

3.21: continued

- (8) Each trainer shall register with the Racing Secretary every person in his or her employ.
- (9) A trainer shall not have in charge or under his or her supervision any horse owned, in whole or part by a disqualified person.
- (10) No trainer shall accept, directly or indirectly, any bribe, gift or gratuity in any form that might influence the result of any race or which would tend to do so.
- (11) No trainer shall move or permit to be moved any horse or horses in his or her care from the grounds of an Association without permission from the Association.
- (12) A trainer shall not enter or start a horse that:
 - (a) is not in serviceably sound racing condition;
 - (b) has been trachea tubed;
 - (c) has been nerved at or above the ankle;
 - (d) has been nerved or had cryosurgery performed on a nerve, except that horses that have had a neurectomy or cryosurgery performed on the posterior digital nerve below, and not at, the fetlock of one or more feet may be permitted to race;
 - (e) is blind or whose vision is seriously impaired in both eyes. A horse blind in one eye may start only if the other eye has normal vision.
 - (f) does not comply with M.G.L. c. 129, § 44 and 330 CMR 16.05: *Prevention and Suppression of Equine Infectious Anemia*.
- (13) The trainer and/or owner shall see to it that a report is made promptly to the Judges and/or the Official Veterinarian of any and all sickness of his or her horses that have been declared to race.
- (14) Trainers of said horses entered in the first and second races shall inspect the condition of their horse 1½ hours before post time of the first race of the day on which entered to race. If any horse is found, through accident or otherwise, to be unfit to race, the trainer shall report the fact to the Judges one hour before post time of the first race of the day.

(3.22: Veterinarians: Repealed)

3.23: Claiming Races

- (1) Who May Claim. An owner and/or lessee of a horse that has been declared and programmed to start in a purse race at that meeting. An authorized agent may claim for a qualified owner. Any member seeking to effect a false claim by inducing another to claim a horse for him or her will be subject to the penalties provided by the Judges.
- (2) Prohibitions.
 - (a) No person shall claim his or her own horse, nor shall he or she claim a horse trained or driven by him or her.
 - (b) No person shall claim more than one horse in a race.
 - (c) No qualified owner or his or her agent shall claim a horse for another person.
 - (d) No owner shall cause his or her horse to be claimed directly or indirectly for his or her own account.
 - (e) No person shall offer, or enter into an agreement, to claim or not to claim, or attempt to prevent another person from claiming any horse in a claiming race.
 - (f) No person shall enter a horse against which there is a mortgage, bill of sale, or lien of any kind, unless the written consent of the holder thereof shall be filed with the Clerk of the Course of the Association conducting such a claiming race.
 - (g) Where a horse drawn to start in a claiming race has been declared to start in a subsequent claiming race, a successful claimant, if any, of the horse in the first race shall have the option of scratching the horse from the subsequent race.
 - (h) Any mare which has been bred shall not be declared into a claiming race for at least 45 days following the last breeding of the mare, and thereafter such a mare may only be declared into a claiming race after a veterinarian has pronounced the mare not to be in foal. Any mare pronounced in foal shall not be declared into a claiming race.

3.23: continued

- (3) Claiming Procedure.
 - (a) Owner's Credit. The owner must have to his or her credit with the track giving the race an amount equivalent to the specified claiming price plus the requisite fees for transfer of registration.
 - (b) Owner's Consent. No declaration may be accepted without written permission of the owner if filed with the Racing Secretary at the time of declaration.
 - (c) On Program. The basic claiming price for which each horse is entered shall be printed on the program, but all claims shall be for the adjusted price after the prescribed allowances made for sex and/or age have been added to the basic price.
 - (d) Claim Box. All claims shall be in writing, sealed and deposited at least 15 minutes before the time originally scheduled for the race to begin, in a locked box provided for this purpose by the Clerk of Course. Once a claim has been filed it is irrevocable and at the risk of the claimant, unless otherwise provided for in 205 CMR 3.00.
 - (e) Opening of Claim Box. No official shall open said box or give any information on claims filed until after the race. Immediately after the race, the claim box shall be opened and the claim, if any, examined by the Judges.
 - (f) Multiple Claims on Same Horse. Should more than one claim be filed for the same horse, the owner shall be determined by lot by the Judges.
 - (g) Delivery of Claimed Horse. A horse claimed shall be delivered immediately by the original owner or his or her trainer to the successful claimant upon authorization of the Presiding Judge. The horse's halter must accompany the horse. Altering or removing the horse's shoes will be considered a violation of 205 CMR 3.00.
 - (h) Refusal to Deliver Claimed Horse. Any person who refuses to deliver a horse legally claimed out of a claiming race shall be suspended together with the horse until delivery is made.
 - (i) Vesting of Title to Claimed Horse. Every horse claimed shall race in all heats or dashes of the event in the interest and for the account of the owner who declared it in the event, but title to the claimed horse shall be vested in the successful claimant from the time the word "go" is given in the first heat or dash, and said successful claimant shall become the owner of the horse, whether it be alive or dead or sound or unsound, or injured during the race or after it, provided however that the final vesting of title to a claimed horse is subject to the conditions and provisions of the applicable USTA rules.
 - (j) Affidavit by Claimant. The Judges shall require any person making a claim for a horse to make affidavit that he is claiming said horse for his or her own account or as an authorized agent and not for any other person. Any person making such affidavit willfully and falsely shall be subject to punishment as hereinafter provided.
 - (k) Penalty for 30 Day. If a horse is claimed, no right, title or interest therein shall be sold or transferred except in a claiming race for a period of 30 days.
- (4) Claiming Price. Subject to the conditions of the current applicable USTA rules the track shall pay the claiming price to the owner at the time the registration certificate is delivered for presentation to the successful owner.
- (5) Claiming Conditions. Except for the lowest claiming price offered at each meeting, conditions and allowances in claiming races may be based only on age and sex. Whenever possible claiming races shall be written to separate horses five years old and up from young horses and to separate males from females. If sexes are mixed, mares shall be given a price allowance, provided, however, that there shall be no price allowance given to a spayed mare racing in a claiming race.
- (6) Minimum Price. No claiming race shall be offered permitting claims for less than the minimum purse offered at the time during the same racing week.
- (7) Determination of Claiming Price. Except as provided by the United States Trotting Association, no horse owner shall be prohibited from determining the price for which his or her horse shall be entered.

3.23: continued

(8) Fraudulent Claims.

(a) If the Judges determine that the declaration of any horse to a claiming race is fraudulent on the part of the declarer, they may void the claim and, at the option of the claimant, order the horse returned to the person declaring it.

(b) If the Judges determine that any claim of a horse is fraudulent on the part of the person making the claim they may void the claim and may, at the option of the person declaring it in, return the horse to the person declaring it.

(9) The current Registration Certificate of all horses entered in claiming races must be on file with the Racing Secretary together with a separate claiming authorization form signed by the registered owner or owners and indicating the minimum amount for which the horse may be entered to be claimed. To facilitate transfer of claimed horses the Presiding Judge may sign the transfer provided that he or she then sends the Registration Certificate and claiming authorization to the Registrar for transfer.

(10) Any person violating any of the provisions of 205 CMR 3.23, shall be fined, suspended, or expelled.

(11) Claiming. A person or two or more persons in a partnership or other acceptable form of joint ownership shall be eligible to claim a horse, without racing a horse at the race meeting in progress, by complying with the provisions of the following claiming rules:

(a) Such persons must first register as an Owner with the Massachusetts Gaming Commission and pass all security and financial precautions required by the Commission. Further, any such person must consent to a thorough background check by the State Police Unit attached to the Gaming Commission.

(b) Such persons must be representing their own interest only and may not have any undisclosed persons with any interests in the authorized claim.

(c) Such persons must, prior to any such claim, secure the services of a licensed Massachusetts standardbred horse trainer and such trainer must consent to being so engaged in writing to the Judges at the race meeting for which such claim is authorized. Such consent must be given by that trainer both at the time of authorization and on the authorization card submitted at the time of the claim. Any change in the consent of the trainer to be employed by the prospective owner must be reported to the Judges Promptly on the next racing day and a new trainer authorized before a claim can be made.

(d) No such person may claim a horse until all forms and security investigations are completed and approved.

(e) After all forms are approved, the Judges, at the race meetings of commercial race tracks only, will be allowed to issue a claiming authorization card to be submitted in the same envelope as the claim slip in order that the claim be a valid one.

(f) The Judges will keep on file the names of all such persons authorized to claim, the date in which such privilege is exercised in the making of a claim.

(g) Such persons will be granted the balance of the calendar year to exercise the claiming privileges. At the end of such time, if unexercised, a new authorization card must be issued by the Judges to allow the privilege to be exercised in the next calendar year.

(h) A claim must be made and owned in exactly the same name or names authorized by the Judges and cannot be separated if a partnership has been transferred or modified in any way, or such claim will be held invalid.

(i) Any horse claimed under the provisions of 205 CMR 3.23 must race exclusively in Massachusetts at the track where claimed for 60 days following the date of claim. If racing concludes at the track where the horse is claimed for a period in excess of 30 days and no other Massachusetts track offers comparable claiming or other races suitable for that horse, a release statement may be obtained from the Judges or in their absence the Gaming Commission, to allow said horse to race elsewhere prior to the end of the 60 day period.

(j) Only one horse may be claimed under the provisions of 205 CMR 3.23 except as provided in 205 CMR 3.23(11)(j). After a horse is claimed, all future eligibility shall mean a horse must be raced to make any additional claims. However, if for reasons of physical impairment, the claimed horse cannot be raced for a six month period and the owner is willing to indicate this in writing to the Judges along with supporting evidence from a veterinarian licensed to practice at that track, the Judges may at their discretion issue a second authorization to claim. No person shall be granted permission under any circumstances to claim more than a second horse without racing a horse and complying with eligibility at the race meet.

3.23 : continued

- (k) Persons who exercise the privilege of claiming under 205 CMR 3.23 as a member of a partnership or other form of multiple ownership thereby become horse owners and ineligible to exercise the privilege of 205 CMR 3.23 as individuals after that time.
- (l) Any owner(s) who have not raced in the existing meet because they no longer own racing stock due to losing a horse in a claiming race, may be eligible to claim under 205 CMR 3.23.
- (m) The Massachusetts Gaming Commission, or the Judges at the track for which such authorization is granted, may at their discretion, for the protection or general good of racing, revoke the claiming authorization granted under 205 CMR 3.23 at any time during the eligibility period.

(12) Voided Claim: A claim shall be voided if a horse is a starter and the horse:

- (a) Dies on the racetrack; or
- (b) Suffers an injury which requires the euthanasia of the horse, as determined by an Association Veterinarian, while the horse is on the racetrack.

(13) A claim is voidable at the sole discretion of the new owner, for a period of up to thirty (30) minutes after the race is made official, for any horse that:

- (a) Is vanned off the track after the race at the discretion of the Association Veterinarian; or
- (b) Is sent to the detention barn and observed to be lame by the State and/or Association Veterinarian; or
- (c) Is placed on the Veterinarian's List for Epistaxis.

3.24 : Practicing Veterinarians

- (1) Eligibility. An applicant for a license as practicing veterinarian shall be qualified and licensed to practice veterinary medicine in this jurisdiction and be otherwise qualified to be issued a license to participate in racing. An application for a practicing veterinarian license from the Commission must be accompanied by a copy of the applicant's current license to practice veterinary medicine.
- (2) Responsibility.
 - (a) All practicing veterinarians administering drugs, medications or other substances shall be responsible for ensuring that the drugs, medications or other substances and the veterinary treatment of horses are administered in accordance with 205 CMR 3.00.
 - (b) All practicing veterinarians shall promptly notify the official veterinarian of any reportable disease and any unusual incidence of a communicable illness in any horse in his or her charge.
 - (c) All veterinarians shall file individual remittance certificates with individual blood samples when testing for equine infectious anemia. Upon receipt from an approved testing laboratory, the certificates shall be returned to the trainer whose responsibility it shall be to safeguard said certificate and surrender same to a new owner and/or trainer in cases of claims, sales or transfers. All veterinarians shall notify the State Veterinarian immediately upon receipt of a positive report.
- (3) Restrictions.
 - (a) A practicing veterinarian shall not wager on the outcome of any race if the practicing veterinarian has treated a horse participating in that race within the past 30 days.
 - (b) Veterinarians licensed by the Commission to practice their profession shall not be eligible to hold an owner, trainer, or driver license at tracks under the jurisdiction of the Commission.

3.25 : Official Veterinarian

General Authority. The official veterinarian shall:

- (a) be employed by the Commission;
- (b) be a graduate veterinarian and be licensed to practice in this jurisdiction;
- (c) recommend to the judges any horse deemed unsafe to be raced, or a horse that it would be inhumane to allow to race;
- (d) place horses on the Veterinarian's List, when necessary, and remove horses from the Veterinarian's List;
- (e) place horses on the Furosemide List and remove horses from the Furosemide List;

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- (f) maintain a continuing health and racing soundness record of each horse given a racing soundness inspection;
- (g) have the authority to supervise and control the Test Barn;
- (h) supervise the taking of all specimens for testing according to procedures approved by the Commission;
- (i) provide proper safeguards in the handling of all laboratory specimens to prevent tampering, confusion or contamination;
- (j) have authority and jurisdiction over the racing veterinarian and the practicing licensed veterinarians on the association grounds for the purpose of 205 CMR 3.00;
- (k) report to the Commission the names of all horses humanely destroyed or which otherwise expire at the race meeting and the reasons therefore;