

CHAPTER 69.5-01-05  
LICENSEES

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Section 69.5-01-05-16 is amended as follows:

**69.5-01-05-16. Licensing Requirements for Multiple Owners ~~—Business corporations.~~ The following duties and restrictions apply to profit corporations owning or having any interest in a horse governed by the commission:**

- ~~1. The corporation must be duly licensed and authorized to do business with this state. A copy of the certificate of incorporation must be attached to the corporation's application to the commission. The fee for each corporation licensed hereunder is one hundred dollars.~~
- ~~2. In a corporation the following individuals must be licensed by the commission:~~

- ~~a. The chief executive officer and all other corporation officers. b. All members of the board of directors.~~
- ~~c. All stockholders owning a beneficial interest of five percent or more. For purposes of all sections in this title, beneficial interest includes all direct and indirect forms of ownership or control, voting power, or investment power, held through any contract, lien, lease, partnership, stockholding syndication, joint venture, understanding, relationship (including family relationship), present or reversionary right, title or interest, or otherwise.~~
- ~~3. Any and all changes in either the corporation structure or the respective interest of stockholders, as described in subdivision c of subsection 2, must be notarized, promptly filed with the commission, and a copy sent to the applicable horsemen's organization.~~
- ~~4. A corporation, in lieu of the chief executive officer, shall appoint a racing manager or an authorized agent, or both, for purposes of entry, scratches, and the signing of claims slips among other obligations.~~
- ~~5. The commission may deny, suspend, or revoke the licenses of a corporation in which a beneficial interest includes or involves any person or entity which would be, or is, ineligible in any respect, such as through character, moral fitness, or any other criteria employed by the commission to be licensed as an owner or to participate in racing, regardless of the percentage of ownership interest involved.~~
- ~~6. A corporation must have on file with the commission a copy of the articles of incorporation. A corporation must also have on file with the commission, and must provide a copy of same to the racing secretary's office attached to the registration papers, or eligibility certificate, and a copy to the applicable horsemen's organization a notarized statement signed by the chief executive officer of the corporation agreeing to represent the entire ownership and be responsible for the corporation's horses. Such responsibility does not include the responsibility of the trainer imposed by subsection 2 of section 69.5-01-05-26 in connection with the condition of the horse unless such chief executive officer is also the trainer.~~
- ~~7. Any stockholder holding a beneficial interest of five percent or more of a corporation shall, in addition to being licensed, list any interest in all racing horses in which such stockholder owns any beneficial interest.~~
- ~~8. All horses owned by a corporation must race in the name of the corporation or in the name of the chief executive officer with a designation "(C)" following the name.~~
- ~~9. The commission or the stewards shall review the ownership of each horse entered to race and ensure that each registration certificate or eligibility certificate is properly endorsed by the transfer or to the present owners. The commission or stewards, or both, may determine~~

the validity for racing purposes of all liens, transfers, and agreements pertaining to ownership of a horse, and may call for adequate evidence of ownership at any time. The commission or stewards, or both, may declare ineligible to race any horse, the ownership or control of which is in question.

10. For purposes of this section only, "ownership" means any individual person or entity required to be licensed as an owner pursuant to these rules and, in the instance of corporations, individuals, or entities possessing an aggregate commonality of ownership of twenty-five percent interest in any of the respective horses provided, however, that when a trainer enters two or more horses in a stakes, handicap, futurity, or other special event under beneficial separate ownerships, the horse, at the request of the association, and with the approval of the commission or stewards, may be permitted to race as a separate wagering entity.
11. If the race is split in two or more divisions, horses in an "entry" must be seeded in separate divisions insofar as possible, but the divisions in which they compete, and post position, must be determined by lot.
12. The corporation stockholders owning less than five percent of the stock of a corporation need not be licensed, however, a list of all such stockholders must be supplied to the commission and the applicable horsemen's organization by the corporation annually. Without limitation, such list must include the stockholder's name, percentages owned, addresses, social security number, date of birth, and such other information as the commission may require. Such stockholders need not be licensed and will not have access to the backstretch, to the paddock area, or to the winner's circle. Such stockholders may be required to submit additional information as requested by the commission, which may include a release for confidential information and submission of fingerprint cards, and the commission may assess costs, as required for criminal history checks. Such information must be supplied to the commission within thirty days of the date of the request. Copies of all such requests and responses must be furnished to the applicable horsemen's organization.
13. The full nature and extent of all beneficial interest must be disclosed. The list must include the names of all such individuals and entities, the nature of their relationships, and the exact nature of their beneficial interests.
14. Disclosure of ownership must be made when registering each horse with the racing secretary upon arrival on the grounds of any permitholder, but no less than forty-eight hours prior to entry and must be revised immediately upon any subsequent change in such ownership.
15. Such disclosure, together with all written agreements and affidavits setting out oral agreements, pertaining to the ownership of or rights in and to a horse, must be attached to the registration certificate for such

~~horse and filed with the racing secretary, who is responsible for the care and security of such papers while such horses pertaining thereto are located on the permittee's grounds.~~

- ~~16. Such disclosure is made for the benefit of the public and all documents pertaining to the ownership or lease of a horse filed with the commission shall be available for public inspection, as provided by law.~~
1. If the legal owner of any horse is a partnership, corporation, limited liability company, syndicate or other association or entity, each shareholder, member or partner holding a five percent or greater beneficial interest shall be licensed as required in this rule.
2. Each partnership, corporation, limited liability company, syndicate or other association or entity shall disclose to the commission all owners holding a five percent or greater beneficial interest, unless otherwise required by the commission.
3. Each partnership, corporation, limited liability company, syndicate or other association or entity which includes an owner with less than a five percent ownership or beneficial interest shall file with the commission an affidavit which attests that, to the best of their knowledge, every owner, regardless of their ownership or beneficial interest, is not presently ineligible for licensing or suspended in any racing jurisdiction.
4. To obtain an owner's license, an owner with less than a five percent ownership or beneficial interest in a horse shall establish a bona fide need for the license and the issuance of such license shall be approved by the stewards. In the event that no owner has greater than a five percent ownership or beneficial interest in a horse, no less than one owner shall be licensed by the commission.
5. Application for joint ownership shall include a designation of a managing owner and a business address. Receipt of any correspondence, notice or order at such address shall constitute official notice to all persons involved in the ownership of such horse.
6. The written appointment of a managing owner or authorized agent shall be filed with the commission.
7. The aggregate fee paid for owners' licenses by members of a partnership, corporation, limited liability company, syndicate or other association or entity shall not exceed the lesser of the current owner's license fee multiplied by the total number of members of the legal entity having a five percent or greater beneficial interest in the entity or the number of horses to be entered under ownership of the entity in North Dakota in the current year. All members having a five percent or greater interest shall be jointly and severally liable for payment of the fee. Nothing contained in the foregoing shall relieve any member or entity from any requirements for the issuance of an owner's license other than with regard to fees as specified herein.

General Authority: NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10

Law Implemented: NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

Section 69.5-01-05-17 is repealed:

~~69.5-01-05-17. Owners - General partnership. The following duties and restrictions apply to general partnerships owning or having an interest in a horse governed by the commission and these rules:~~

- ~~1. A copy of a certificate of authority must be attached to the application filed with the commission. Each partner in a general partnership shall obtain a license. The license fee for each partner is one hundred dollars. The commission will deny, suspend, or revoke the license of any partnership in which a member whose interest is qualified or limited by rights or interests held or controlled by any individual or entity which would be ineligible to be licensed as an owner or to participate.~~
- ~~2. A partnership must have on files with the commission, and must have a copy of same attached to the registration certificate on file in the racing secretary's office, an agreement whereby one member of the partnership shall be designated to be responsible for each horse. Such responsibility does not include the responsibility of the trainer imposed by subsection 2 of section 69.5-01-05-26 in connection with the condition of the horse, unless the responsible person under the agreement is also the trainer. This agreement must be notarized, and must be signed by all partners, and a copy sent to the jockey club.~~
- ~~3. An authorized agent must be appointed to represent the partnership in all matters and be responsible for all stakes, forfeits, powers of entry, scratches, signing of claims slips, and other obligations. The authorized agent may also be a partner.~~
  - ~~4. The commission or the stewards, or both, shall review the ownership of each horse entered to race and ensure that each registration certificate or eligibility certificate is properly endorsed by the transferor to the present owners. The commission or stewards, or both, may determine the validity for racing purposes of all liens, transfers, and agreements pertaining to ownership of a horse and may call for adequate evidence of ownership at any time. The commission or stewards, or both, may declare ineligible to race any horse, the ownership or control of which is in question.~~
  - ~~5. Any alteration in a partnership structure or percentages must be reported promptly in writing and notarized, and signed by all members of the partnership and filed with the commission and sent to the applicable horsemen's organization.~~
  - ~~6. Any owner who is a member of a partnership shall list all horses in which such owner owns an interest whether whole or part.~~

- ~~7.—All horses owned by a partnership must race in the same name with a designation "(P)" following the name.~~
- ~~8.—For the purpose of this section only, "ownership" must be construed to mean any individual person or other entity required to be licensed as an owner pursuant to these rules and in the instance of a partnership, individual persons, or other entities possessing a commonality of interest in each of the respective horses; provided, however, that when a trainer enters two or more horses in a stakes, handicap, futurity, or other special event under beneficial separate ownerships, the horses, at the request of the racetrack operator and with the approval of the commission or stewards, may be permitted to race as separate wagering entities. If the race is split in two or more divisions, horses in an "entry" must be seeded in separate divisions insofar as possible, but the divisions in which they compete and the post positions must be determined by lot.~~
- ~~9.—A licensed member of a partnership may not have an interest in more than one horse in any race unless that horse is coupled, except by permission of the stewards. Repealed effective \_\_\_\_\_, 2014.~~

**History:** Effective July 1, 1989.

**General Authority:** NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10

**Law Implemented:** NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

Section 69.5-01-05-17 is repealed:

~~69.5-01-05-18. Owners - Limited partnership. The following duties and restrictions apply to limited partnerships owning or having any interest in a horse governed by the commission and these rules:~~

- ~~1.—A copy of the partnership certificate of authority must be attached to the application filed with the commission. A limited partnership must supply to the commission and the jockey club certified copies of its proof of compliance with filing and registration requirements as required by law.~~
- ~~2. a.—The general partners in a limited partnership must be licensed by the commission and so must any member of the limited partnership with a beneficial interest of five percent or more of the limited partnership. It is the responsibility of the limited partnership to ensure that every member of the limited partnership is eligible to be licensed by the commission.~~
  - ~~b.—A limited partnership must have on file with the commission, and a copy of which is attached to the registration certificate of each horse in the limited partnership, a notarized designation of the general partner to represent the entire ownership of and be responsible for each horse in the limited partnership. Such responsibility does not~~

~~include the responsibility of the trainer imposed by subsection 2 of section 69.5-01-05-26 in connection with the condition of the horse, unless the general partner is also the trainer.~~

- ~~3. An authorized agent must be appointed to represent the limited partnership in all matters and be responsible for all stakes, powers of entry, scratches, signing of claims slips, among other obligations. The general partner, or other member, may be the authorized agent.~~
- ~~4. a. The alteration in the structure or percentages of the limited partnership must be promptly reported in writing to the commission, and to the jockey club.~~
  - ~~b. The general partner will be responsible for reporting to the commission any interest in all racing horses in which a licensed member owns an interest.~~
- ~~5. The commission may deny, suspend, or revoke the license of a limited partnership in which a member whose interest is qualified or limited by rights or interests held or controlled by an individual or entity which would be ineligible to be licensed as an owner or to participate regardless of percentage of interest.~~
- ~~6. All members of a limited partnership owning less than five percent must be listed with the commission and the applicable horsemen's organization. All beneficial interests must be listed. Such list must include names, addresses, portion owned, social security number, date of birth, and such other information as the commission may require. Such list must be supplied to the commission by the limited partnership as required by the commission, and a copy sent to the jockey club. Any limited partner owning less than five percent, need not be licensed and will not have access to the backstretch, paddock area, or to the winner's circle, and may be required to submit additional information as requested by the commission which may assess additional fees for the purpose of criminal history checks or other investigative purposes.~~
- ~~7. a. Licensed owners and licensed trainers must be held jointly and severally responsible for making a full disclosure of the entire ownership of each horse in their care.~~
  - ~~b. Such disclosure must identify in writing all individuals or entities who, directly or indirectly, through a contract, lien, lease, partnership, stockholding, syndication, joint venture, understanding, relationship (including family relationship), present or reversionary right, title or interest, or otherwise hold any interest in and to such horse, and those individuals or entities who by virtue of any form of such interest might exercise control over such horse or can benefit from the racing of such horse. The degree and type of such ownership held by each individual person must be designated.~~

~~e.—Such disclosure must be made when registering each horse with the racing secretary upon arrival on association grounds, or at time of entry, whichever event occurs first, and must be revised immediately upon any subsequent change in such ownership.~~

~~d.—Such disclosure together with all written agreements and affidavits setting out oral agreements, pertaining to the ownership of or rights in and to a horse, must be attached to the registration certificate for such horse and filed with the racing secretary, who is responsible for the care and security of such papers while such horses pertaining thereto are located on association grounds.~~

~~e.—Such disclosure is made for the benefit of the public and all documents pertaining to the ownership or lease of a horse filed with the racing secretary must be available for public inspection as provided by law.~~

~~8.—The commission or stewards, or both, shall review the ownership of each horse entered to race and ensure that each registration certificate or eligibility certificate is properly endorsed by the transferor to the present owners.—The commission or stewards may determine the validity for racing purposes of all liens, transfers, and agreements pertaining to ownership of a horse, and may call for adequate evidence of ownership at any time.—The commission or stewards may declare ineligible to race any horse, the ownership or control of which is in question.~~

~~9.—A member of a limited partnership may not have an interest in more than one uncoupled horse in any race except by permission of the stewards. For purposes of this section only, "ownership" must be construed to mean any individual person or entity required to be licensed as an owner pursuant to these rules and, in the instance of a limited partnership, any individual person or other entity possessing at least a five percent beneficial interest provided, however, that when a trainer enters two or more horses in a stakes, handicap, futurity, or other special event under beneficial separate ownerships, the horses, at the request of the association and with the approval of the commission or stewards, may be permitted to race as separate wagering entities.~~

~~10.—If the race is split in two or more divisions, horses in an "entry" must be seeded in separate divisions insofar as possible but the divisions in which they compete and the post positions must be determined by lot.~~

~~11.—The horses owned by a limited partnership must run in the name of the general partner with a designated "(LP)" following the name.~~

**History:** Effective July 1, 1989.

**General Authority:** NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10



Law Implemented: ~~NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10~~

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**CHAPTER 69.5-01-07  
CONDUCT OF RACES**

Section 69.5-01-07-18 is amended as follows:

**69.5-01-07-18. Medication.**

1. ~~— No horse participating in a race shall carry in its body any substance foreign to the natural horse except as hereinafter provided.~~

2. ~~— No foreign substance may be administered to a horse entered to race by injection, oral administration, rectal infusion or suppository, or by inhalation within twenty-four hours prior to the scheduled post time for the first race, except as hereinafter provided.~~

3. ~~— Foreign substances prohibited. No horse participating in a race may carry in its body any foreign substance.~~

4. ~~— The use of phenylbutazone shall be permitted under the following conditions:~~

a. ~~— Any horse to which phenylbutazone has been administered shall be subject to having a blood and or urine samples taken at the direction of the official veterinarian to determine the quantitative phenylbutazone levels and the presence of other drugs which may be present in the blood or urine samples.~~

b. ~~— The permitted quantitative test level of phenylbutazone shall not exceed five micrograms per milliliter of plasma.~~

5. ~~— Furosemide (lasix).~~

a. ~~— Furosemide (lasix) may be administered intravenously to a horse which is entered to compete in a race. Except under the instructions of the official veterinarian or the racing veterinarian for the purpose of removing a horse from the veterinarian's list or to facilitate the collection of a postrace urine sample. Furosemide (lasix) shall be permitted only after the official veterinarian has placed the horse on the bleeder list.~~

b. ~~— The use of furosemide (lasix) shall be permitted under the following circumstances on association grounds where a detention barn may be utilized:~~

(1) ~~— Furosemide (lasix) shall be administered at the direction of the official veterinarian or the official veterinarian's designee no less than four hours prior to post time for the race for which the horse is entered.~~

(2) ~~— A horse qualified for a furosemide (lasix) administration must be brought to the detention barn within time to comply with the four-hour administration requirement specified above.~~

~~(3) — The dose administered shall not exceed two hundred fifty milligrams nor be less than one hundred fifty milligrams.~~

~~6. — Bleeder list.~~

~~a. — The official veterinarian shall maintain a bleeder list of all horses which have demonstrated external evidence of exercise-induced pulmonary hemorrhage or the existence of hemorrhage in the trachea post exercise upon endoscopic examination. Such examination must have been performed by or in the presence of the official veterinarian or the racing veterinarian.~~

~~b. — The confirmation of a bleeder horse must be certified in writing by the official veterinarian or the racing veterinarian and entered into the bleeder list. Copies of the certification shall be issued to the owner of the horse or the owner's designee upon request. A copy of the bleeder certificate shall be attached to the horse's certificate of registration.~~

~~c. — Every confirmed bleeder, regardless of age, shall be placed on the bleeder list.~~

~~d. — A horse may be removed from the bleeder list only upon the direction of the official veterinarian, who shall certify in writing to the stewards the recommendation for removal.~~

~~e. — A horse which has been placed on a bleeder list in another jurisdiction may be placed on a bleeder list in this jurisdiction provided that the other jurisdiction's criteria for the identification of bleeders are satisfactory in this jurisdiction.~~

~~7. — Upon a finding of a violation, the stewards may consider the currently established "uniform classification guidelines of foreign substances", and the "recommended penalties and model rule" promulgated by the association of racing commissioners international drug testing and quality assurance program and impose penalties and disciplinary measures consistent with the recommendations contained therein and their authority under the administrative rules and law.~~

1. Except as otherwise specifically provided by law, the commission adopts by reference:

a. the association of racing commissioners international controlled therapeutic medication schedule version 2.1.

b. the association of racing commissioners international uniform classification guidelines for foreign substances and recommended penalties version 7.00.

c. the model rule ARCI-011-022 section B(13)(a) through (j) of the association of racing commissioners international model rules of racing version 5.6.

2. Furosemide.

a. Furosemide may be administered intravenously to a horse, which is entered to compete in a race. Except under the instructions of the official veterinarian or the racing veterinarian for the purpose of removing a horse from the Veterinarian's List or to facilitate the collection of a post-race urine sample, furosemide shall be permitted only after the official veterinarian has placed the horse on the Furosemide List. In order for a horse to be placed on the Furosemide List the following process must be followed.

(1) After the horse's licensed trainer and licensed veterinarian determine that it would be in the horse's best interests to race with furosemide the official veterinarian or his/her designee shall be notified using the prescribed form, that the horse is to be put on the Furosemide List.

(2) The form must be received by the official veterinarian or his/her designee by the proper time deadlines so as to ensure public notification.

(3) A horse placed on the official Furosemide List must remain on that list unless the licensed trainer and licensed veterinarian submit a written request to remove the horse from the list. The request must be made to the official veterinarian or his/her designee, on the proper form, no later than the time of entry.

(4) After a horse has been removed from the Furosemide List, the horse may not be placed back on the list for a period of 60 calendar days unless it is determined to be detrimental to the welfare of the horse, in consultation with the official veterinarian. If a horse is removed from the official Furosemide List a second time in a 365-day period, the horse may not be placed back on the list for a period of 90 calendar days.

(5) Furosemide shall only be administered on association grounds.

(6) Furosemide shall be the only authorized bleeder medication.

b. The use of furosemide shall be permitted under the following circumstances on association grounds where a detention barn is utilized:

(1) Furosemide shall be administered by the official veterinarian or his/her designee no less than four hours prior to post time for the race for which the horse is entered.

(2) A horse qualified for furosemide administration must be brought to the detention barn within time to comply with the four-hour administration requirement specified above.

(3) The dose administered shall not exceed 500 mg. nor be less than 150 mg.

(4) Furosemide shall be administered by a single, intravenous injection.

(5) After treatment, the horse shall be required by the Commission to remain in the detention barn in the care, custody and control of its trainer or the trainer's designated representative under association and/or Commission security supervision until called to the saddling paddock.

c. The use of furosemide shall be permitted under the following circumstances on association grounds where a detention barn is not utilized:

(1) Furosemide shall be administered by the official veterinarian or his/her designee no less than four hours prior to post time for the race for which the horse is entered.

(2) The furosemide dosage administered shall not exceed 500 mg. nor be less than 150 mg.

(3) Furosemide shall be administered by a single, intravenous injection.

(4) After treatment, the horse shall be required by the Commission to remain in the proximity of its stall in the care, custody and control of its trainer or the trainer's designated representative under general association and/or Commission security surveillance until called to the saddling paddock.

d. Test results must show a detectable concentration of the drug in the post-race serum, plasma or urine sample.

(1) The specific gravity of post-race urine samples may be measured to ensure that samples are sufficiently concentrated for proper chemical analysis. The specific gravity shall not be below 1.010. If the specific gravity of the urine is found to be below 1.010 or if a urine sample is unavailable for testing, quantitation of furosemide in serum or plasma shall be performed;

(2) Quantitation of furosemide in serum or plasma shall be performed when the specific gravity of the corresponding urine sample is not

measured or if measured below 1.010. Concentrations may not exceed 100 nanograms of furosemide per milliliter of serum or plasma.

e. The administering authority or association may assess a fee approved by the commission on licensed owners of treated horses to recoup the reasonable costs associated with the administration of furosemide in the manner prescribed in these rules.

### 3. Bleeder List.

a. The official veterinarian shall maintain a Bleeder List of all horses, which have demonstrated external evidence of exercise induced pulmonary hemorrhage from one or both nostrils during or after a race or workout as observed by the official veterinarian.

b. Every confirmed bleeder, regardless of age, shall be placed on the Bleeder List and be ineligible to race for the following time periods:

(1) First incident - 14 days;

(2) Second incident within 365 day period - 30 days;

(3) Third incident within 365 day period -180 days;

(4) Fourth incident within 365-day period - barred for racing lifetime.

c. For the purposes of counting the number of days a horse is ineligible to run, the day the horse bled externally is the first day of the recovery period.

d. The voluntary administration of furosemide without an external bleeding incident shall not subject the horse to the initial period of ineligibility as defined by this policy.

e. A horse may be removed from the Bleeder List only upon the direction of the official veterinarian, who shall certify in writing to the stewards the recommendation for removal.

f. A horse which has been placed on a Bleeder List in another jurisdiction pursuant to these rules shall be placed on a Bleeder List in this jurisdiction.

### 4. Anti-Ulcer Medications.

a. The following anti-ulcer medications are permitted to be administered, at the stated dosage, up to 24 hours prior to the race in which the horse is entered.

(1) Cimetidine (Tagamet®) - 8-20 mg/kg PO BID-TID.

(2) Omeprazole (Gastrogard®) - 2.2 grams PO SID.

(3) Ranitidine (Zantac®) - 8 mg/kg PO BID.

**History:** Effective July 1, 1989; amended effective January 1, 2008, amended effective

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**General Authority:** NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10

**Law Implemented:** NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

CHAPTER 69.5-01-09  
NORTH DAKOTA BREEDERS' FUND

Section 69.5-01-09-01 is amended as follows:

**69.5-01-09-01. Definitions.**

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3. "North Dakota-bred" means a foal born in North Dakota out of a mare registered as a broodmare under Section 69.5-01-09-02 with the North Dakota racing commission prior to the foal's birth, and which mare was in North Dakota:
  - a. On or before February first of the year foaled; or
  - b. Within thirty days after the date of a bona fide purchase or lease transaction, whichever of those dates is the latest, and provided, in either case, that mare remained physically within the boundaries of North Dakota until foaling.

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**History:** Effective January 1, 1990; amended effective March 1, 2002; July 1, 2011; amended effective \_\_\_\_\_, 2014.

**General Authority:** NDCC 53-06.2-05

**Law Implemented:** NDCC 53-06.2-04.1, 53-06.2-11