

**PUBLIC PROTECTION CABINET
Kentucky Horse Racing Commission
(New Administrative Regulation)**

810 KAR 4:100. Trainers.

RELATES TO: KRS 230.215, 230.260, 230.290, 230.310, 230.320

STATUTORY AUTHORITY: KRS 230.215(2), KRS 230.310

NECESSITY, FUNCTION, AND CONFORMITY: KRS 23.0215(2) authorizes the Kentucky Horse Racing Commission to promulgate administrative regulations prescribing conditions under which horse racing shall be conducted in Kentucky. KRS 230.310 requires any person who desires to participate in racing in Kentucky to apply to the commission for a license. The function of this administrative regulation is to outline the requirements for trainers to participate in horse racing in Kentucky.

Section 1. Trainer's License Required. No horse may be raced in this state unless the trainer has been granted a current trainer's license by the commission.

Section 2. Trainer's License Limitations.

(1) A holder of a trainer's license shall:

- (a) Be a person eighteen (18) years of age or older;
- (b) Be qualified by experience or competence to care for and train race horses as determined by a standard examination prescribed and given at any time by the stewards; and
- (c) Have in his or her charge a horse eligible to race.

(2) No trainer may be licensed to train under an assumed or stable name.

(3) No trainer shall engage in an activity directly or indirectly involving the racing performance of horses on association grounds other than those registered as being in his or her charge.

(4) A licensed trainer shall not also be currently licensed to participate in racing in this state as a jockey, apprentice jockey, jockey's agent, veterinarian, assistant veterinarian, dental technician, farrier, apprentice farrier, or as an association racing department employee, except as provided in 810 KAR 4:070.

(5) The commission may deny, suspend, or revoke the trainer's license of the spouse, or any member of the immediate family or household, or a licensee ineligible to hold a trainer's license, unless there is a showing on the part of the applicant or licensed trainer, and the commission so finds, that his or her participation in racing as a trainer shall in no way circumvent the intent of this administrative regulation by permitting a person, under the control or direction of a licensee ineligible to hold a trainer's license, to serve in essence as a substitute for the ineligible person.

Section 3. Duties and Responsibilities.

(1) In the absence of substantial evidence to the contrary, a licensed trainer shall bear primary responsibility for the proper care, health, training condition, safety, and protection against the administration of prohibited drugs or medication of horses in his or her charge.

(2) A licensed trainer:

(a) Shall register with the racing association security all persons in his or her employ and insure that those persons are duly licensed within twenty-four (24) hours after the employees arrive on association grounds or are employed. Upon discharge of an employee, a trainer shall promptly notify track security and the commission license administrator.

(b) Shall carry workers' compensation insurance covering his or her employees in connection with racing as required by KRS Chapter 342.

(c) Shall register with the racing secretary all horses in his or her charge. No licensed trainer may take or keep in his or her charge a horse owned wholly or in part, or controlled by, a person unlicensed as an owner. No licensed trainer shall assume responsibility for a horse not under his or her active care and supervision, except as provided by subsection (4) of this section.

(d) In the absence of substantial evidence to the contrary, shall bear primary responsibility for horses he or she enters as to eligibility; weight allowance claimed; physical fitness to perform creditably at the distance entered; absence of prohibited drugs or medications; proper shoes, bandages, and equipment; and timely arrival in the saddling paddock. A licensed trainer shall bear joint responsibility with the licensed owner for horses he or she enters as to stakes payments and jockey fees due.

(e) Shall furnish the name of the jockey engaged to ride each horse entered at the time of entry. If no rider has been named at the time of entry or the rider named is unavailable, then the stewards shall name a rider.

(f) Shall personally attend his or horses in the paddock and supervise the saddling thereof, unless excused by the stewards. If a licensed trainer is to be absent from association grounds where his or her horses are stabled, he or she shall provide a substitute to attend the saddling of horses already entered. The substitute shall:

1. Be his or her assistant trainer or another licensed trainer;
2. Be approved by the stewards; and
3. Assume complete responsibility for horses to be entered.

(g) May attend the taking of urine, blood, or other biological sample approved by the commission from a horse in his or her charge by the commission veterinarian, or may delegate one of his or her licensed employees to do so.

(h) Shall maintain the stable area assigned to him in a clean, neat, and sanitary condition at all times, and ensure that fire-prevention laws are strictly observed.

(i) Shall promptly report to the commission veterinarian or stewards any sickness or death of any horse in his or her charge.

Section 4. Ownership Restrictions. No licensed trainer shall have any interest, by ownership or lease in the racing or breeding qualities, in a horse of which he or she is not the trainer at any race meeting at which the trainer is in charge of a racing stable.

Section 5. Suspension. No horse in the charge of a trainer whose license has been revoked or suspended shall be permitted to race during such suspension. Upon application by the owners of the suspended horse, the stewards may approve the transfer of the horse to the care of another licensed trainer and, upon the approved transfer, the horse may be entered to race.

Section 6. Assistant Trainer.

(1) A licensed trainer may employ an assistant trainer.

(2) An assistant trainer shall be:

(a) Licensed before acting in such capacity on behalf of his or her employer; and

(b) Qualified by experience or competence to care for race horses as determined by a standard examination prescribed and given at any time by the stewards.

(3) A licensed assistant trainer shall assume the same duties and responsibilities that are imposed on a licensed trainer.

(4) A licensed trainer shall be jointly liable and responsible with his or her licensed assistant trainer for all acts and omissions of the assistant trainer in a racing matter.

FRANKLIN S. KLING, JR., Chairman

K. GAIL RUSSELL, Acting Secretary

APPROVED BY AGENCY: November 13, 2018

FILED WITH LRC: November 15, 2018 at 9 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 28, 2018 at 10:00 a.m., at the office of the Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511. Individuals interested in being heard at this hearing shall notify the Kentucky Horse Racing Commission in writing by no later than five (5) working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m., December 31, 2018. Please send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: John L. Forgy, General Counsel, Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511, phone (859) 246-2040, fax (859) 246-2039, email John.Forgy@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: John L. Forgy

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation sets forth the requirements and responsibilities imposed upon licensed horse trainers who participate in racing in Kentucky.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to set forth the rules and requirements to participate as a trainer in racing in Kentucky.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 230.215(2) and 230.260(8) authorize the Commission to promulgate administrative regulations prescribing the conditions under which racing shall be conducted in Kentucky. KRS 230.280 prohibits any person from conducting a horse race meeting for any stake, purse, or reward within the Commonwealth without securing the required license from the Commission.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by setting forth owner requirements that ensure and enhance the integrity of racing in Kentucky.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This is a new administrative regulation.

(b) The necessity of the amendment to this regulation: This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statute: This is a new

administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a new administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: In 2017, the Commission issued approximately 1300 licenses to horse trainers participating racing. This figure is consistent from year to year.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Horse trainers desiring to participate in racing in Kentucky will be required to obtain a license and adhere to the requirements of this administrative regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): An annual thoroughbred trainer's license costs \$150.00.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There is no initial cost to implement this administrative regulation.

(b) On a continuing basis: There is no continuing cost to implement this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Any costs incident to the issuance of licenses will be funded through the budget of the Commission.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This amendment does not establish any new fees or increase any current fees to participate.

(9) TIERING: Is tiering applied? Tiering was not applied because this amended regulation will apply to all similarly situated entities in an equal manner.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Horse Racing Commission will be impacted by this administrative regulation.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 230.215, 230.225, 230.240, 230.260, 230.290, 230.310, 230.320, 230.370.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue for state or local government for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate revenue for state or local government for subsequent years.

(c) How much will it cost to administer this program for the first year? No funds will be required to administer this regulation for the first year.

(d) How much will it cost to administer this program for subsequent years? No funds will be required to administer this regulation for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): Neutral

Expenditures (+/-): Neutral

Other Explanation: None