

(g) If the riding crop is used, under the supervision of the stewards, there shall be a visual inspection of each horse following each race for evidence of excessive or brutal use of the riding crop.

(h) If a jockey or exercise rider uses the riding crop in a manner contrary to this section:

1. The jockey or exercise rider may be suspended and/or fined by the stewards; and

2. The jockey's share of the purse shall be forfeited if, in the opinion of the stewards, the unauthorized use of the crop caused the horse to achieve a better placing.

13:70-11.12B Riding crops

(a) All riding crops must be soft-padded.

(b) Riding crops shall have a shaft and a soft tube and must conform to the following dimensions and construction:

1. The maximum allowable weight shall be eight ounces;

2. The maximum allowable length, including the soft tube attachment, shall be 30 inches;

3. The minimum diameter of the shaft shall be three-eighths of one inch; and

4. The shaft, beyond the grip, must be smooth, with no protrusions or raised surface, and covered by shock absorbing material that gives a compression factor of at least one millimeter throughout its circumference.

(c) The soft tube is the only allowable attachment to the shaft and must meet the following specifications:

1. Shall have a maximum length beyond the shaft of one inch;

2. Shall have a minimum width of 0.8 inches and a maximum width of 1.6 inches;

3. There shall be no reinforcements or additions beyond the end of the shaft;

4. There shall be no binding within seven inches of the end of the shaft;

5. The soft tube shall be made of shock absorbing material with a compression factor of at least five millimeters throughout its circumference;

6. The soft tube shall be made of a waterproof, ultraviolet, and chemical resistant foam material that is durable and preserves its shock absorption in use under all conditions; and

7. The soft tube shall be replaced after reasonable wear and tear is visibly evident.

(d) The riding crops are subject to inspection and approval by the stewards and the clerk of the scales, based upon (c) above.

(a)

NEW JERSEY RACING COMMISSION

Harness Racing

Cancellation of Racing to Protect the Health, Safety, and Welfare of Racing Participants

Adopted New Rule: N.J.A.C. 13:71-1.38

Proposed: December 2, 2019, at 51 N.J.R. 1750(a).

Adopted: September 16, 2020, by the New Jersey Racing

Commission, Judith A. Nason, Executive Director.

Filed: September 28, 2020, as R.2020 d.113, **without change**.

Authority: N.J.S.A. 5:5-30.

Effective Date: October 19, 2020.

Expiration Date: August 28, 2024.

Summary of Public Comment and Agency Response:

The official comment period ended on January 31, 2020. The following is a summary of the comments received and the response of the New Jersey Racing Commission (Commission). The Commission received comments from two persons in response to the notice of proposal:

Howard Bruno, General Manager of Freehold Raceway; and

Karen De Russo, a member of the public.

COMMENT: Mr. Bruno states that Freehold Raceway "is in support of the ... rule," but requested that "language be added indicating that any

cancellation at the direction of the Executive Director would be considered as a day raced in order [to] meet statutory minimums on required number of race days." Mr. Bruno adds that such "language would be consistent with the current practice regarding weather-related cancellations."

RESPONSE: The Commission thanks Mr. Bruno and Freehold Raceway for their support. Any decision by the Executive Director to cancel racing will be presented to the Commissioners for ratification in accordance with the current practice regarding weather-related cancellations.

COMMENT: Ms. De Russo states that she is in support of the rulemaking and applauds the rule changes and believes such changes are overdue. Ms. De Russo states that "if NJ is to grow its racing industry it must appeal to the general public. Most people do not want to watch these beautiful creatures treated inhumanely." She also states that the next rule change "is to ensure the owners have a responsibility to the horses that are no longer racing."

RESPONSE: The Commission thanks the commenter for her support and agrees the new rule promotes equine health and welfare. The Commission notes that the commenter's statement regarding retired racehorses is outside the scope of the rule proposal.

Federal Standards Statement

A Federal standards analysis is not required as there are no Federal standards or requirements applicable to the adopted new rule.

Full text of the adopted new rule follows:

SUBCHAPTER 1. GENERAL RULES

13:71-1.38 Cancellation of racing to protect the health, safety, and welfare of racing participants

In the event a permit holder decides to conduct races, the Executive Director shall have the authority to order the postponement or cancellation of racing for any reason determined to pose a serious risk to the health, safety, and welfare of the equine and human race participants, including, but not limited to, extreme weather conditions, such as high heat and humidity.

(b)

NEW JERSEY RACING COMMISSION

Harness Racing

Whips; Restricted Use of Whip and Prohibition of Goaded Devices

Adopted Amendments: N.J.A.C. 13:71-20.14 and 20.15

Proposed: December 2, 2019, at 51 N.J.R. 1753(a).

Adopted: September 16, 2020, by the New Jersey Racing

Commission, Judith A. Nason, Executive Director.

Filed: September 28, 2020, as R.2020 d.114, **without change**.

Authority: N.J.S.A. 5:5-30.

Effective Date: October 19, 2020.

Expiration Date: August 28, 2024.

Summary of Public Comment and Agency Response:

The official comment period ended on January 31, 2020. The following is a summary of the comments received and the responses of the New Jersey Racing Commission (Commission). The Commission received comments from several persons in response to the rulemaking:

Jason Settlemoir, COO/General Manager of Meadowlands Racing & Entertainment, commented on behalf of New Meadowlands Racetrack, LLC

Howard Bruno, General Manager of Freehold Raceway, commented on behalf of Freehold Raceway

John Campbell, President & CEO of the Hambletonian Society, commented on behalf of the Hambletonian Society