

RULE
Office of the Governor
Division of Administration
Racing Commission

Claiming Rule (LAC 35:XI.Chapter 99)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 4:148, notice is hereby given that the Racing Commission formally amends LAC 35:XI.9911 and 9913. In addition, the Racing Commission formally adopts LAC 35:XI.9914 and 9949. §9911, §9913 and §9914 update and clarify the standards for cases in which horse claims can be voided. §9949 establishes standards for purse-to-claim price ratios. This Rule is hereby adopted on the day of promulgation.

Title 35
HORSE RACING
Part XI. Claiming Rules and Engagements

Chapter 99. Claiming Rule

§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), LR 48:

§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.

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), LR 48:

§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 48:

§9949. Purse to Claim Price Ratio

A. The purse-to-claim price ratio in claiming races for open bred horses shall not be greater than a 3:1 ratio, except for races where supplements are added for accredited Louisiana bred horses who compete in open bred races, where the purse-to-claim price ratio shall not be greater than 4:1.

B. The purse-to-claim price ratio for restricted accredited Louisiana bred races shall not be greater than 4:1, except where the conditions for the race limit the entries to accredited Louisiana bred horses sired by stallions standing in the state as of the breeding date where the ratio shall not be greater than 5:1.

C. Modifications to Subsections A and B may be made at any duly noticed meeting of the Racing Commission.

1. Approved modifications shall be posted on the Racing Commission's website and posted at the Racing Commission's racetrack offices.

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 48:



Charles A. Gardiner III
Executive Director



Date