2. (No change.)
3. Owner of record and [particulars] fiscal records regarding purchase of equine;
4.-9. (No change.)
(c) The attending veterinarian shall certify the cause of death and shall submit [a report] treatment records describing all [administration of medication or drugs to said animal] veterinarian treatments administered to the horse within the [96 hour] 30-day period preceding the time of death. These records shall be submitted to the State Steward within 48 hours of the time of death. Failure to produce these records may result in the immediate suspension of the trainer and/or veterinarian.
(d) Upon the death of any horse on the track during racing or training, or upon the death of a horse within one hour after racing or training on any racetrack:
1. Verbal notice of the death of the horse shall be given to the State Steward or to a New Jersey Racing Commission veterinarian within one hour of the horse’s death. Said notice shall not negate the obligation to submit an equine fatality report within 48 hours of the time of death; and
2. An appropriate post-mortem necropsy shall be conducted, by a qualified veterinarian at a facility designated by the Commission, to determine the cause of death and other relevant information about the condition of the deceased horse. The cost of the necropsy, including related transportation and other costs, shall be borne by the owner of the deceased horse.
(e) Upon the death of any horse on the racetrack during racing or training, or upon the death of a horse within one hour after racing or training on any racetrack, the remains of the deceased horse shall not be removed without the written consent of the State Steward, or his or her designee, or the Chief State Veterinarian, or his or her designee. It shall be the joint responsibility of the racetrack and the owner of the horse to prevent the unauthorized removal of the remains of a deceased horse.
[(d)] (f) Failure to file the [foregoing] equine fatality report or the required veterinary records in a timely fashion or filing in an incomplete fashion may subject the owner, trainer, [custodian] and/or veterinarian to disciplinary action.
1. Any falsification or misstatement submitted in connection with an equine fatality report may also subject the owner, trainer, [custodian] and/or veterinarian to disciplinary action [as provided in N.J.A.C. 13:71-31.3].
2. (No change.)
[(e)] (g) An equine fatality report shall not be required in connection with any pony or mascot.

NEW JERSEY RACING COMMISSION
Horse Racing
Riding Crop Prohibited; Emergency Use of Riding Crop; Riding Crop
Authorized By: New Jersey Racing Commission, Judith A. Nason, Executive Director.
Calendar Reference: See Summary below for explanation of exception to calendar requirement.
Proposal Number: PRN 2019-149.
Submit written comments by January 31, 2020, to:
Judith A. Nason, Executive Director
Department of Law and Public Safety
New Jersey Racing Commission

(CITE 51 N.J.R. 1748)
The Commission has evaluated the proposed repeal and new rules and determined that they will not have an impact on housing affordability or evoke a change in the average costs associated with housing in the State because the proposed repeal and new rules concern restricting the use of the riding crop by jockeys. Accordingly, no further analysis is required.

Smart Growth Development Impact Analysis

The Commission has evaluated the proposed repeal and new rules and determined that they will not have an impact on housing affordability or evoke a change in the average costs associated with housing in the State because the proposed repeal and new rules concern restricting the use of the riding crop by jockeys. Accordingly, no further analysis is required.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Commission has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposal follows (additions indicated in boldface; deletions indicated in brackets [thus]):

**Some text has been marked for exclusion.**
(f) The riding crop should be shown to the horse before use, whenever possible.

(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 (e) above.

NEW JERSEY RACING COMMISSION
Harness Racing
Cancellation of Racing to Protect the Health, Safety, and Welfare of Racing Participants


Authorized By: New Jersey Racing Commission, Judith A. Nason, Executive Director.


Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2019-152.

Submit written comments by January 31, 2020, to:
Judith A. Nason, Executive Director
Department of Law and Public Safety
New Jersey Racing Commission
PO Box 088
Trenton, New Jersey 08625-0088
Or via email to: NJRCWebinfo@lps.state.nj.us

The agency proposal follows:

Summary

N.J.S.A. 5:5-30 grants the New Jersey Racing Commission (Commission) “power to prescribe rules, regulations and conditions under which all horse races shall be conducted in the State.” Implicit in that statutory grant of authority is the Commission’s discretion to conditionally cancel or postpone horse races in the State. Proposed new N.J.A.C. 13:71-1.38 will grant the Commission explicit authority to cancel or postpone races in the event of an imminent risk to the health, safety, and welfare of equine and human race participants. This proposed new rule will also clarify, for the public, a process for emergency cancellation or postponement of horse racing in the State should a permit holder persist with the conduct of races in dangerous conditions.

As an objective regulatory body not influenced by the same external concerns of the private-entity permit holders, the Commission should have independent discretion to cancel racing in the State in the occurrence of dangerous conditions. The decision to cancel racing will reside with the Executive Director, who is in the best position to make an accurate and reasonable judgment. A determination to cancel or postpone races shall be based on the health, safety, and welfare of the equine athletes and horsemen and shall also consider the best interests of the industry. Prior to making the decision to cancel or postpone races, the Executive Director may consult with members of the industry, Commission staff, regulatory bodies from neighboring jurisdictions, and any other relevant experts. Placing this authority in the discretion of the Executive Director is a responsible and prudent decision that aligns with the paramount goal of the Commission, which is to ensure the health, safety, and welfare of the racing participants. Further, this rulemaking will provide clarity regarding the process for determining whether certain factors exist that would make racing unsafe for the equine and human racing participants. Such factors include, but are not limited to, excessive heat or humidity, the presence of lightning, or icy conditions.

As the Commission has provided a 60-day comment period for this notice of proposal, this notice is exempted from the rulemaking calendar requirements pursuant to N.J.A.C. 1:30-3.3(a).

Social Impact

Vesting the authority to cancel races in the Executive Director is of great social benefit because such a decision will ensure the public that an objective body is making a determination based on the health, safety, and welfare of the race participants and no other external factors. The rulemaking will promote the safety of the racing participants, the integrity of the sport, and the trust of the wagering public.

Economic Impact

Should the Executive Director determine to cancel races on a particular day, the permit holders and horsemen will likely lose the opportunity to gain racing-related income during the time affected by the cancellation or postponement. Such losses include attendance and concession sales at the racetracks, as well as the racetrack operator’s share of pari-mutuel wagering that would have occurred on the races that were cancelled or postponed. These losses are somewhat reduced by the fact that the operator will not have to pay purse money. In addition, trainers, owners, and jockeys will lose racing-related income due to the cancellation or postponement of races.

The negative impacts could be mitigated if the permit holder applies to reschedule the canceled race day and the Commission approves the new date. The Commission believes that losses related to cancellation in dangerous conditions are outweighed by the benefits of protecting the health, safety, and welfare of the racing participants.

Federal Standards Statement

A Federal standards analysis is not required as there are no Federal laws or standards applicable to the proposed new rule. The Commission proposes this new rule pursuant to the rulemaking authority set forth at N.J.S.A. 5:5-30.

Jobs Impact

The Commission has evaluated this proposed new rule and determined that it will not add or decrease any jobs in the State.