

VIRGINIA RACING COMMISSION

Statement of Final Agency Action:

On May 15, 2002, the Virginia Racing Commission adopted a final and exempt regulation entitled "Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering - Horses" (11 VAC 10-100-10 et seq.).

Explanation of Substantive Changes:

The Rules Committee recommended and the Commission adopted the following substantive changes to Chapter 100:

Section 80:

In Subsection 6, the regulation is amended to require that the Certificate of Veterinary Inspection be attached to the health certificate or other registration document.

Section 100:

The amendment clarifies that published workouts are required for thoroughbreds, but not for steeplechase or other categories that may be specifically exempted by the commission. Usually, horses used in steeplechase races do not workout between races.

Section 110:

This section will be transferred to the chapter pertaining to Standardbred Racing.

Section 140:

This section will be transferred to the chapter pertaining to Standardbred Racing.

Section 150:

This section has been revised to specifically limit the scope of the horses placed on the Steward's List. Horses that were previously placed on the Steward's List by either the Commission Veterinarian or Starter are accommodated under two new sections.

Section 151:

This new section has been added to specify the circumstances under which the Commission Veterinarian can place horses on the Veterinarian's List and the conditions under which they would be removed.

Section 152:

This new section has been added to specify the circumstances under the Starter can place horses on the Starter's List and the conditions under which they would be removed.

Section 170:

This section has been amended so that the trainer must obtain the permission of the paddock judge instead of the steward to change the equipment on a racehorses and Subsection 6 has been deleted concerning the use of nasal strips.

Section 190:

This section has been amended to reflect that the Commission Veterinarian or his Assistant Veterinarians conduct the pre-race examinations and not a veterinarian employed by the licensee.

Summary of Public Comments and Agency's Response:

The Rules Committee of the Virginia Racing Commission is composed of representatives of the breed and horsemen's associations in the Commonwealth as well as representatives of the two licensees.

The Rules Committee reviewed the regulations in light of its experience with the live thoroughbred and harness racing meets at Colonial Downs and Oak Ridge Estate. The committee reviewed the regulations in April at a public meeting and made recommendations for substantive changes to the regulations.

The proposed amendments to Chapter 100 were reviewed on a section-by-section basis during the May 15, 2002 meeting of the commission and no comments were heard from the public attending the meeting.

Summary of Regulation:

Adopting the recommendations of its Rules Committee, the Virginia Racing Commission made two very substantive changes to the chapter: (i) it divided the comprehensive Steward's List into two additional lists, Veterinarian's List and Starter's List, and (ii) the sections relating to qualifying races and time trials will be transferred to the chapter pertaining to Standardbred racing.

Statement of Basis, Purpose, Substance, Issues and Impact:

Basis: The Virginia Racing Commission derives its statutory authority to promulgate regulations from the provisions of §59.1-369 of the Code of Virginia. The Code states, in part in subdivision 3, "The Commission shall promulgate regulations and conditions under which horse racing with pari-mutuel wagering shall be conducted in the Commonwealth, and all such other regulations it deems necessary and appropriate to effect the purposes of this chapter." Further, the commission's regulatory action is exempted under the provisions of §2.2-4002 (A) (20) (ii) which states, "in promulgating technical rules regulating actual live horse racing at race meetings licensed by the Commission."

Purpose: The commission relies heavily upon its special advisory panel—the Rules Committee—to advise it on matters pertaining to aspects of horse racing and pari-mutuel wagering. The committee represents the widest possible spectrum of interests within the horse racing and breeding community within the Commonwealth. The committee is charged with the responsibility of keeping the commission and its staff abreast of the latest developments in the sport and in the Mid-Atlantic Region. The recommendations of the committee, which have been adopted by the commission, will enhance the public's health, safety and especially the welfare of horse racing in Virginia.

Substance: The commission in adopting the recommendations of the committee made two very substantive changes in Chapter 100 in addition to several rather technical amendments. First, the commission divided the comprehensive Steward's List into two additional lists, Veterinarian's List and Starter's List. Second, the sections relating to qualifying races and time trials will be transferred to the chapter pertaining to Standardbred Racing.

Issues: The amendments to Chapter 100 represent reasonable refinements to ensure that horse racing in Virginia will be free from any corrupt, incompetent, dishonest or unprincipled practices. Furthermore, the amendments bring the commission's regulatory practices into a greater degree of uniformity with those adhered to among the states comprising the Mid-Atlantic Region.

Impact Upon Families: The regulations will have no impact upon families in the Commonwealth.