

## 205 CMR: STATE RACING COMMISSION

### 205 CMR 12.00: THE HUMANE HANDLING, CARE, TREATMENT, AND TRANSPORTATION OF RACING GREYHOUNDS

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#### 12.01: General

- (1) Owners, trainers, and their assistants shall humanely treat all greyhounds in their possession or under their control.
- (2) All greyhounds shall be properly cared for on a daily basis. This shall include a physical inspection of the greyhounds for sores, cuts, abrasions, fleas, ticks and assuring adequate a sufficient supply of food consistent with the dietary requirements and nutritional needs for the age and weight of the greyhounds.
- (3) Kennel facilities shall provide for the safe and humane housing of greyhounds.
- (4) Greyhounds shall be provided with potable water in the exercise areas at all times.
- (5) The trainer of each kennel shall be responsible for the proper maintenance, upkeep and sanitary condition of the kennel, crates, and all exercise areas. The associations shall make every effort to promptly address maintenance issues brought to their attention.
- (6) A sufficient number of employees shall be used to provide the required care of the greyhounds and maintenance of the facilities. The owner of the kennel or other supervisory personnel shall be present at least once in each 24-hour period to supervise and to ascertain that the care of the greyhounds and the maintenance of the facilities conform to all rules.
- (7) The commission shall investigate all complaints regarding inhumane treatment of greyhounds.

#### 12.02: Kennel Compounds

- (1) Continuous on-site security shall be provided for each kennel compound, owned by or under contract with a dog racing licensee, during all times that greyhounds are housed on the compound premises.
- (2) Kennel compounds, owned by or under contract with a dog racing licensee shall be equipped with smoke and/or temperature alarms and sprinklers effective July 1, 2003.
- (3) Every dog racing meeting licensee shall provide to the commission, on request, a certificate verifying that all kennels housing greyhounds that race at the licensee's facility are in compliance with all applicable state and/or local fire safety statutes, ordinances, by-laws and building codes. Applicants for a dog racing meeting license shall provide a copy of the certificate with their license application.

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(4) Contact information for the kennel operator and trainer shall be maintained for each kennel as well as any other emergency contact information that may be deemed appropriate. This information shall be continuously updated as changes occur and be readily available at the buildings occupied by the kennel and/or with the kennel compound security personnel.

12.03: Greyhound Housing

(1) Facilities shall be adequately constructed and maintained in good repair to ensure protection of greyhounds from injury or other endangerment.

(2) Kennel buildings shall be of adequate size to prevent overcrowding of the greyhounds.

(3) Shelter shall be provided to adequately allow access to shade from direct sunlight and protection from exposure to inclement weather in all greyhound housing and exercise areas.

(4) Dry bedding, adequate to provide comfort, shall be provided for all greyhounds.

(5) Heat, insulation or additional bedding adequate to provide comfort shall be provided when the ambient temperature is below 50°F. Facilities shall have operational cooling devices available to prevent interior temperatures from exceeding 85°F.

(6) Facilities shall at all times provide ventilation to the greyhounds by means of doors, windows, vents, air conditioning or direct flow of fresh air adequate to provide for the good health and comfort of the greyhounds.

(7) Ample lighting shall be provided by natural and/or artificial means to allow efficient cleaning of the facilities and routine inspection of the facilities and greyhounds contained therein.

(8) Each kennel building shall have hot and cold running water.

(9) Washrooms or sinks shall be provided within each housing facility and be readily assessable for maintaining cleanliness among greyhound caretakers and sanitizing food and water utensils. Drainage systems shall be functional to affect those purposes and minimize vermin infestation, odors, and disease hazards.

(10) Ceilings, walls and floors shall be constructed to lend themselves to efficient cleaning and sanitizing. Such surfaces shall be kept in good repair.

(11) Kennels must comply with all state and local fire safety statutes and ordinances.

(12) Smoking shall not be allowed in the kennel areas.

(13) A minimum of one functional fire extinguisher shall be available at each kennel building.

(14) Exercise areas shall be free of debris, brush, or any unsanitary or hazardous materials that could endanger the greyhounds.

(15) Fencing for exercise areas shall be a minimum of six feet high. Material for fencing shall be such that the health and safety of the greyhounds are not endangered. Fencing shall be maintained in satisfactory repair.

(16) Exercise areas having sand or other non-permanent surface materials shall be cleaned and disinfected daily, or more frequently as may be necessary. Fresh surface materials shall be added to soak up urine, as necessary, to reduce disease and odors.

(17) Facilities shall be cleaned and disinfected at least weekly, or more frequently as may be necessary, to eliminate disease hazards, odors, fleas, ticks and vermin.

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### 12.03: continued

(18) Equipment shall be available for the removal and disposal of waste materials from all kennel housing and exercise facilities. This equipment shall be maintained and used in such a manner to ensure the proper storage and disposal of wastes and/or contaminated material in order to control vermin and insects, the spread of diseases, and obnoxious odors.

(19) Droppings must be picked up and removed from the kennel area at least daily. Dropping buckets must have lids that must be kept on the buckets except when in use. Dropping buckets shall be stored in an area removed from the kennel housing and exercise areas.

### 12.04: Kennel Crates

(1) Kennel crates shall be of sound construction and maintained in good repair to protect the greyhounds from injury.

(2) Construction materials and maintenance shall allow the greyhounds to be kept clean and dry. Floors shall be semi-impervious to urine and other moisture.

(3) Crates shall be on working casters, so as to allow for the movement of the crates in order to facilitate the cleaning underneath and behind them.

(4) The shape and size of the enclosure shall afford ample space for the greyhounds to comfortably turn around, stand erect, sit or lie down without obstruction, interference, or impediment by the presence of food and water bowls. Minimum dimensions shall be 32 inches wide, 42 inches deep and 34 inches high.

(5) No more than one greyhound shall be contained in each crate.

(6) Greyhounds shall be removed from their crates at least five times in a 24-hour period. Each release time shall be sufficient to relieve bodily functions and provide adequate exercise for the greyhounds to remain fit and healthy.

(7) Crates shall be sanitized at least daily and more frequently as is necessary in order to maintain a sanitary living environment for the greyhounds.

### 12.05: Feeding

(1) Food supplies and bedding materials shall be stored in such a manner that will protect them from contamination or infestation by vermin or other factors that could render the food or bedding unsanitary. All meat shall be kept frozen or refrigerated until such time that it is to be thawed for immediate consumption.

(2) Cleaning supplies and pesticides shall be stored in a secure area completely separate from food, bedding storage, and greyhounds.

(3) All food and water dishes shall be free of foreign substances. Bowls, dishes, and other containers used for the feeding and watering of greyhounds shall be cleaned and disinfected daily, or more often if necessary, in order to maintain them free from contamination.

### 12.06: Care

(1) Greyhounds shall be supervised, at all times, while in the turnout areas.

(2) Muzzles shall be lightweight and constructed with plastic or padded wire. Worn, broken, or rusted muzzles are prohibited.

(3) Muzzles shall be used only at turnout. Greyhounds shall not be muzzled in their crates while housed in the kennels unless permission is obtained from the Commission or association veterinarian. Said permission shall be granted only for valid documented medical conditions. In emergencies, or for protection of the greyhounds, muzzles may be applied without prior permission.

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- (4) Effective control measures shall be used to prevent infestation of greyhounds and premises with external parasites and vermin.
- (5) Sick, diseased, or injured greyhounds shall be promptly provided with proper veterinary care.
- (6) The outbreak of any communicable disease, that is capable of jeopardizing the welfare of other greyhounds, shall be reported to the Racing Commission within 24 hours of its detection. Willful failure to report such an outbreak shall subject the person(s) guilty thereof to referral to the Commission for such action, as in its discretion, it may determine.
- (7) All greyhounds shall be vaccinated for rabies in accordance with the Department of Food and Agriculture's regulations (330 CMR 10.00). Copies of current rabies certificates, signed by a licensed veterinarian, must be on file with the racing secretary. In addition, each greyhound shall be vaccinated for distemper and any other disease(s) that the Commission or association veterinarians have determined may be communicable to other greyhounds at their facility.
- (8) In accordance with the interest of the health, welfare, and safety of the greyhounds, the judges, upon advice of the association veterinarian, may postpone or cancel any race(s) which, in the opinion of the association veterinarian and/or judges, would be conducted under extraordinary climatic or track conditions that could unduly endanger the greyhounds.
- (9) Whenever, in the opinion of the association veterinarian, extraordinary climatic conditions warrant, the judges may excuse any individual greyhound that, in the opinion of its trainer, as absolute insurer of its condition, may suffer adverse effects or be unable to produce a satisfactory result in a race under those conditions. Scratches occurring under this provision shall not incur any sanctions otherwise imposed by 205 CMR 5.00: *Rules of Greyhound Racing*.

12.07: Track Surface

- (1) The racing surface and banking of all licensed greyhound tracks shall be designed, built, and maintained in such a manner that will provide a safe racing environment for the greyhounds.
- (2) The track surface shall provide adequate drainage and proper resiliency. The upper level shall be non-abrasive to the greyhound's feet.
- (3) The association shall maintain the track surface and banking in a uniform condition to promote the safety of the greyhounds.
- (4) The track surface shall be heated from beneath to prevent freezing and icing conditions.
- (5) Adequate watering systems shall be in place to ensure that the track surface is watered uniformly.
- (6) Proper and sufficient lighting shall be provided to ensure the safety and security of the greyhounds.

12.08: Transportation

- (1) The kennel owner or trainer who initiates transportation shall be responsible for the health, care, and safety of the greyhounds.
- (2) A qualified individual shall accompany the greyhounds and be responsible for their care during each trip.
- (3) All greyhounds transported to any licensed racetrack within the state shall be hauled in crates designed and used for the sole purpose of transporting greyhounds.
- (4) Enclosures used in greyhound transportation shall be of sound construction and be maintained in good repair in order to ensure protection of the greyhounds from injury.

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- (5) Floors and lower sides shall be so constructed or covered on the inner surfaces in order to contain waste and bedding materials.
- (6) Adequate space shall be provided so that the greyhounds contained therein may comfortably turn around, stand erect, sit or lie down.
- (7) Openings shall be provided to ensure adequate ventilation while the greyhounds are in transport.
- (8) Enclosures shall be cleaned and sanitized before each use.
- (9) Any greyhound in obvious physical distress during transportation shall be provided with proper veterinary care as soon as possible.
- (10) Greyhounds in transit exceeding one hour shall be provided, or shall have been provided prior to transit, with adequate food and water.
- (11) Greyhounds in transit, within the Commonwealth, exceeding one hour shall have their physical condition and individual enclosures inspected at least every four hours, and their needs attended to immediately. Greyhounds shall be inspected more frequently in temperature extremes.
- (12) Greyhounds in transit requiring special needs shall have those need conspicuously posted.

12.09: Pre-race and Post-race Facilities

- (1) Paddock lockout kennels shall have a climate control system capable of maintaining a temperature between 65°F and 75°F.
- (2) Paddocks shall have an area equipped with heating and air conditioning systems where the greyhounds may wait for weigh-in unexposed to the elements.
- (3) A cool-out area, unexposed to the elements, shall be provided which shall have a minimum of four water faucets equipped with hoses capable of cooling and cleansing the greyhounds.
- (4) During warm weather seasons, a dipping vat in which greyhounds can be immersed to quickly cool them after racing shall be provided in the cool-out area.
- (5) The association shall provide a facility capable of providing emergency care to injured and stressed greyhounds. The association shall equip and maintain the facility with the equipment and supplies approved by the Commission Veterinarian.

12.10: Inspection Procedures

- (1) All racing kennels shall be available for inspection, at all times, by the Commission Veterinarian, State Police, or other designated representatives of the Commission. Vehicles used to transport greyhounds shall be considered part of the kennel and are subject to inspection.
- (2) Inspections may be announced or unannounced.
- (3) A representative of the kennel shall be present to assist during the inspection.
- (4) A copy of any inspection report, detailing the findings of the inspection, shall be made available to the kennel.
- (5) A follow-up inspection may be conducted if corrective measures are required, or if sick or poorly maintained greyhounds are discovered. The Commission may seek assistance from Animal Control authorities for the removal and/or treatment of sick and poorly maintained greyhounds.

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### 12.11: Fines and Suspensions

- (1) No racing official other than the Judges shall have the right to impose a fine or suspension for violation of 205 CMR 12.00.
- (2) The Judges may not rescind a fine or suspension except with the approval of the Commission.
- (3) All fines and suspensions imposed by the Judges shall be promptly reported to the Racing Secretary in writing.
- (4) Fines must be paid within 48 hours. Delinquents may be suspended. All monies imposed, as fines shall be paid over directly to the Commission.
- (5) The Commission shall have the power to alter, amend or modify the suspensions or fines imposed by the Judges, or to rule off the offenders from all greyhound tracks under its supervision. The Commission shall also have the power to reinstate without fine or suspension.
- (6) The Judges may suspend for no greater period than ten days beyond the close of the meeting, anyone whom they have authority to supervise, or they may impose a fine not exceeding \$500.00. They may also suspend any person declared guilty of any corrupt or fraudulent practice by greyhound racing authorities of any other state or Judges of any recognized meeting. All such suspensions and fines must be reported to the Commission. If the punishment imposed is not, in the opinion of the Judges sufficient, they shall report to the Commission.

### 12.12: Appeal to the Commission

- (1) An appeal from the decision of the judges, in case of suspension or other penalties imposed on persons licensed by the Commission, may be taken to the Commission, which may either sustain the ruling, increase or decrease the penalty, or reinstate the offender.
- (2) An appeal from the decision of the Judges shall be filed in writing at the office of the Commission within ten days of the date of the penalty.
- (3) The appeal shall be signed by the person making it, or his attorney, and must set forth his reason for believing he is entitled to a hearing.
- (4) An applicant for a hearing on an appeal will be heard in person and may be represented by counsel.
- (5) All requests to the Commission in connection with an appeal shall be in writing and all papers filed with the Commission shall be property of the Commission.
- (6) An appeal to the Commission from a decision of the Judges shall not effect such decision until the Commission has acted upon the appeal unless otherwise ordered by a court of competent jurisdiction.
- (7) When a hearing is held by the Commission, or when a matter or case is referred to the Commission for review, the persons involved must be notified by the Commission and if the persons fail to appear it shall be construed a waiver of right to a hearing before the Commission.

### 12.13: Severability

If any regulation or section of 205 CMR 12.00 is determined unlawful or invalid, the other sections shall continue in effect and shall be enforceable.

## REGULATORY AUTHORITY

205 CMR 12.00: M.G.L. c. 128A.