

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION
CHAPTER 75. OKLAHOMA-BRED PROGRAM**

325:75-1-21. Expenditure of Oklahoma Breeding Development Fund Special Account Monies for the purpose of caring for retired and unwanted Oklahoma-Bred racing stock

The use of monies from the Oklahoma Breeding Development Fund Special Account for the purpose of caring for retired and unwanted Oklahoma-Bred racing stock shall be subject to the following procedures and requirements:

- (1) To be eligible to receive monies from the Oklahoma Breeding Development Fund Special Account for the purpose of caring for retired and unwanted Oklahoma-Bred racing stock, a non-profit entity must:
 - (A) Be exempt from taxation under the United States Internal Revenue Code, 26 U.S.C. § 501(c),
 - (B) The official horsemen's representative organization for a participating breed must request that the non-profit entity receive monies from the Special Account for the purpose of caring for retired and unwanted Oklahoma-Bred racing stock, and
 - (C) The non-profit must have a program developed for the care of retired and/or unwanted horses which meets the program requirements specified in this Rule.
- (2) Two general types of care programs may receive funding for the purpose of caring for retired or unwanted Oklahoma-Bred racing stock:
 - (A) Adoption Programs under which Oklahoma-Bred race horses are rehabilitated and/or rehabilitated and retrained for other uses, such as, but not limited to, polo, dressage, hunter/jumper, and pleasure riding. The purpose and goal of such programs is the adoption of the horse by third parties after rehabilitated and/or retraining; and
 - (i) A horse participating in the "Adoption Program" must be stalled alone or have access to a pen with a constructed shelter to accommodate all horses in said pen.
 - (ii) The Adoption Program shall not include horses that are currently being "let down" will fall under the Pension Program funding until they are actively participating in the Adoption Program. In the event a horse is injured while in the Adoption Program and requires more than two consecutive weeks off, said horse shall only be eligible to receive Pension Program funding until it can return to training. Horses deemed eligible to receive funding for the Adoption Program can only receive said funding for a maximum of twelve (12) months.
 - (B) Pension Programs, for the care and "pasturing" of retired or unwanted race horses who, because of their health or condition, are incapable of being rehabilitated/retrained and adopted.
 - (C) Such programs may be operated by the eligible non-profit entity itself and/or through the use of subcontractors.
- (3) Whether conducted by an eligible non-profit entity itself or through the use of subcontractors, to be eligible, a care program must comply with the following requirements:
 - (A) The program must enable horses to have access to clean, palatable, safe water and be able to drink their fill at least twice a day;
 - (B) ~~The program is to maintain all horses in a body condition score of three (3) or more using the body condition scoring system developed by Dr. Don Henneke at~~

- ~~Texas A&M University. In establishing this criteria, the Commission recognizes that horses gaining weight and being fed adequately, highly conditioned performance horses and horses with certain chronic health conditions may be in lower body condition scores and still be acceptably nourished, and that horses with more than twenty (20) years of age may not maintain their body condition well, even with special food~~ The program must be designed to maintain all horses in a healthy body condition, including regularly scheduled de-worming and vaccination programs;
- (C) ~~The program shall permit horses to have free access to natural or constructed shelter that is well-ventilated with adequate space and free of hazards. Stables horses should be allowed exercise daily and provides adequate fencing to ensure the horses' safety;~~
- (D) The program should ensure that horses are free of significant health problems or should be receiving appropriate health care to prevent unnecessary discomfort and promote prompt return to well-being;
- (E) ~~The program must ensure that horses receive adequate hoof care to allow horses to stand in a normal posture and move at all gates without discomfort. In adopting this criterion, the Commission recognizes that some health and hoof problems [such as Heaves or Founder] in horses, particularly those that are long standing, may not be resolved, but this should be determined by a veterinarian~~ have normal movement;
- (F) The program shall maintain adequate dental care to allow a horse to chew and digest the provided feed.
- ~~(F)~~ (G) ~~The non-profit entity and subcontractor participating in the program must agree to and allow random, unannounced inspections of their care operations and facilities by the Commission's Law Enforcement Division~~ OHRC or its representative;
- ~~(G)~~ (H) ~~Non-profit entities and subcontractors participating in the program must agree to and actually file quarterly~~ monthly reports with the Commission on a form provided by the Commission. The reports will include, but are not limited to, an indication of the total number of horses being cared for at the facility during the ~~quarter~~ month, the number of eligible Oklahoma-Bred horses being cared for, and horse mortality rate during the ~~quarter~~ month and the number of adoptions during the ~~quarter~~ month, and
- ~~(H)~~ (I) ~~No horse in the non-profit entity's program shall be sent to slaughter.~~
- (4) To be eligible to participate in the program, racing stock must meet the following requirements:
- (A) ~~The horse must be of~~ registered with a participating breed, named and tattooed;
- (B) The horse must be registered in the Oklahoma-Bred Program;
- (C) ~~The horse's last race or last workout cannot have occurred more than twelve (12) months prior to its entering into care in a program receiving funding under this Rule~~ The horse must have raced at an Oklahoma Horse Racing Commission (OHRC) licensed racetrack within twelve (12) months of submitting an application for funding or had at least three (3) official workouts at an OHRC licensed racetrack within twelve (12) months of submitting an application for funding;
- (D) Ownership of the horse and its registration papers must be turned over to and become the property of the non-profit entity or its designated subcontractor;
- (E) The horse shall never be raced again, and

- (F) Horses of an owner who has not placed a retired or unwanted horse in an Adoption Program or Pension Program receiving funding authorized in accordance with this Rule will have priority over horses seeking to be placed in such an Adoption or Pension Program whose owners have already placed two (2) or more horses in such an Adoption Program or Pension Program.
- (5) The following procedures will be used by the Commission in awarding monies from the Oklahoma Breeding Development Fund Special Account for the purpose of caring for retired and unwanted Oklahoma-Bred racing stock:
- (A) No non-profit entity will be eligible to receive monies from the Oklahoma Breeding Development Fund Special Account for the purpose of caring for retired and unwanted Oklahoma-Bred racing stock during any calendar year unless the official horsemen's representative organization for a participating breed requests that the entity receive such from the Special Account during the calendar year. Requests by the official horsemen's representative organization must be made on an annual basis and no matter when made will only make the non-profit entity eligible during the calendar year in question, assuming all other requirements are met by the non-profit entity.
- (B) The Commission's Executive Director shall determine whether a non-profit entity and its program are eligible to receive funding for the purpose of caring for retired and unwanted horses. Further, the Executive Director shall determine the amount of funds that each eligible and participating entity shall receive, based upon the number of eligible Oklahoma-Bred horses being cared for or to be cared for by the non-profit entity and how much funding is available, using the following funding parameters:
- (i) No more than fifty percent (50%) of funds made available in the Oklahoma Breeding Development Fund Special Account for the purpose of caring for retired or unwanted Oklahoma-Bred racing stock can be used to care for pensioned horses, horses that because of their health or condition are not being rehabilitated and/or retrained for adoption;
- (ii) Funding for horses in an Adoption Program, between \$200-\$250 per month, per horse, or an amount within a range established annually by the Commission's Executive Director;
- (iii) Funding for horses in a Pension Program, between \$150-\$200 per month, per horse, or an amount within a range established annually by the Commission's Executive Director.
- (C) Of the funding made available to a non-profit entity for the purpose of providing care to retired and unwanted horses, the non-profit entity may use up to fifteen percent (15%) of those funds for administrative expenses, which are any expenses not related to directly providing of care to horses in the program.
- (D) Before a non-profit entity can receive funding for the care of a horse, whether in an Adoption Program or Pension Program, the horse's eligibility to participate in the program must be established in the following manner: The non-profit entity shall file with the Commission's Oklahoma-Bred Registry Department: (1) an ownership transfer application which transfers ownership of the horse to the non-profit entity or a subcontractor designated by the non-profit entity, together with (2) the horse's original registration papers to be held by the OHRC until the horse is adopted or

purchased, (3) documentation showing the horse's last race and/or last workout, and (4) a request that the horse be qualified as retired or unwanted racing stock within its care for the purpose of receiving Oklahoma Breeding Development Fund Special Account monies.

(E) In addition to transferring the ownership based upon the application filed, the Registering Department will also notify both the Commission's Executive Director and the non-profit entity making the application whether the horse is an Oklahoma-Bred racing stock horse and whether the horse is eligible under this Rule.

(F) A non-profit entity must notify the Commission's Executive Director within ~~two (2) weeks on an eligible horse's leaving the non-profit's Adoption or Pension Program by virtue of death, adoption or any other reason~~ forty eight (48) hours of a participating horse leaving their care for reason, including death, sale or adoption.