~~

5. An applicant for a trainer license shall demonstrate knowledge and skill in protecting and promoting the safety and welfare of animals participating in racing meetings by passing an examination prescribed by the Department. An applicant who fails to pass the examination shall wait at least ~~six months~~ 90 days before retaking the examination.

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

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

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

C. No change

D. License procedure.

1. No change

2. No change

3. No change

a. No change

i. No change

ii. No change

iii. No change

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- b. No change
- c. No change
  - i. No change
  - ii. No change
  - iii. No change
- 4. No change
- 5. The Department shall perform a background investigation of an applicant including fingerprint processing through the Department of Public Safety and the FBI, and reviewing records of ~~the Association of Racing Commissioners International, Inc., North American Pari-mutuel Regulators Association,~~ a recognized national database listing license information and rulings, information systems, courts, law enforcement agencies, and Department within the time-frame prescribed in subsection (D)(3).
- E. Denials,
  - 1. No change
    - a. No change
    - b. No change
  - 2. No change
- F. General requirements and restrictions,
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
  - 5. No change
- G. No change
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
  - 5. No change
- H. Authorized agents,
  - 1. No change
  - 2. No change
  - 3. No change

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

- A. A licensed owner ~~wishing who wishes~~ to race under a kennel name shall register the kennel name with the Department and shall pay the fee ~~set forth in these rules; listed in R19-2-306.~~
  - 1. Only ~~owners~~ an owner may register or secure a license under a kennel name.
  - 2. A name other than the legal name(s) name of the owner(s) shall be deemed to be owner is a kennel name.
- B. ~~The registration referred to in paragraph (1) of this subsection shall include the identity of the individual, partnership, or corporation represented by the kennel name.~~
  - 1. ~~All persons represented by a kennel name shall have owners' licenses.~~
  - 2. ~~All persons represented by a kennel name shall sign an authorized agent's application which appoints one person to act as the agent for the kennel name.~~
  - 3. ~~If the kennel name represents a corporation:~~
    - a. ~~The corporation shall register~~
    - b. ~~The corporation shall submit a complete list of stockholders and the number of shares owned by each stockholder whose ownership exceeds 10% of the number of shares owned by each~~
    - c. ~~The corporation shall notify the Department immediately if any change of stock ownership occurs which exceeds 10%;~~
    - d. ~~The corporate name under which the corporation does business in Arizona shall be considered a kennel name for purposes of these rules.~~
- B. When registering a kennel name, a licensed owner shall identify any individual or entity operating under the kennel name.
  - 1. An individual operating under a kennel name shall possess and be able to produce the individual's owner's license upon request by a racing official.
  - 2. An individual operating under a kennel name shall sign the authorized agent's application.
  - 3. A business entity operating under a kennel name shall:
    - a. Register to do business according to the laws of the state of Arizona;
    - b. Submit a list that identifies each stockholder who owns more than 10% of the existing shares, or each partner in a partnership;

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- c. Notify the Department immediately of any change in ownership; and
- d. Use the name under which the business entity does business in Arizona as its kennel name.
- ~~C. A kennel name other than a corporate kennel name may be changed at any time by registering a new kennel name and by paying the fee set forth in these rules.~~
- ~~D. A registered kennel name may be abandoned by a licensed owner after written notice of such abandonment has been given to the Department.~~
- ~~E. A kennel name must be plainly distinguishable from any other registered kennel name.~~
- ~~F. A licensed owner shall not register as his or her kennel name~~
  - ~~1. One which the Department determines to be misleading~~
  - ~~2. One which the Department determines to be unbecoming~~
- ~~G. A licensed owner shall not be a party to more than one kennel name at one time.~~
- ~~H. A licensed owner shall not use his legal name for racing purposes if he or she has a registered kennel name within the state of Arizona.~~
- C. If consistent with other laws, a licensed owner may change a kennel name by registering the new kennel name and paying the applicable fee in R19-2-306.
- D. To abandon a registered kennel name, a licensed owner shall provide written notice to the Department.
- E. A licensed owner shall select a kennel name that is distinguishable from other kennel names.
- F. Upon registration, the Department shall determine whether a prospective kennel name will be:
  - 1. Misleading to the public; or
  - 2. Unbecoming to the sport.
- G. The Department shall not register a kennel name that is misleading to the public or unbecoming to the sport.
- H. A licensed owner shall register a separate name for each of the owner's kennels.
- I. Only one kennel shall be registered under a kennel name.
- ~~J. All persons represented by or operating under a kennel name shall be liable for all entry fees and penalties against the kennel.~~
- ~~K. The kennel name shall be carried on the official program as the name of the owner.~~
- J. A licensed owner operating under a kennel name shall pay all entry fees for and penalties against the kennel.
- K. At the time of entry, a licensed owner shall ensure that the applicable kennel name is furnished for the official program.

**R19-2-309. Officials**

- A. Generally,
  - 1. No change
  - 2. For purposes of this Section, The following are the term "Department Officials" means the following persons appointed by and representing the Department: two stewards, state mutuel supervisor, a Department veterinarian, and an investigator.
  - 3. One person may serve in more than one official position if ~~such~~ the person can do so without detriment to any of the other positions, and ~~if such~~ the person has the consent and approval of the Department, ~~provided except~~ that neither the racing secretary nor the permittee director of racing may serve as a steward.
  - 4. ~~In all rulings~~ A ruling by the stewards; is controlling if made by a majority of the stewards; is deemed to be controlling.
  - 5. Vacancies:
    - a. When a vacancy occurs among officials other than stewards, the stewards shall fill the vacancy prior to post time of the first race of the day or when the vacancy occurs. The appointment shall be effective only for the day it is made unless the permittee fails to fill the vacancy on the following day and ~~has notified~~ notifies the stewards of its action not less than one hour before the post time of the first race of the following day. ~~Such an~~ An appointment shall be reported promptly to the Department.
    - b. If a vacancy occurs among the stewards, the stewards present shall appoint one or two persons to serve as temporary stewards. Appointments made under this ~~rule~~ subsection shall be reported in writing to the Department.
    - c. In case of an emergency, the stewards may appoint a substitute to fill a vacancy ~~for that emergency~~ only as long as the emergency exists.
  - 6. No change
  - 7. A person with an interest in the result of a race because of an ownership in an entered greyhound, a bet, or in any other manner ~~may~~ shall not act as an official at the meeting.
  - 8. "Employee" means any person, other than a track official, who is employed by a permittee.
- B. Prohibited acts,
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change

C. No change

D. Complaints,

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

E. Stewards,

1. Two stewards appointed by the Director and one steward appointed by the permittee and licensed by the Director shall supervise each ~~racine meeting~~ race meet.
  - a. No change
  - b. No change
  - c. No change
2. No change
3. The stewards shall interpret the rules and decide all questions not specifically covered by the rules. In these interpretations, an order of the stewards supersedes an order of the permittee.
  - a. The stewards shall have control over and ~~shall~~ have free access to all stands, enclosures, and all other places within the grounds of the permittee.
  - b. No change
  - c. The stewards shall supervise all entries and declarations. ~~They~~ The stewards may refuse entries or the transfer of any entries for violations of ~~the rules this Chapter~~ or of the statutes.
  - d. The stewards shall ~~have the power to~~ regulate and control the conduct of all officials and all other persons attending or participating in any manner in a ~~racine meeting~~ race meet.
  - e. No change
  - f. No change
  - g. Unless specifically ordered otherwise, if the stewards suspend one license held by an individual, all licenses held by that individual are considered suspended.
  - ~~g-h.~~ When the state laboratory reports or other evidence shows the administration or presence of a foreign substance, the stewards shall immediately investigate the matter and may disqualify the affected greyhound, suspend the trainer or other person involved, refer the matter to the Director, and impose a fine.
  - ~~h-i.~~ A person or greyhound expelled or ruled off by a recognized racing authority for corrupt, fraudulent, or improper practice or conduct is ruled off wherever these rules have force.
  - ~~i-j.~~ When a person is under suspension, the stewards shall rule off or expel every greyhound wholly or partly owned by the person while the suspension continues. The suspended person under suspension is not qualified, shall not, whether acting as agent or otherwise, ~~to~~ subscribe for, ~~or to~~ enter, or run any greyhound in any race, in either the person's own name or that of any other person. ~~A~~ The stewards shall disqualify any greyhound of which if the suspended person under suspension is wholly or partly the owner, or which the greyhound is under the suspended person's care, management, training, or supervision, or in the winnings of which if the suspended person has any interest, is not qualified to be entered to run in any race any interest in the winnings of the greyhound. If an entry is received from a suspended person, or for a greyhound that stands ruled off or expelled, the entry is void, and any entry or subscription money is forfeited. A person who wins any money or prize under a voided entry shall return the money or prize to the track.
4. The stewards may excuse a greyhound that has left the paddock for the post if ~~they~~ the stewards consider the greyhound to be ~~crippled, disabled, or unfit to run~~.
5. The stewards shall determine the finish of a race by the relative position of the muzzles or noses of each greyhound. ~~They~~ The stewards shall immediately notify the permittee pari-mutuel department of the numbers of the first four greyhounds.
  - a. The stewards shall promptly display the numbers of the first four greyhounds in each race in order of ~~their~~ the greyhounds' finishes finish. If the stewards differ in their placing, the majority of stewards shall prevail.
  - b. The stewards may ~~consult~~ review the ~~photo-finish device~~ photo-finish picture provided by the permittee to aid ~~them~~ the stewards in determining the finish of a race.
    - i. ~~In any instance where~~ If the photo-finish pictures furnished are not adequate or usable, the decision of the stewards shall be final and need not be governed in any manner by the photograph final.
    - ii. ~~If it is considered~~ the stewards consider it advisable to ~~consult a~~ review the photo-finish picture from the photo-finish device, the stewards may post the placements that the stewards determine are, ~~in their opinions,~~

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- unquestionable without waiting for a picture. After ~~consulting~~ reviewing the picture ~~they shall post the stewards may make~~ the other placements. ~~A race may~~ The stewards shall not be declared declare the race official until the stewards ~~have determined~~ determine the greyhounds finishing first, second, third, and fourth.
- c. The ~~rules shall not prevent the stewards from correcting~~ shall correct an error before the display of the “official” sign ~~“official” or from recalling~~ recall the “official” sign ~~“official”~~ if ~~it~~ the sign is displayed through error.
6. No change
- a. No change
- b. No change
- c. No change
- d. No change
- e. No change
- f. No change
- g. No change
- h. No change
- i. No change
- j. No change
- k. No change
7. No change
- F. Racing secretary.
1. The ~~duties of the~~ racing secretary shall include:
- a. ~~Report~~ Reporting to the stewards all violations of ~~these rules this~~ Chapter or of the rules of the permittee that come to the racing secretary’s attention; and
- b. Keep a complete record of all races.
2. The racing secretary or the racing secretary’s designee shall inspect all ~~papers and~~ documents dealing with owners and trainers, partner agreements, appointments of authorized agents, and adoption of kennel names. The racing secretary may demand production of documents ~~and papers~~ to verify their validity and authenticity and to ensure that the rules have been followed.
3. The racing secretary shall write the conditions of all races and publish ~~them~~ the conditions sufficiently before closing time for entries to allow them to be read by all owners and trainers. The racing secretary shall not alter the conditions after ~~the time set for~~ closing time. The racing secretary shall not write ~~races~~ race conditions that conflict with the rules.
4. No change
5. No change
- a. No change
- b. No change
6. No change
7. No change
- G. No change
- H. Starter.
1. No change
2. No change
3. No change
- I. Clerk of the scales.
1. The ~~duties of the~~ clerk of the scales shall include:
- a. No change
- b. No change
- c. Prevent any greyhound from passing the scales or running with an overweight or underweight of more than two pounds. The clerk of scales shall promptly notify the paddock judge, who ~~will~~ shall report to the stewards any infraction of the rules as to weight or weighing; and
- d. Report all late scratches and weights on a bulletin board located in a place conspicuous to the wagering public.
2. No change
3. No change
4. No change
- J. Paddock judge and kennel master.
1. Identification of greyhounds.
- a. The paddock judge shall check all greyhounds for each race.
- b. The paddock judge shall ensure that a A greyhound shall not start in a schooling or purse race unless it has been fully identified and checked against the card index system of identification maintained by the permittee. The paddock judge shall complete an identification card for each greyhound before the greyhound is entered for a

schooling or purse race.

- c. A permittee shall keep and maintain a card index system for identification of each greyhound ~~that races racing~~ at a ~~meeting meet~~. The cards shall contain the names of the owner and trainer and the breeding, weight, color, sex, and characteristic markings, tattoos, scars, and other identification features peculiar to the greyhound.

2. No change
3. No change
4. No change
5. No change

6. ~~Before post time, The the~~ paddock judge shall carefully compare the identification card with the greyhound while the greyhound is in the paddock before post time.

7. Before ~~leaving the greyhound leaves~~ the paddock for the starting box, the paddock judge shall ensure that every greyhound is equipped with a regulation muzzle and blanket. The paddock judge shall approve the muzzles and blankets and shall carefully examine ~~them~~ the muzzles and blankets in the paddock before the greyhound leaves for the post.

8. No change

9. The paddock judge shall report all ~~corrupt~~ practices and irregularities in violation of this Chapter to the stewards.

**K. Timer,**

1. The timer or a steward shall accurately record the official time of each race, which shall be taken from the opening of the doors of the starting box. ~~A steward may also perform this function.~~

2. No change

**L. Chart writer,**

1. No change

2. The chart writer shall ensure that all ~~All~~ past performances as shown in the program shall be in dated chronological order of the races or official schoolings with the last performance appearing on the first line. The program or form sheet shall also contain the name, color, sex, date of whelping, breeding, established racing weight, number of starts in official races and number of times finishing first, second and third, name of the owner and trainer, distance of the race, the track record, and any other information that will enable the public to properly judge the greyhound's ability.

3. No change

**M. Veterinarians,**

1. No change

2. No change

3. No change

4. No change

5. No change

6. No change

7. No change

8. No change

- a. No change

- i. No change

- ii. No change

- iii. No change

- b. No change

- c. No change

- d. No change

- e. No change

- f. ~~A new or experimental medication or drug shall not be used on the grounds of a permittee unless the Department, acting on the recommendation of the Department veterinarian, approves the new or experimental medication or drug.~~

- f. The Department shall evaluate all new and experimental medications and drugs and determine whether the medications and drugs may be used on the grounds.

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

~~Generally~~ In addition to any other licensee prohibitions described elsewhere in this Chapter:

1. ~~No~~ A licensee shall not enter, cause, or permit to be entered or to start a greyhound ~~which he or she~~ that the licensee knows or has reason to believe should be disqualified or that may be ineligible to race.

2. ~~No~~ A veterinarian licensed to practice on a track under the jurisdiction of the Department shall not own, lease, or train greyhounds a greyhound racing at the track on which ~~he or she~~ the veterinarian practices.

3. A person under the jurisdiction of the Department shall not subject or permit any animal under the person's control, custody, or supervision to be subjected to or to incur any form of cruelty, mistreatment, neglect or abuse, and shall not abandon, injure, maim, kill, or administer any noxious substance to, or deprive any animal of necessary care, suste-

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nance, or shelter.

- 3-4. ~~No~~ A person shall not participate in any unauthorized race on a track while a racing meeting is in progress.
- 4-5. ~~No~~ A person shall not offer or receive any money or other consideration for declaring any entry out of a purse or stakes race.
- 5-6. ~~No~~ A person shall not possess, within the grounds of any permittee, any electrical, mechanical, or other device, other than ordinary equipment, which may be used to affect the speed or racing condition of a greyhound. ~~Such possession~~ Possession includes, but is not limited to, possession:
- On the person;
  - In living or sleeping quarters;
  - In an assigned kennel, feed room, or other area; or
  - In a motor vehicle or trailer.
- 6-7. ~~No~~ A person other than a physician or veterinarian licensed by the Department may not possess, within the grounds of any permittee, any foreign or prohibited substance, injectable vial, hypodermic needle, syringe, or any other instrument which might be used for injection, without written permission of the stewards. ~~Such possession~~ Possession includes, but is not limited to, possession:
- On the person;
  - In living or sleeping quarters;
  - In an assigned kennel, feed room, or other area; or
  - In a motor vehicle or trailer.
- 7-8. ~~No~~ A licensee listed in A.R.S. § 5-104 shall not apply, inject, inhale, ingest, or in any way use or be under the influence of any prohibited substance, including but not limited to narcotics, dangerous drugs or controlled substances while on permittee grounds, unless, upon the request of a steward, a licensee ~~can produce~~ produces evidence that the possession or use of ~~a~~ the prohibited substance is pursuant to a lawfully issued prescription.
- 8-9. ~~No~~ A licensee or race track employee shall not accept, either directly or indirectly, any bribe, gift, or gratuity in any form ~~which that~~ that is intended to or might influence the results of any race or the conduct of any ~~racing meeting~~ race meet.
10. A licensee shall not engage in any conduct prohibited by the Department and shall not engage in any conduct that by its nature is detrimental to the best interests of greyhound racing including, but not limited to, solicitation of or aiding and abetting any other person to participate in any act or conduct prohibited by the Department.
- 9-11. ~~No~~ A licensee, while on the premises of ~~the~~ a permittee, shall not create a disturbance, be intoxicated, interfere with any racing operation, or act in an abusive or threatening manner to any racing official or other person.
- 10-12. ~~No~~ A person other than a veterinarian licensed by the Department shall not administer to or prescribe for greyhounds on the grounds of any permittee.
- Reports of any drugs or treatments prescribed or administered at the track shall be made ~~to~~ on a form prescribed by the Department in a manner it shall set forth.
  - Notwithstanding the provisions of ~~subsection (10)~~ this Section, any veterinarian may treat a greyhound if an emergency involving the life or health of ~~such~~ the greyhound exists.
- 11-13. Notwithstanding ~~the provisions of~~ subsection (16)(a) (18)(a), no person shall administer or cause to be administered to any greyhound entered in a race any foreign substance, internally or externally, in the 24-hour period prior to the scheduled post time for the first race of the day in which the greyhound is to run.
- 12-14. The Racing Commission has established permissible trace levels of the following foreign substances as defined by ~~R19-2-302(18)~~ R19-2-302(21).
- No change
  - No change
- 13-15. ~~No~~ A person shall not run in a race a greyhound ~~which that~~ that is desensitized at the time of arrival at the paddock by applying cold, chemical, or mechanical freezing devices.
- 14-16. ~~Any~~ A person licensed by the Department found guilty of using live rabbits, cats, or fowl in the training of racing greyhounds may be fined or suspended or both by the stewards; ~~who~~ The stewards shall report all ~~such~~ cases to the Department.
- 15-17. ~~Any~~ A licensee who refuses to make payment for financial obligation incurred in connection with racing in this state may be subject to license suspension by the Department.
- 16-18. Test samples.
- No change
    - No change

- b. Human testing.
  - i. As set forth in A.R.S. § 5-104(C) and ~~subsection (7)~~ this subsection, a licensee shall immediately submit to blood, urine, or other tests ordered by the stewards, if the stewards have reason to believe ~~said the~~ licensee is under the influence of or in possession of any prohibited substance or has consumed alcohol in violation of subsection ~~(9)~~ (8).
  - ii. No change
  - iii. No change
    - (1) No change
    - (2) No change
    - (3) No change
  - iv. No change
  - v. If laboratory analysis indicates the presence of any prohibited substance in the tested licensee's sample, for which no lawfully issued prescription exists, ~~said the~~ licensee may be subject to a license suspension or revocation or civil penalties, as set forth in R19-2-309(E)(3)(f) and A.R.S. § 108.05(A).
  - vi. No change
  - vii. No change

~~17-19.~~ The trainer, assistant trainer, and any other person who is charged with the custody and care of a greyhound ~~are required to~~ shall protect and guard the greyhound against the administration, either internally or externally, of any foreign substance except as set forth in subsection (14). A positive test indicating the presence of any foreign substance ~~(except as set forth in subsection (12))~~ shall give rise to a presumption that the persons referred to in this subsection have failed to meet the duties imposed upon them.

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

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

- a. Any winnings which are forfeited pursuant to this subsection shall be redistributed among the remaining entries in the race entitled thereto.
- b. Any greyhound shall be disqualified and may be declared unplaced for every purpose except pari-mutuel wagering if the chemical analysis performed pursuant to subsection ~~(16)(a)~~ (18) of this Section indicates the presence of any foreign substance.

#### **R19-2-322. Procedure ~~before~~ Before the Department**

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

- 1. ~~Any~~ A person or persons aggrieved by a ruling of the stewards may appeal to the Director. ~~Such an~~ An appeal ~~must~~ shall be filed in writing ~~in~~ to the office of the Director within three days of the receipt of the steward's ruling.
- 2. ~~The failure of the stewards to convene a hearing within 10 days after the objection is made shall be deemed a denial by the stewards and may be appealed by filing a written appeal in the office of the Director within 10 days from the date the objection was denied.~~
- ~~3-2.~~ The appeal shall be signed by the person making ~~said request~~ the appeal or by ~~his or her~~ the person's attorney and shall ~~set forth~~ contain the grounds for appeal and ~~the~~ reasons for believing ~~he or she~~ the person is entitled to a hearing.
- ~~4-3.~~ A person filing an appeal of a ruling may be required by the Director or the Commission to furnish a bond in the amount ~~equal to an assessed fine and an additional~~ of \$200, ~~to cover the cost, which may be forfeited should the appeal be denied.~~ The funds shall be returned if the person appears at the appeal hearing. The bond shall be forfeited if the person fails to appear for the scheduled hearing. If the person withdraws the appeal after the hearing has been noticed, \$100 of the bond shall be forfeited to cover the administrative costs incurred. The forfeited funds shall be deposited in the General Fund.
- ~~5-4.~~ The stewards may refer any ruling ~~made by them~~ to the Director, recommending further action, including the revocation of a license suspended by the stewards. Upon receipt of ~~such referrals~~ the referral, the Director shall review the record and may affirm, reverse, or modify the stewards' ruling or conduct ~~such~~ other proceedings as the Director may deem appropriate.
- ~~6-5.~~ Upon the filing of an appeal in the manner set forth above, the Director shall fix a time and place for ~~said a~~ hearing and shall give written notice of the hearing at least ~~20~~ 30 days prior to the date set for the hearing, unless waived in writing by the appellant
- 7. ~~Nothing contained in this Section shall affect the distribution of pari-mutuel pools.~~
- 8. ~~In case of an appeal or protest, the purse money affected shall be retained subject to order of the Director.~~

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

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

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2. The appeal shall be signed by the person making the appeal or by the person's attorney and shall contain the grounds for appeal and the reasons for believing the person is entitled to a hearing.
3. A person filing an appeal of a ruling may be required by the Director or the Commission to furnish a bond of \$200. The funds shall be returned if the person appears at the appeal hearing. The bond shall be forfeited if the person fails to appear for the scheduled hearing. If the person withdraws the appeal after the hearing has been noticed, \$100 shall be forfeited to cover administrative costs incurred. All forfeited funds shall be deposited in the General Fund.
4. Upon the filing of an appeal in the manner set forth above, the Director may fix a time and place for a hearing or refer the matter to a hearing officer and shall give written notice of the hearing at least 30 days prior to the date set for the hearing, unless waived in writing by the appellant.
5. Nothing contained in this Section shall affect the distribution of pari-mutuel pools.
6. In case of an appeal or protest, the purse money affected shall be retained subject to order of the Director.

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

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

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

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

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

**E.F.** Depositions.

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

**F.G.** Service.

1. Service of ~~any~~ a decision, order, or other process may be made in person or by mail. Service by mail shall be made by enclosing ~~the same or a copy thereof~~ a copy in a sealed envelope and depositing ~~the same~~ the envelope in the United States mail, postage prepaid, addressed to the party served, at the address as shown by the records of the Department.
2. No change
3. Service upon an attorney who has appeared on behalf of a party shall constitute service upon ~~such~~ the party, except that papers required to be served upon the Director or Commission shall in all cases be filed in the office of the Department with a copy served on the Attorney General.
4. No change

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

1. Except as provided in subsection ~~(G)(7)~~ (H)(7), ~~any~~ a party in a contested case before the Director who is aggrieved by a decision rendered in ~~such~~ the case may file with the Director, not later than 10 days after service of the decision,

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- a written motion for rehearing or review of the decision, specifying the particular grounds therefor. For purposes of this subsection, a decision shall be deemed to have been served when personally delivered or mailed to the party at ~~his or her~~ the party's last known residence or place of business.
2. The motion for rehearing may be amended at any time before it is ruled upon by the Director. A response may be filed within 10 days after service of ~~such~~ the motion or amended motion by any other party. The Director may require the filing of written briefs upon the issues raised in the motion and may provide for oral argument.
  3. No change
    - a. No change
    - b. No change
    - c. No change
    - d. No change
    - e. No change
    - f. No change
    - g. No change
  4. The Director may affirm or modify the decision or grant a rehearing to all or any of the parties and on all or part of the issues for any of the reasons set forth in subsection ~~(G)(3)~~ (H)(3). An order granting a rehearing shall specify with particularity the ~~ground or~~ grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.
  5. Not later than 10 days after a decision is rendered, the Director may, on ~~his or her~~ the Director's own initiative, order a rehearing or review of ~~his or her~~ the Director's decision for any reason for which ~~he or she~~ the Director might have granted a rehearing on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Director may grant a motion for rehearing for a reason not stated in the motion. In either case, the order granting such a rehearing shall specify the grounds ~~therefor~~ for granting the rehearing.
  6. When a motion for rehearing is based upon affidavits, ~~they~~ the affidavits shall be served with the motion. An opposing party may, within 10 days after ~~such~~ the service, serve opposing affidavits, ~~which~~ This period may be extended for an additional period not exceeding 20 days by the Director for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
  7. If in a particular decision it is necessary for the immediate preservation of the public peace, health, and safety and if a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the ~~decision may be issued as~~ Director may issue a final decision without an opportunity for a rehearing or review.
  8. No change
  9. ~~To the extent that~~ If the provisions of this ~~rule~~ subsection are in conflict with the provisions of ~~any~~ a statute providing for rehearing of decisions of the Director, ~~such~~ the statutory provisions shall govern.

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

- A. Appeal of Director's rulings.
  1. ~~Any~~ A person ~~or persons~~ aggrieved by a ruling of the Director may appeal to the Commission. ~~Such an~~ An appeal must be filed in writing ~~in~~ to the office of the Commission within ~~15~~ 30 days after service of the Director's ruling.
  2. ~~The~~ An appeal shall be signed by the person making ~~said request~~ the appeal or ~~his or her~~ the person's attorney and must ~~set forth with specificity~~ his or her specify the grounds for appeal and reasons for believing ~~he or she~~ the person is entitled to a hearing.
  3. Upon the filing of an appeal ~~set forth above~~, the Commission shall review the record and may affirm, reverse, or modify the Director's ruling or conduct ~~such~~ other proceedings as the Commission deems appropriate.
  4. Unless specifically ordered otherwise, if the Commission suspends one license held by an individual, all licenses held by that individual are considered suspended for the term of the suspension.
- B. Permit denial, suspension, or revocation.
  1. The Commission may deny a permit application pursuant to a hearing upon ~~15~~ 30 days notice.
  2. The Commission shall revoke or suspend a permit only after notice and opportunity for hearing. Notice of the hearing shall be given in writing at least ~~20~~ 30 days prior to the date set for hearing, unless waived in writing by the applicant.
  3. Unless specifically ordered otherwise, if the Commission suspends one permit held by a permittee, all permits held by that permittee are considered suspended for the term of the suspension.
  - ~~3.4~~ A party appearing before the Commission shall be afforded an opportunity for a hearing and the opportunity to respond and present evidence and argument on all issues.
  - ~~4.5~~ Any A party appearing before the Commission shall have the right to appear in person or by counsel, except that a corporation may appear only through counsel. ~~Any~~ A party may submit ~~his or her~~ the party's case in writing. Failure of a party to appear for a hearing shall leave the Commission free to act upon the evidence at hand without further notice to the ~~parties~~ party. ~~Proceedings may be reopened by the~~ The Commission may reopen the proceedings upon written petition of any party to the proceedings.
- C. Hearing officer. If the Commission assigns a matter to a hearing officer, the hearing officer shall submit to the Commis-

sion within ~~45~~ 30 days after the conclusion of the hearing a written decision which shall include proposed findings of fact, conclusions of law, and an order. The decision of the hearing officer may be approved or modified by the Commission. The decision of the hearing officer becomes the decision of the Commission unless modified by the Commission within 45 days.

D. Depositions.

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

E. Service.

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

F. Rehearing, ~~or~~ review, or appeal.

1. Except as provided in subsection ~~(7)~~ (F)(7), ~~any~~ a party in a contested case before the Commission who is aggrieved by a decision rendered in ~~such the~~ case may file with the Commission, not later than ~~45~~ 30 days after service of the decision, a written motion for rehearing or review of the decision specifying the particular grounds ~~therefor~~ for the motion. For purposes of this subsection, a decision shall be deemed to have been served when personally delivered or mailed to the party at ~~his or her~~ the party's last known residence or place of business.
2. The motion for rehearing may be amended at any time before it is ruled upon by the Commission. A response may be filed within 10 days after service of ~~such the~~ motion or amended motion by any other party. The Commission may require the filing of written briefs upon the issues raised in the motion and may provide for oral argument.
3. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. No change
  - f. No change
  - g. No change
4. The Commission may affirm or modify the decision or grant a rehearing to all or any of the parties and on all or part of the issues for any of the reasons set forth in subsection (F)(3). An order granting a rehearing shall specify with particularity the ~~ground or~~ grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.
5. Not later than 10 days after a decision is rendered, the Commission may, on its own initiative, order a rehearing or review of its decision for any reason for which it may have granted a rehearing on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Commission may grant a motion for rehearing for a reason not stated in the motion. In either case, the order granting such a rehearing shall specify the grounds ~~therefor~~ for granting the rehearing.
6. When a motion for rehearing is based upon affidavits, ~~they the affidavits~~ shall be served with the motion. An opposing party may, within 10 days after ~~such the~~ service, serve opposing affidavits, ~~which~~ This period may be extended for an additional period not exceeding 20 days by the Commission for good cause shown or by written stipulation of

- the parties. Reply affidavits may be permitted.
7. If in a particular decision it is necessary for the immediate preservation of the public peace, health and safety and if a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the ~~decision may be issued as~~ Commission may issue a final decision without an opportunity for a rehearing or review.
  8. No change
  9. To the extent that the provisions of this ~~rule~~ Chapter are in conflict with the provisions of ~~any~~ a statute providing for rehearing of decisions of the Commission, ~~such~~ the statutory provisions shall govern.

## NOTICE OF PROPOSED RULEMAKING

### TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

#### CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

[R08-339]

#### PREAMBLE

1. **Sections Affected**

R20-5-106	<b><u>Rulemaking Action</u></b>
R20-5-164	Amend
	Amend
2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. §§ 41-1003; 23-107(A)(1); 23-921(B)  
Implementing statute: A.R.S. § 23-1043.04
3. **A list of all previous notices appearing in the Register addressing the proposed rule:**

Notice of Rulemaking Docket Opening: 20 A.A. R. 1146, April 11, 2008
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name:	Nancy O. Johnson, Attorney Legal Division
Address:	Industrial Commission of Arizona 800 W. Washington St. Phoenix, AZ 85007
Telephone:	(602) 542-5948
Fax:	(602) 542-6783
E-mail:	njohnson@ica.state.az.us
5. **An explanation of the rule, including the agency's reasons for initiating the rule:**

During the 48th Legislature, First Regular Session, 2007, the legislature amended A.R.S. Title 23, Chapter 6, Article 8 by adding § 23-1043.04, Methicillin-resistant staphylococcus aureus; spinal meningitis; tuberculosis; establishing exposure; definitions. R20-5-106(A)(11) is being amended to reflect the change in the title of the form and the information included in the form used for reporting exposure to diseases listed in A.R.S. §§ 23-1043.02, 23-1043.03 and the new 23-1043.04. R20-5-164 is being amended to include the diseases listed in A.R.S. § 23-1043.04, methicillin resistant staphylococcus aureus, spinal meningitis and tuberculosis, to the Industrial Commission's notification and reporting requirements.
6. **A reference to any study relevant to the rules that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None
7. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant authority of a political subdivision of this state:**

Not applicable
8. **The preliminary summary of the economic, small business, and consumer impact:**

Notices of Proposed Rulemaking

Annual costs/revenues changes are designated as minimal when less than \$1,000, moderate when between \$1,000 and \$10,000, and substantial when \$10,000 or greater in additional costs or revenues.

The Commission will bear minimal to moderate costs for promulgating and enforcing the rules. Costs for promulgating the rules include staff time to write, review, and direct the rules through the rulemaking process.

There is negligible cost to employers to add methicillin resistant staphylococcus aureus, spinal meningitis and tuberculosis, to the diseases they must post in the work place and report to the Industrial Commission. Employers will need to print and post an additional notice. No additional reporting form is needed, as the current reporting form will be amended to include methicillin resistant staphylococcus aureus, spinal meningitis and tuberculosis.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Nancy O. Johnson, Attorney  
Legal Division  
Address: Industrial Commission of Arizona  
800 W. Washington St.  
Phoenix, AZ 85007  
Telephone: (602) 542-5948  
Fax: (602) 542-6783  
E-mail: njohnson@ica.state.az.us

**10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

The ICA has scheduled an oral proceeding on the proposed rulemaking:

Date: Friday, December 5, 2008  
Location: 800 W. Washington St., Room 305  
Phoenix, AZ 85007  
Time: 1:30 p.m.

The close of record is Friday December 5, 2008, 5:00 p.m.

A person may also submit written comments on the proposed rules no later than 5:00 p.m., Friday, December 5, 2008, to the individual listed in items 4 and 9.

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable

**12. Incorporation by reference and their location in the rules:**

None

**13. The full text of the rule follows:**

**TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE**

**CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA**

**ARTICLE 1. WORKERS' COMPENSATION PRACTICE AND PROCEDURE**

Section

R20-5-106. ~~Commission Forms Prescribed by the Commission~~

R20-5-164. ~~Human Immunodeficiency Virus, and Hepatitis C, Methicillin-resistant Staphylococcus Aureus, Spinal Meningitis and Tuberculosis;~~ Significant Exposure; Employee Notification; Reporting; Documentation; Forms

**ARTICLE 1. WORKERS' COMPENSATION PRACTICE AND PROCEDURE**

**R20-5-106. ~~Commission Forms Prescribed by the Commission~~**

**A.** The following forms shall be used when applicable:

1. No change
  - a. No change
  - b. No change

- c. No change
- d. No change
- e. No change
- f. No change
- g. No change
- 2. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. No change
- 3. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. No change
- 4. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. No change
- 5. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. No change
  - f. No change
- 6. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. No change
  - f. No change
- 7. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. No change
  - f. No change
  - g. No change
- 8. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
- 9. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. No change
  - f. No change
  - g. No change
- 10. No change

Notices of Proposed Rulemaking

- a. No change
- b. No change
- c. No change
- d. No change
- e. No change
- 11. Report of significant work exposure to bodily fluids or other infectious material shall contain:
  - a. The requirements set forth in A.R.S. §§ 23-1043.02(B), ~~and~~ 23-1043.03(B), and 23-1043.04(B);
  - b. Employee identification;
  - c. Employer identification;
  - d. Source of exposure person identification (if known);
  - ~~d-e.~~ Details of the exposure including:
    - i. Date of exposure;
    - ii. Time of exposure;
    - iii. Place of exposure;
    - iv. How exposure occurred;
    - v. Type of bodily fluid or fluids;
    - vi. Source of bodily fluid or fluids;
    - vii. Part or parts of body exposed to bodily fluid or fluids;
    - viii. Presence of break or rupture in skin or mucous membrane; and
    - ix. Witnesses (if known); and
  - e-f. Dated signature of employee or the employee's authorized representative.
- B.** No change
  - 1. No change
    - a. No change
    - b. No change
    - c. No change
  - 2. No change
    - a. No change
    - b. No change
    - c. No change
    - d. No change
    - e. No change
    - f. No change
    - g. No change
    - h. No change
    - i. No change
    - j. No change
  - 3. No change
    - a. No change
    - b. No change
    - c. No change
    - d. No change
  - 4. No change
    - a. No change
    - b. No change
    - c. No change
    - d. No change
  - 5. No change
    - a. No change
    - b. No change
    - c. No change
    - d. No change
    - e. No change
    - f. No change
  - 6. No change
    - a. No change
    - b. No change
    - c. No change
    - d. No change

- 7. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. No change
- 8. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. No change
  - f. No change
  - g. No change
  - h. No change
  - i. No change
    - i. No change
    - ii. No change
    - iii. No change
    - iv. No change
    - v. No change
  - j. No change
    - i. No change
    - ii. No change
    - iii. No change
  - k. No change
    - i. No change
    - ii. No change
    - iii. No change
  - l. No change
- 9. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. No change
  - f. No change
- 10. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. No change
- 11. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
- 12. No change
  - a. No change
  - b. No change
  - c. No change

C. Optional use of a form described in subsection ~~(C)~~ (B) does not affect any requirement under the Act or this Article.

D. No change

E. No change

Notices of Proposed Rulemaking

**R20-5-164. Human Immunodeficiency Virus, and Hepatitis C, Methicillin-resistant Staphylococcus Aureus, Spinal Meningitis and Tuberculosis; Significant Exposure; Employee Notification; Reporting; Documentation; Forms**

- A. An employer subject to the Act shall notify its employees of the requirements of A.R.S. §§ 23-1043.02, ~~and § 23-1043.03, and 23-1043.04~~ by posting the Commission ~~notice notices~~ titled “Work Exposure to Bodily Fluids” and “Work Exposure to Methicillin-resistant Staphylococcus Aureus (MRSA), Spinal Meningitis, or Tuberculosis (TB)” in a conspicuous place immediately next to the “Notice to Employees” notice required under A.R.S. § 23-906(D).
- B. ~~A properly~~ Properly posted “Work Exposure to Bodily Fluids” and “Work Exposure to Methicillin-resistant Staphylococcus Aureus (MRSA), Spinal Meningitis, or Tuberculosis (TB)” ~~notice constitutes~~ notices constitute sufficient notice to employees of the requirements of a prima facie case under A.R.S. §§ 1043.02(B), ~~and § 23-1043.03(B), and 23-1043.04(B).~~
- C. An employer’s insurance carrier, claims processor, or workers’ compensation pool shall provide the “~~Work Exposure to Bodily Fluids~~” ~~notice notices~~ specified in subsection (A) to the employer. ~~This notice is~~ These notices are also available from the Commission upon request.
- D. An employer shall make readily available to its employees the Commission form described in R20-5-106 titled “Report of Significant Work Exposure to Bodily Fluids or Other Infectious Material.” An employer’s insurance carrier, claims processor, or workers’ compensation pool shall provide the “Report of Significant Work Exposure to Bodily Fluids or Other Infectious Material” to the employer. This form is also available from the Commission upon request.
- E. If an employee sustains a significant exposure as defined in A.R.S. §§ 23-1043.02(G), ~~or § 23-1043.03(G), or 23-1043.04(H)(1),~~ the employee shall complete, date, and sign a “Report of Significant Work Exposure to Bodily Fluids or Other Infectious Material” form. The employee or employee’s authorized representative shall give to the employer the completed, dated, and signed form. The employer shall return one copy of the completed form to the employee or to the employee’s authorized representative. Nothing in this subsection limits the requirements to report an injury or file a claim under the Act.
- F. If an employee submits a written report of a significant exposure to an employer, but does not use the Commission form titled “Report of Significant Work Exposure to Bodily Fluids or Other Infectious Material,” the employer shall provide the employee the Commission form within five calendar days after receiving the employee’s initial written report.
- G. The date of the receipt by the employer or its authorized representative of the employee’s initial report is the date used to compute the time period prescribed in A.R.S. §§ 23-1043.02(B)(2), ~~and § 23-1043.03(B)(2), and 23-1043.04 (B)(2)~~ if:
  - 1. The initial report contains the information required in the “Report of Significant Work Exposure to Bodily Fluids or Other Infectious Material” form; or
  - 2. The employee gives to the employer the completed Commission form within 10 calendar days after the employee’s receipt of the Commission form.
- H. Failure or refusal by the employer to provide the Commission form to the employee shall not be a defense to a prima facie claim under A.R.S. §§ 23-1043.02(B), ~~and § 23-1043.03(B), and 23-1043.04(B).~~
- I. In investigating the circumstances and facts surrounding an employee’s report to an employer of a significant exposure ~~to bodily fluids~~ under A.R.S. §§ 23-1043.02(C), ~~and § 23-1043.03(C), and 23-1043.04(C),~~ the employer, or its carrier, or any employees, agents or contractors of either the employer or carrier, shall not disclose to any person, except as authorized or required by law, that the reporting employee, or any witness or alleged source of exposure, may have or did contract the human immunodeficiency virus, acquired immune deficiency syndrome, ~~or hepatitis C, methicillin-resistant staphylococcus aureus, spinal meningitis, or tuberculosis.~~ However, an employer, its carrier or their respective attorneys, may:
  - 1. Direct an agent to investigate the employee’s report of significant exposure ~~to bodily fluids~~; and
  - 2. Communicate with the investigating agent about the conduct and results of the investigation.
- J. As required under the federal Occupational Safety and Health Standard for Bloodborne Pathogens, 29 CFR 1910.1030, an employer shall pay for the testing required by A.R.S. § 23-1043.02.