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Executive Director

## LOUISIANA STATE RACING COMMISSION

### MEETING NOTICE

THE LOUISIANA STATE RACING COMMISSION WILL HOLD A MEETING AT 10:00AM ON THURSDAY, JUNE 17, 2021 IN MOJO'S SPORTS BAR OF THE EVANGELINE DOWNS RACETRACK & CASINO, 2235 CRESWELL LANE EXTENSION, OPELOUSAS, LOUISIANA. INTERESTED PARTIES AND THE PUBLIC MAY PARTICIPATE IN THE MEETING IN PERSON IF ROOM CAPACITY ALLOWS PER SOCIAL DISTANCING GUIDELINES AND MUST WEAR A FACE MASK THAT FULLY COVERS THEIR NOSE AND MOUTH. ALTERNATELY, INTERESTED PARTIES AND THE PUBLIC MAY PARTICIPATE IN THE MEETING ONLINE VIA ZOOM BY ENTERING MEETING ID 897 3422 4203 AND ENTERING PASSCODE 180584. ALL INTERESTED PARTIES AND THE PUBLIC MAY ALSO PARTICIPATE IN THE MEETING BY PHONE USING THE FOLLOWING NUMBERS THAT ARE CLOSEST TO THEIR PROXIMITY: (346) 248-7799 FOR HOUSTON, TX; (669) 900-6833 FOR SAN JOSE, CA; (929) 205-6099 FOR NEW YORK, NY; (253) 215-8782 FOR TACOMA, WA; (301) 715-8592 FOR GERMANTOWN, MD; (312) 626-6799 FOR CHICAGO, IL. ALL PHONE PARTICIPANTS MUST ENTER MEETING ID 897 3422 4203 AND ENTER PASSCODE 180584. ZOOM AND PHONE GUESTS MUST IDENTIFY THEMSELVES AND REQUEST PERMISSION TO SPEAK BEFORE MAKING COMMENTS.

### APPROVAL OF MARCH 30, 2021 AND APRIL 23, 2021 MEETING MINUTES

#### I. ASSOCIATION REQUESTS

- A. **BOYD RACING, LLC d/b/a DELTA DOWNS RACETRACK, CASINO & HOTEL**
  - 1. **PROGRESS REPORT**
    - a. **Update** on the status of Delta Downs OTBs.
- B. **THE OLD EVANGELINE DOWNS, LLC**  
d/b/a **EVANGELINE DOWNS RACETRACK & CASINO**
  - 1. **PROGRESS REPORT**
    - a. **Update** on the status of Evangeline Downs OTBs.
- C. **CHURCHILL DOWNS LOUISIANA HORSERACING COMPANY, LLC**  
d/b/a **FAIR GROUNDS RACE COURSE & SLOTS**
  - 1. **PROGRESS REPORT**
    - a. **Update** on the status of Fair Grounds OTBs.

**2021-2022 THOROUGHBRED MEET****2. REQUEST BY CHURCHILL DOWNS LOUISIANA HORSE RACING COMPANY, LLC TO ADD RACING DATES TO MEET APPROVED ON APRIL 23, 2021 (R.S. 4:158A) (changes highlighted and in bold):****a. Approval for Amended 2021-2022 thoroughbred meet:**

1. **75 80** thoroughbred race dates (12/02/21 through 3/27/22)
 

December	2,3,4,5,6,9,10,11,12,13,16,17,18,19,20,26,27,30,31
January	1,2,3,6,7,8,9,10,13,14,15,16,17,20,21,22,23,24,27,28,29,30
February	3,4,5,6,7,10,11,12,13,14,17,18,19,20,21,24,25,26,28
March	1,3,4,5,6,9,10,11,12,13,16,17,18,19,20,23,24,25,26,27

**D. HARRAH'S BOSSIER CITY INVESTMENT COMPANY, LLC**

d/b/a HARRAH'S LOUISIANA DOWNS

**1. PROGRESS REPORT**

- a. Update on the status of Louisiana Downs OTBs.

**II. BREEDER UPDATES****A. LOUISIANA THROUGHbred BREEDERS ASSOCIATION (LTBA)****1. PROGRESS REPORT****B. LOUISIANA QUARTER HORSE BREEDERS ASSOCIATION (LQHBA)****1. PROGRESS REPORT****III. COMMITTEE REPORTS****A. MEDICATION COMMITTEE, by Committee Chair Patrick Bernard****B. RULES COMMITTEE, by Committee Chair Lane T. Cortex****C. LEGAL COMMITTEE, by Committee Chair Thomas B. Calvert****D. SECURITY COMMITTEE, by Committee Chair Louis Reine****E. RACETRACK/HBPA LIAISON COMMITTEE, by Committee Chair Donald "Don" Cravins****F. FINANCE COMMITTEE, by Committee Chair Leslie Bouie****IV. RULES****A. DISCUSSION/NOTICES OF INTENT:**

1. LAC 35:I Chapter 3 – General Rules
  - §309. Protective Helmets and Safety Vests [amend]
2. LAC 35:I Chapter 15 – Permitted Medication
  - §1506. Permitted Medications in Quarter Horses [amend]
3. LAC 35:VII Chapter 85 – Colors
  - §8501. Supplied and Registered [amend]
  - §8509. Exceptions [amend]
  - §8511. Responsibility for Wearing Correct Colors [amend]

4. LAC 35:XI Chapter 99 – Claiming Rule
  - §9902. *Declaring a Horse Ineligible to be Claimed at Time of Entry* [new]
  - §9911. *Claiming Procedures* [amend]
  - §9913. *Vesting of Title; Tests* [amend]
  - §9914. *Voided and Voidable Claims* [new]

## V. LICENSE APPROVALS

### A. REQUESTS FOR REDUCTION OF SENTENCE/REINSTATEMENT

1. **Josue Huitron, Trainer.** Seeking reduction of suspension/reinstatement of license.
2. **Guadalupe A. Lucio, Jr., Jockey.** Seeking reduction of suspension/reinstatement of license.
3. **John Darrell Soileau, Trainer.** Seeking reduction of suspension/reinstatement of license.

## VI. ADJUDICATIONS

### A. CARELESS RIDING APPEAL (LA. REV. STAT. 4:154)

1. **Casey D. Fusilier, Jockey.**  
Ruling#ED24339 of 05/19/21 – *Careless Riding.*  
*Appeal Withdrawn*

### B. VIOLATIONS OF LAC 35:I.1797 (Equine Positives)

1. **Shelton J. Zenon, Sr. Trainer.** (*Adjudication Appealed*)  
Ruling#LD23863 of 02/12/20 – *Lidocaine (ARCI Category II)*
2. **Shelton J. Zenon, Sr. Trainer.** (*Adjudication Appealed*)  
Ruling#ED24014 of 08/21/20 – *Acepromazine (ARCI Category III)*
3. **Jorge L. Gonzales, Trainer.** (*Adjudication Referred*)  
Ruling#ED23701 of 10/30/19 – *Pyrrrolidinovalerophenone (ARCI Category I)*  
*Continued from January 27, 2020 Commission Meeting*
4. **Adrian E. Huitron, Trainer.** (*Adjudication Referred*)  
Ruling#ED24030 of 09/09/20 – *Ambroxol (ARCI Category IV)*  
*(3<sup>rd</sup> offense of ARCI Cat. IV/V within a 12-month period)*
5. **Adrian E. Huitron, Trainer.** (*Adjudication Referred*)  
Ruling#ED24119 of 12/17/20 – *Phenylbutazone (ARCI Category IV)*  
*(2<sup>nd</sup> offense of ARCI Cat. IV/V within a 12-month period)*
6. **Fructuoso M. Huitron, Trainer.** (*Adjudication Referred*)  
Ruling#DD24004 of 08/06/20 – *Levamisole (ARCI Category II)*  
*Aminorex (ARCI Category I)*
7. **Kenneth D. Weeks, Trainer.** (*Adjudication Appealed*)  
Ruling#LD23784 of 12/30/19 – *Ractopamine (ARCI Category II)*

**VII. ADJOURNMENT**



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Charles A. Gardiner III  
Executive Director

This notice was posted by the entrance of the Louisiana State Racing Commission, Tuesday, June 15, 2021 at 5:00PM.

**RULE FOR DISCUSSION/NOTICE OF INTENT  
AT JUNE 17, 2021 COMMISSION MEETING**

**Title 35  
HORSE RACING  
Part I. General Provisions**

**Chapter 3. General Rules**

**§309. Protective Helmets and Safety Vests**

A. All persons exercising or schooling horses are compelled to wear protective helmets recommended by the stewards and approved by the commission, and a safety vest designed to provide shock-absorbing protection to the upper body, as evidenced by a label with a rating of five, by the British Equestrian Trade Association. This shall also apply to association outriders, ~~and~~ pony riders in post parade, and assistant starters. Anyone failing to comply with this requirement may be fined or suspended.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

**HISTORICAL NOTE:** Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:423 (December 1976), amended LR 3:19 (January 1977), LR 4:271 (August 1978), amended by the Office of the Governor, Division of Administration, Racing Commission, LR 33:844 (May 2007)

**RULE FOR DISCUSSION/NOTICE OF INTENT  
AT JUNE 17, 2021 COMMISSION MEETING**

**Title 35  
HORSE RACING  
Part I. General Provisions**

**Chapter 15. Permitted Medication  
§1506. Permitted Medications in Quarter Horses**

A. Any racehorse participating in a quarter horse race shall comply with the medication rules set forth herein, specifically LAC 35:I.Chapter 15 and LAC 35:I.Chapter 17, however the following exception(s) shall apply.

1. Clenbuterol is a prohibited substance in quarter horses and other breeds racing with quarter horses. There is no applicable withdrawal guideline for such horses.

**2. Albuterol is a prohibited substance in quarter horses and other breeds racing with quarter horses. There is no applicable withdrawal guideline for such horses.**

B. Any quarter horse reported positive for Clenbuterol **and/or Albuterol** by the Louisiana State University's Equine Medication Surveillance Laboratory and following a written ruling by the Stewards shall be placed on the Stewards List and is not eligible to be entered in a race for a period of 60 days from the race date of the positive.

C. Penalties assessed pursuant to Subsection B are in addition to any set forth in LAC 35.I:1797.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 45:247 (February 2019), amended LR 46:182 (February 2020),

**RULES FOR DISCUSSION/NOTICE OF INTENT  
AT JUNE 17, 2021 COMMISSION MEETING**

**Title 35  
HORSE RACING  
Part VII. Equipment and Colors**

**Chapter 85. Colors**

**§8501. Supplied and Registered**

A. Owners of horses must provide themselves with suitable racing colors which must be registered with the racing secretary, except at tracks where colors are furnished by the association.

**B. Owners of thoroughbred horses must provide themselves with suitable racing colors which must be registered with the racing secretary and their racing colors may not be furnished by an association.**

**C. On dates where an owner of thoroughbred horses has multiple horses entered on the same race card, the owner must provide colors for each horse entered.**

**D. Failure of an owner of thoroughbred horses to provide themselves with colors and/or register them with the racing secretary is a finable offense. The fine for such failure shall be \$100.00 for a first offense, with increasing fines for subsequent offenses. However, an owner shall not be fined the first time each meet that they fail to provide themselves with colors and/or register them with the racing secretary and it shall not count as an offense.**

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:442 (December 1976), amended LR 3:38 (January 1977), LR 4:283 (August 1978),

**§8509. Exceptions**

A. Exceptions to the above may be allowed by the commission upon request and approval.

**B. Owners may request approval from the stewards to run in the colors of the trainer of record.**

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:443 (December 1976), amended LR 3:39 (January 1977), LR 4:283 (August 1978),

**§8511. Responsibility for Wearing Correct Colors**

A. The clerk of scales, ~~and~~ the valet serving a jockey, **and the colors custodian** shall **all be present on the association premises at their customary station during racing and shall all** be jointly responsible for having the correct colors and cap on each rider when leaving the jockey room for the paddock.

**B. Each association shall implement and maintain a system of receipts and accounting for the custody, control, and return of colors to the rightful owner.**

**C. If an owner has provided colors and the association fails to place the correct colors on any horse running in a race, the association, the clerk of scales, the valet serving a jockey, and the colors custodian are all subject to a separate fine for each incident.**

**D. If the association cannot locate colors registered with the racing secretary, the association shall reimburse the owner \$150.00 for each set of missing silks.**

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:443 (December 1976), amended LR 3:39 (January 1977), LR 4:283 (August 1978),

# RULES FOR DISCUSSION/NOTICE OF INTENT AT JUNE 17, 2021 COMMISSION MEETING

## Title 35 HORSE RACING Part XI. Claiming Rules and Engagements

### Chapter 99. Claiming Rule

#### **§9902. Declaring a Horse Ineligible to be Claimed at Time of Entry**

**A. At the time of entry, the owner, trainer, or authorized agent may declare a horse ineligible to be claimed provided: The horse has been laid off and has not started in a race for a minimum of one hundred and twenty days and is entered for a claiming price equal to or greater than the price at which the horse last started. For counting purposes the day following the horse's last race will count as day one. The horse is eligible to start on day one hundred and twenty-one.**

**B. Failure to declare the horse ineligible to be claimed at the time of entry may not be remedied.**

**C. A horse that enters a claiming race and is declared ineligible to be claimed in such race, cannot consider that race for eligibility in a starter's allowance race.**

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142, and 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission LR

#### **§9911. Claiming Procedures**

A. All claims shall be signed, sealed, time stamped and deposited in a locked box provided for that purpose in a designated place, at least 15 minutes prior to post time for each race. The claim box shall be opened by the stewards and all claims shall remain in their possession. The claim envelopes shall not be opened by the stewards earlier than 10 minutes prior to post time for the designated race. Notification will be made by the stewards to the proper officials of any claim or claims, if any. No money shall accompany the claim. Each person desiring to make a claim, unless he shall have such amount to his credit with the horsemen's bookkeeper, must first deposit with the horsemen's bookkeeper the whole amount of his claim in cash, for which a receipt will be given. If more than one person shall enter a claim for the same horse, the disposition of the horse shall be decided by lot by one of the stewards or his deputy, and the person so determined to have the right of the claim shall become the owner of the horse whether it be alive or dead, sound or unsound or injured during the race or after it, **except as otherwise provided by voided and voidable claims sections.** Any horse, other than the winner, that has been claimed, shall be taken to the paddock after the race has been run, for delivery to the claimant unless sent to the retention barn for delivery to the claimant after the specimen has been collected.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 1:497 (November 1975), amended LR 2:446 (December 1976), LR 3:42 (January 1977), LR 4:285 (August 1978),



**§9913. Vesting of Title; Tests**

A. Title to a claimed horse shall be vested in the successful claimant at the time the horse becomes a starter. The successful claimant shall then become the owner of the horse whether alive or dead, sound or unsound, or injured at any time after leaving the starting gate, during the race or after, except as otherwise provided by voided and voidable claims section.

~~B. The successful claimant may request on the claim blank at the time he makes his claim that the horse be tested for the presence of equine infectious anemia via a Coggins test and/or erythropoietin and/or darbepoietin.~~

~~1. Should the test for equine infectious anemia prove positive, it shall be cause for a horse to be returned to his previous owner and barred from racing in the state of Louisiana.~~

~~2. Should the test for recombinant erythropoietin and/or darbepoietin prove positive, it shall be cause for a horse to be returned to his previous owner and barred from racing in the state of Louisiana until such time as the horse tests negative.~~

~~C. Additionally, if such erythropoietin and/or darbepoietin positive result is found, the claimant, claimant's trainer or claimant's authorized agent shall have 48 hours in which to request the claim be declared invalid, such request to be made in writing to the stewards.~~

~~D. The expense of the tests and the maintenance of the horse during the period requested for the tests shall be absorbed by the successful claimant.~~

~~E. If such tests are requested the claimed horse will be sent to the retention barn of the Louisiana State Racing Commission where the state veterinarian will draw blood samples.~~

~~1. Blood samples drawn to test for equine infectious anemia shall be sent to a laboratory approved by the Louisiana Livestock Sanitary Board for the conduct of such test.~~

~~2. Blood samples drawn to detect by immunoassay recombinant erythropoietin and/or darbepoietin shall be sent to the Louisiana State Racing Commission's state chemist.~~

~~F. Notwithstanding any inconsistent provision of the Part, a horse shall not be subject to disqualification from the race and from any share of the purse in the race, and the trainer of the horse shall not be subject to application of trainer's responsibility based upon the finding by the laboratory that erythropoietin and/or darbepoietin was present in the sample taken from that horse.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:446 (December 1976), amended LR 3:42 (January 1977), LR 4:285 (August 1978), LR 5:136 (June 1979), amended by the Office of the Governor, Division of Administration, Racing Commission LR 30:1476 (July 2004), LR 31:3160 (December 2005), LR 35:2756 (December 2009),

**§9914. Voided and Voidable Claims**

**A. A claim shall be voided if a horse is a starter as determined by the regulatory authority, and the horse:**

- 1. Dies on the racetrack; or**
- 2. Suffers an injury which requires the euthanasia of the horse as determined by the official veterinarian while the horse is on the racetrack.**

**B. A claim is voidable at the discretion of the new owner for a period of one hour after the race is made official, for any horse:**

- 1. That is vanned off the track at the direction of the official veterinarian; or**
- 2. That is observed by the official veterinarian to be lame or unsound while on the racetrack for that race; or**
- 3. That is observed by the official veterinarian to have bled through its nostrils while on the track.**

**C. The successful claimant may request on the claim blank at the time he makes his claim that the horse be tested for the presence of equine infectious anemia via a Coggins test and/or erythropoietin and/or darbepoietin.**

**1. Should the test for equine infectious anemia prove positive, it shall be cause for a horse to be returned to his previous owner and barred from racing in the state of Louisiana.**

**2. Should the test for recombinant erythropoietin and/or darbepoietin prove positive, it shall be cause for a horse to be returned to his previous owner and barred from racing in the state of Louisiana until such time as the horse tests negative.**

**3. Additionally, if such erythropoietin and/or darbepoietin positive result is found, the claimant, claimant's trainer or claimant's authorized agent shall have 48 hours in which to request the claim be declared invalid, such request to be made in writing to the stewards.**

**4. The expense of the tests and the maintenance of the horse during the period requested for the tests shall be absorbed by the successful claimant.**

**5. If such tests are requested the claimed horse will be sent to the retention barn of the Louisiana State Racing Commission where the state veterinarian will draw blood samples.**

**a. Blood samples drawn to test for equine infectious anemia shall be sent to a laboratory approved by the Louisiana Livestock Sanitary Board for the conduct of such test.**

**b. Blood samples drawn to detect by immunoassay recombinant erythropoietin and/or darbepoietin shall be sent to the Louisiana State Racing Commission's state chemist.**

**6. Notwithstanding any inconsistent provision of the Part, a horse shall not be subject to disqualification from the race and from any share of the purse in the race, and the trainer of the horse shall not be subject to application of trainer's responsibility based upon the finding by the laboratory that erythropoietin and/or darbepoietin was present in the sample taken from that horse.**

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission LR