

## 2022 PROPOSED RULE CHANGES

*The following proposed rule and bylaw changes will be considered by the membership at each district's annual meeting and will be voted on by the USTA Board of Directors at the 2022 Annual Meeting. Additions are bold underlined; deletions are ~~struck out~~.*

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1. A proposal to amend existing Rule 5.16 Medical Assistance by adding the following:

In the case of an injury, the medical team on site shall have the discretion to transport immediately and have a backup ambulance called to replace them or call for backup to transport depending on the severity of the injury.

Sponsor: Mark Loewe, District 7 Director

[The sponsor states: “There needs to be consistent protocols at all tracks to make sure injured participants are transported as quickly as necessary. Currently there are inconsistencies across the various jurisdictions.”]

Current Rule 5.16 reads as follows:

Medical Assistance. At all member tracks where harness races are conducted it shall be the responsibility of the track member to have a licensed paramedic, emergency medical technician or the equivalent and an ambulance or other suitable transportation available on the premises during the period beginning 30 minutes prior to the post time for the first race on the program, or first qualifying race, through the conclusion of the racing program. For the purposes of this rule “ambulance” or “other suitable transportation” shall be defined as one capable of transporting injured parties to an appropriate medical facility.

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2. A proposal to amend existing Rule 6.15 Clerk of the Course/Charter (b) to add a time requirement for the submission of race charts by fairs:

(b) The charting of races shall be done only by a licensed clerk of the course/charter and he or she shall be responsible for providing a complete and accurate chart. At all meetings, the charting of races is mandatory and the track member shall employ a licensed clerk of the course/charter to fulfill the requirements of this section. All fairs must furnish race charts to the USTA within three hours of the conclusion of the racing card.

Sponsor: Steven Carpenito, Centerville, MN

[The sponsor states: “Too often the results of fair racing go unreported for days after the races are completed leaving racing officials and the wagering public in the dark regarding a horse’s most recent past performance.”]

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3. A proposal to amend existing *Rule 7.06 Tattoo/Freeze Brand/Microchip Requirements* to add additional verbiage to allow horses born, registered and freeze branded/tattooed prior to 2019 to be identified by this means and not require a microchip to race, be entered into a sale or bred:

It shall be optional for the owner and/or trainer of any horse born prior to 2019 to be implanted with a microchip for the purpose of identification, provided said horse was properly registered with the USTA or Standardbred Canada and has either a tattoo or freeze brand which is clear and readable. Only in the event a tattoo or freeze brand is declared illegible shall the horse be required to be microchipped for racing, sale, or breeding purposes.

Sponsor: Stacey Ruddick, Scipio, IN

[The sponsor states: “When horses born prior to 2019 were foaled, the current USTA rules required tattoo or freezebrand as the accepted form of identification. At one time, tattoo was the accepted form of identification. When the USTA moved forward and switched to freeze branding, horses with a tattoo were still able to use that form of identification. They were NOT forced to get a freezebrand IN ADDITION to the tattoo. This set a precedent of how future rules for identification implemented by the USTA should be handled. As such, horses identified by either tattoo or freezebrand should continue to be able to be entered in sales and/or races, being grandfathered in by the rules in place when they were registered. The additional cost for switching to microchip should not fall on the horse owner and/or trainer, as it was the USTA who chose to change their rules after the horses were registered properly.”]

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4. A proposal to amend existing *Rule 7.06 Tattoo/Freeze Brand/Microchip Requirements* to add verbiage in regard to state regulation for chip implantation and bring consistency to both references within this rule as to how a horse must be identified - **“tattooed or freeze branded and implanted with a microchip.”**:

7.06 Tattoo/Freeze Brand/Microchip Requirements. No horse that has not been tattooed or freeze branded and implanted with a microchip in compliance with pertinent state veterinary scope of practice regulations and as authorized by the USTA will be permitted to start at an extended pari-mutuel meeting or any other meeting unless the permission of the presiding judge is obtained and arrangements are made to have the horse tattooed or freeze branded or implanted with a microchip in compliance with pertinent state veterinary scope of practice regulations. Any person refusing to allow a horse to be tattooed/freeze branded/microchipped in compliance with pertinent state veterinary scope of practice regulations by a USTA representative may be fined, suspended or expelled, or further applications for registrations submitted by such person may be refused.

No horse may start in any race at an extended pari-mutuel or any other meeting unless it is fully identified with a tattoo or freeze brand and implanted with a microchip in compliance with pertinent state veterinary scope of practice regulations and as authorized by the USTA. The burden of establishing the identity of a horse rests with the person or persons having charge of the horse at the meeting, and in connection therewith any person found guilty of fraud or attempted fraud or any person who aids in any way in the perpetration of a fraud or any person who participates in any attempt at fraud shall be expelled. Provided further that the provisions of this section shall not be interpreted as relieving the paddock judge and/or the identifier from any

responsibilities outlined in Rule 6.17 and 6.18.

Sponsors: Ellen Harvey, Aiken, SC; Keith Gisser, Cleveland Heights, OH; Trish Soulsby, Powell, OH; Sabine Spring, Ashley, PA

[The sponsors state: “Compels compliance with pertinent state veterinary scope of practice regulations on implanting microchips. Multiple states (New York, Pennsylvania, and Illinois, at least) address this procedure in regulations for veterinarians and veterinary techs. This will avoid civil penalties for violation of such regulations and liability risk. The Jockey Club recommends chips be implanted by veterinarians.

Addition of ‘or any meeting’ in paragraph one creates consistency with the phrase, ‘at an extended pari-mutuel or any other meeting,’ already in the second paragraph of this section.

Addition of ‘with a tattoo or freeze brand and implanted with a microchip’ in paragraph two creates consistency with the existing rule in paragraph one. Reinforces that a horse must have a tattoo OR freeze brand AND it must be implanted with a microchip, mandating two forms of identification prior to racing, one of which is a visible lip tattoo or brand and the second is an invisible microchip.

The existing rule, which is inconsistent with current practice, mandates a horse have a visible (tattoo or brand) form of ID and a microchip. It continues a 25-year ID practice giving breeders choice of ID and adds a chip, for two forms of ID. I find no rule supporting the current practice of mandating a chip and imposing a 50% surcharge for an optional brand. The surcharge is not stipulated in rule 27.04 with other registration fees.

Invisible microchips alone are insufficient to identify horses beyond racing. Mandatory application of a visible brand (or tattoo, as stipulated in this rule) identifies and protects a horse for all their life, in any setting. Maintains choice of a preferred form of visible ID, adds benefit of a chip. No cost to USTA or members; the cost for brands was embedded in the registration fee of \$140 for foals born prior to 2019. Chip cost is offset by \$10 registration fee increase (to \$150) for foals of ‘19 and later; there was no reduction in fee despite reduction in service of brand application. Additional offset is found in revenue against no expense from both unapplied brands for 100% of foal crops of 2019 and later and the 50% registration surcharge (\$75), multiplied by thousands of horses in three foal crops whose owners chose a brand.”]

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5. A proposal to amend existing *Rule 11.03 Claiming Procedure (d)(2)* to require the opening of the claim box to be made electronically available:

Opening of Claim Box. - The claim box shall be opened and the claim, if any, examined by the judges. This process shall made available for public inspection by video feed or other means of electronic recordation.

Sponsor: Terri Mt. Pleasant, Jamestown, OH

[The sponsor states: “This will provide transparency to multiple claims being entered. There have been some very disturbing stories about how some tracks may or may not have handled multiple claims. I feel that this change would prevent those conversations if the public were able to view.”]

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6. Housekeeping item - A proposal to delete existing *Rule 11.03(d)(11) Blood Sample Procedure if Horse is Claimed*:

~~Blood Sample Procedure if Horse is Claimed. In the event a horse is claimed a blood sample shall be taken by a licensed veterinarian and the sample identified as being from a claimed horse shall be forwarded within 24 hours to an approved laboratory to be tested for equine infectious anemia. Pending the receipt of a negative test for equine infectious anemia the monies paid for the claimed horse shall be held by the track member. In the event of a positive test for equine infectious anemia the ownership of the claimed horse shall revert to the owner from whom the horse was claimed and the claiming monies shall be returned to the person or persons who claimed the horse. The cost of the test is to be borne by the claimant and the test may be waived by the claimant at his discretion by so indicating on the claiming slip.~~

Sponsors: Mark Loewe, District 7 Director; TC Lane & Michele Kopiec, USTA Staff

[The sponsors state: "*Rule 20.12 prohibits a horse that is either infected with or a carrier for equine infectious anemia from racing and requires a Coggins test be presented to a track member upon entrance to a stable area, thus this rule is outdated and unnecessary. In addition, track members record current Coggins tests to eTrack, so the information is readily available.*" ]

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7. A proposal to amend existing *Rule 11 Claiming Races* by adding new section *11.11 Voidable Claim* as follows:

11.11 Voidable Claim. If a horse, after starting in a race and being claimed, cannot walk off the track under its own power, the claimant or his/her trainer shall have one hour from off time of the race to void the claim with permission from the veterinarian and stewards.

Sponsor: Christopher Temming, Huntington Valley, PA

[The sponsor states: "*This rule is already in effect in Thoroughbred racing in New Jersey (NJ Administrative Code §13:70-12.20A) and also in other racing jurisdictions but NOT in harness. This rule should be in place to protect the claimants and for the welfare of the horses.*" ]

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8. A proposal to amend existing *Rule 12.07 Date of Nomination Closing/Sustaining Payments Due (c), (d) and (e)* as follows:

(c) There shall be no conditions that call for payments in stakes or futurities to fall due after August 15th and before February 15th of the following year, with the exception of supplemental payments. No stake or futurity shall become due prior to February 15<sup>th</sup> of any year.

- (d) In early closing events no payment on two-year-olds shall become due prior to ~~March~~ February 15th excluding fairs and sire stakes.
- (e) No more than ~~two~~ three sustaining payments on any horse of any age in any calendar year, with the exception of the starting fee, will be approved.

Sponsor: The Hambletonian Society

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9. A proposal to amend existing *Rule 14 Declaration, Drawing of Post Positions, Post Draw* to add new section *14.18 Selection of Drivers in Stakes Races* (and renumber 14.18 through 14.24) to require stables with one than one starter in stakes races to be driven by a catch driver as follows:

14.18 Selection of Drivers in Stakes Races. No trainer and/or driver, or immediate family of a trainer and/or driver, with more than one horse in any stake race shall be permitted to drive any of his/her horses in that race; each horse shall be required to be driven by a catch driver.

Sponsor: Stuart Chambers, Raleigh, NC

[The sponsor states: “Trainer/drivers with multiple entrants from their stable in a stake race can unfairly manipulate the outcome without it being obvious but it can be clearly detected, and it is a huge disadvantage to all other entrants from stables with one horse entered. Catch drivers have a reputation to uphold and multiple allegiances and are more likely to drive ‘fairly.’ Large stables have a big advantage today and it must change for the well-being of the sport. Simply put, a trainer(driver, or their immediate family, who has, for example, three entrants in a stake, should not be allowed to drive any of his/her entrants in that stake. They basically are the puppet master and can easily manipulate the outcome of the race significantly favoring one or more of his/her stable entrants. I simply recommend all horses from one stable must each use a catch driver in that race.”]

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10. A proposal to amend existing *Rule 16.07 Reasons for Recall* by adding new subsection (g) to address interference before the start when no recall is sounded:

(g) In the event there is interference before the start and no recall is sounded, the offended horse shall be deemed a non-starter for wagering purposes and remain eligible for purse earnings. The offending horse shall be placed behind any horse with whom it caused interference.

Sponsor: Michael Hall, Sun City, AZ

[The sponsor states: “There are differing opinions on this matter, and it’s not addressed specifically. No horse who causes interference should be allowed to finish ahead of any horse with whom it interfered. The offended horse should be declared a non-starter for wagering purposes to protect the wagering public but should remain eligible for purse earnings.”]

Current Rule 16.07 reads as follows:

Reasons For Recall. The starter may sound a recall only for the following reasons:

- (a) A horse scores ahead of the gate.
- (b) There is interference.
- (c) A horse has broken equipment.
- (d) There is a malfunction of the starting gate.
- (e) A horse falls before the word "go" is given.
- (f) A horse comes to the gate out of position.

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- 11. A proposal to amend existing *Rule 17.02 Mandatory Licensing of Trainers* to renumber and add new subsections in regard to trainer continuing education (also see proposed bylaw change to Article 9.05 to add a Trainer Education Standing Committee):

#### 17.02 Mandatory Licensing of Trainers

- (a) No person shall be programmed as the trainer of a horse in any race of a track member without having first obtained an active membership including a trainer's license.
- (b) In order to maintain a current license, trainers with a general or limited license must complete at least four hours per calendar year of continuing education courses approved by the Trainer Continuing Education Committee. General or limited trainers who have 12 or fewer starts during the previous months may request a waiver of this requirement from the Trainer Continuing Education Committee.
- (c) The Trainer Education Committee shall approve and have posted on the USTA website a list of trainer approved continuing education courses.

Sponsor: Jonathan Klee, Sands Point, NY

[The sponsor states: "*The Jockey Club has adopted required continuing legal education classes for Thoroughbred horse trainers. The USTA is deficient in not adopting specific continuing legal education classes for Standardbred horse trainers. The USTA must develop trainer continuing education programs to satisfy the needs of the public as to integrity and before state jurisdictions if HISA require trainer continuing education classes not specific to our industry. In the January 3, 2021 edition of HRU, I wrote a similar editorial detailing the justification of Trainer Continuing Education classes for Standardbred trainers.*

*As the horse racing industry reflects on 2020 one thing is certain, its landscape going forward in 2021 has forever been changed. Passage of the HISA (Horseracing Integrity and Safety Act) and criminal indictments have guaranteed that. Harness racing may or may not be in full control of its destiny. Past norms and business as usual are no longer acceptable. The need to better monitor how stakeholders address issues in house going forward needs to be the norm and not the exception. The alternative is letting other interests control how harness racing monitors its' business.*

*It seems a major point of contention is should the USTA take a leadership role in harness racing or simply be a record-keeping organization? The answer is not an easy one, but I think we can all agree that the USTA is our national governing body which licenses all trainers and asst. trainers who participate. Without a USTA license, with limited exception, you cannot participate in harness racing in the United States. As such, what can*

*the governing body of harness racing like the USTA do to influence and control our sport and show the public we take horse racing integrity seriously? The issuance and requirements to obtain and maintain a trainer or assistant trainer license is one such issue.*

*This begs the question, what are the licensing requirements of trainers and assistant trainers and upon relicensing how do they stay in good standing with the organization? In this respect, the USTA does play the ultimate role. In many professions, continuing education is mandatory to comply with laws or maintain membership in an association. However, that is not the case for a Standardbred horse trainer. Once licensed, horse trainers are not required to maintain their license by participating in any formal update of recent rule changes or educational training. No ethical formal reminders of what constitutes a paper trainer, updated rules passed by the USTA, latest substances banned by the ARCI or RMTC, etc. Missteps that can be made which can cause you to lose your license or have it suspended. Terms of art like “trainer responsibility,” “paper trainer” or “24 hours vs 72 hours” are bandied about with the assumption that everyone knows the exact definition or when these changes went into effect. Instead, trainers and assistant trainers are left to figure it out on their own after licensing through on the job training, the Internet or backstretch banter. This may be sufficient for rigging or shoeing a horse, but does it address many of the recent issues raised by those who govern racing rules, PETA and federal prosecutors? The answer is a resounding no. Especially in an industry with an everchanging landscape like horse racing where penalties against trainers are common, rules and punishment are constantly changing and communication is vital. Instead of formally educating participants as to the do's and don'ts and putting them on notice as to these requirements, the approach taken is more of a “gotcha game” to catch the bad ones after the damage is done versus preventative education. Thoroughbred trainers in New York including assistants are required to obtain at least four hours each year in equine health, welfare and safety as well as small business, ethical and humane resource topics. Not harness racing.*

*No one likes mandatory continuing education. As an attorney, nothing is more boring than sitting through a lecture on bankruptcy when you have never done a bankruptcy case and have no intention of doing one just to satisfy a licensing requirement. However, when it comes to the field I concentrate in or recent ethical hypotheticals I do see their value. In fields where having a license is based on skill sets not everyone in the general public can easily learn, continuing education can assure the public and regulatory bodies that their licensees are up to date on the latest rules and requirements of their profession. Harness racing needs to tailor courses for standardbred trainers to fit our practical needs before someone else does it for us.*

*The time has come for Trainer Continuing Education (TCE) as part of a Standardbred trainer's license renewal and it should be mandatory. The USTA should provide courses and require upon license renewal proof of these continuing education classes. This is something the USTA can do to take both a leadership role in harness racing and show the public that trainers are continuously being updated by leaders in the field as to their obligations and preconditions. Specific topics, hours per year, requirements based on length of licensees should not be burdensome. However, it should be enough to formally educate and show the public that maintaining a standardbred trainer's license is more than a rubber stamp if you have not been suspended or committed a crime. Is this something that can be implemented overnight? The short answer is no. Changes to either the USTA Constitution, Bylaws or Rules and Regulations to implement a continuing education requirement will most likely be needed but it must be done.*

*Will TCE stop the really bad apples if they want to break the rules? The answer is no. Bad apples are just bad apples. It doesn't matter the profession. However, will it be a formal constant reminder year after year to those that have a license of the changes to the industry and what the ramifications are of bad actions. Will it make a licensee think twice before putting their name down as a trainer on a horse or do something different because they heard something in a continuing education class? To that, I would give an optimistic yes.*

*If there is one thing the passage of the HISA has taught us is that if the USTA and harness racing wants to be in control of our sport and tailor it to our individual needs it must take the initiative. Before rules are implemented as a result of the HISA or a racing jurisdiction sets the standard for continuing education for harness racing trainers not necessarily applicable to our needs the USTA needs to address it first. The alternative is someone else possibly doing it for them.”]*

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12. A proposal to amend existing *Rule 18.08 Urging Regulations, Prohibitions and Penalties* (a) *Whip Specifications* to shorten the length of the whip and snapper:

*18.08 Urging Regulations, Prohibitions and Penalties.*

- (a) *Whip Specifications.* Drivers will be allowed only black ordinary whips not to exceed three and a half ~~four~~ feet, plus a snapper not longer than three ~~six~~ inches. No leather or unusual materials may be used. The conventional snapper shall not be knotted and tape is only permitted on the handle of the whip. All other modifications of the whip are prohibited.

Sponsor: Robert Corey, Felton DE

[The sponsor states: “*We are all striving for less whipping, taking the whip away has not been an acceptable approach; shortening the length of the whip could accomplish less use of the whip and a much safer driving style by the drivers needing to sit up more in the race bike. This will also give the drivers more control of the horse due to the handholds being closer to the horse, so the driver will have more leverage than when laying back.*”]

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13. A proposal to amend existing *Rule 18.10 Horse Breaking from Gait* by adding new subsection (e) as follows:

- (e) Any horse changing its programmed gait from trot to a pace or pace to a trot during a race shall be disqualified and placed last.

Sponsor: George Miller, Cohocton, NY

[The sponsor states: “*Horses in the past have not been disqualified or even placed back for changing their gait during a race. We need a rule for this, and it must be very clear – no horse changing its gait during a race should ever be allowed any placing.*”]

Current Rule 18.10 reads as follows:

*Horse Breaking from Gait.* When a horse breaks from its programmed gait, the driver shall at once, where clearance exists, take such horse to the inside or outside and pull him to its gait.

The following shall be considered violations:

- (a) Failure to properly attempt to pull the horse to its gait.

- (b) Failure to take to the inside or outside where clearance exists.
- (c) Failure to continuously lose ground while offstride.
- (d) Committing an extended break, in which the horse may be placed last.

If there has been no violation of (a), (b), (c), or (d) above, the horse shall not be set back unless a contending horse on its gait is lapped on the hind quarter of the breaking horse at the finish. However, notwithstanding the foregoing, if interference caused by another driver or horse has caused the horse to be on a break at the finish, the judges may, in their discretion, determine not to set the horse back even if a contending horse on its gait is lapped on the hind quarter of the breaking horse at the finish. The judges may set any horse back one or more places if, in their judgment, any of the above violations has been committed and the driver may be subject to a fine or suspension or both.

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14. A proposal to amend existing *Rule 26.06 Breeding Requirements* to change the verbiage on the limit of stallions bred to live foals as follows:

The total number of mares bred to live foals per stallion per season for a stallion standing in the United States that has never bred a mare or had a list of mares bred filed previously shall not exceed 140. Stallion managers or corresponding officers shall have the final say to exclude in the case of the number exceeding 140.

Sponsor: Eric Cherry, Boca Raton, FL

[The sponsor states: “*Every year there are less foals being born. Racetracks are going with short fields and in some cases cancelling races and sometimes complete cards due to the shortage of racehorses.*”]

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15. A proposal to add verbiage to existing *Rule 26.06 Breeding Requirements* to allow 10 breedings per year to be donated to charities for Standardbred aftercare:

Each breeding season 10 breedings may be donated to charity for the sole purpose of providing funds for the aftercare of Standardbred horses. The 10 breedings shall not count toward the total number of mares bred for that stallion for that breeding season.

Sponsor: Eric Cherry, Boca Raton, FL

[The sponsor states: “*This change is to encourage stallion owners to be more generous and help support horses that are no longer in service. These breedings will be auctioned or sold to raise money for these charities. This currently goes on, but basically from stallions that are not popular or in favor. This will allow stallion owners to be generous without affecting their pocketbook while still helping the industry. This is a win-win for everyone in our industry.*”]

16. A proposal to amend existing *Rule 26.07 (c) Names* by listing certain named races as follows:

(c) Names of outstanding horses, including winners of the Hambletonian, the Kentucky Futurity and the Little Brown Jug and their respective filly divisions, may not be used again nor may they be used as a prefix or suffix unless the name is a part of the name of the sire or dam.

Sponsor: Tom Charters, Cranbury, NJ

[The sponsor states: "*In order to compensate for the fact that prior to the 1950s and '60s the purses in these historic classic events would only have a fraction of the present-day values and the monetary standards that are used to arbitrarily determine what constitute an outstanding horse today may not catch every deserving individual of the past. It would allow the database to recognize those extraordinary horses that won these classic races but because they raced for less money would fall between the cracks.*" ]

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17. A proposal to amend existing *Rule 26.07 Names* by adding new subsection (I) as stated below:

(I) No name changes shall be permitted once a name has been approved by this Association.

Sponsor: Laura Young, Southwind Farm; Christine Cone Czernyson, Millstream Farm

[The sponsor states: "*This change will provide an easier way for breeders to track or follow their horses and would make it easier for them to assist in possible times of need. Many breeders put a lot of time, effort and thought into the names that are given to the foals. Breeders try to encourage outside interest in the sport by holding name contests and allowing children or staff members to name foals.*" ]

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18. A proposal to amend existing *Rule 26.22 Identification of Mare for Breeding* to add verbiage in regard to state regulation for chip implantation and add a microchip as an acceptable means of identification for mares offered for breeding:

26.22 Identification of Mare for Breeding. The owner of a mare offered for breeding shall bear the obligation and responsibility to inspect and make certain that said mare bears the tattoo or freeze brand number or microchip, implanted in compliance with pertinent state veterinary scope of practice regulations assigned to her by the USTA prior to offering her for breeding.

Sponsors: Ellen Harvey, Aiken, SC; Keith Gisser, Cleveland Heights, OH; Trish Soulsby, Powell, OH; Sabine Spring, Ashley, PA

[The sponsors state: "*Adds the words, 'or microchip, implanted in compliance with pertinent state veterinary scope of practice regulations.'* The USTA notes, per information on the web site, that all foals born in 2019 and beyond must have a microchip implanted, to the exclusion of any other form of ID.

*The notation on www.ustrotting.com says, ‘Starting in 2019, the primary means of identifying Standardbreds is with a Biothermal microchip implanted in the nuchal ligament on the left side of the horse’s neck.’ I find no corresponding reference to this requirement in the USTA rule book.*

*Implantation of microchips is delineated as a procedure within veterinary scope of practice in at least three states (New York, Pennsylvania and Illinois). Compliance with those regulations prevents civil penalties for violation of such regulations and liability risk.*

*If it is the intention of the USTA, as referenced on the web site notification, that all foals born in 2019 and later are microchipped, then the means of identification stipulated in this rule must include microchips, as fillies born in 2019 and after will soon be offered for breeding. Those fillies would have a microchip only, and not the tattoo or brand stipulated in the existing rule, unless their connections paid a \$75 surcharge for a brand at time of registration. The existing rule doesn’t list a microchip as an acceptable form of ID, so this rule change adds it.*

*Also brings this rule in to agreement with rule 26.24, which does list a microchip, along with tattoo and freeze brand, as equally acceptable forms of identification, ‘prior to the issuance of an electronic eligibility or the use of the foal for breeding purposes.’*

*Gives a horse the benefit of a visible form of ID (lip brand or tattoo) and a microchip as stipulated in rule 7.06; restores and continues the long-held option for members to have their choice of visible ID and adds a chip - for two forms of ID.”]*

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19. A proposal to amend existing *Rule 26.23 Embryo Transfer* by adding new subsection (i) as follows:

(i) Each breeding season up to 25 additional mares may be bred to a second stallion by embryo transfer. The 25 breedings shall not count toward the total number of mares bred for the stallion for that breeding season.

Sponsor: Eric Cherry, Boca Raton, FL

[The sponsor states: “*This will help alleviate the current shortage of racehorses and just as important is to give second level stallions a chance to be bred to better mares. This will give them longer longevity in the breeding shed and allow more horses to be born. In addition, it will help expand the genetic profiles of our breed.*”]

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20. A proposal to amend existing *Rule 26.24 Parentage Verification* to add verbiage in regard to state regulation for chip implantation and make this rule consistent with existing *Rule 7.06*, which requires identification with a lip tattoo or freeze brand and a microchip in order to race:

*26.24 Parentage Verification. The parentage of all foals shall be verified by either a parentage verification blood test or a DNA positive identification conducted by a USTA-approved laboratory after the permanent identification (tattooing, or freeze branding ~~or~~ and microchip) of the foal and prior to the issuance of an electronic eligibility or the use of the foal for breeding purposes, whichever occurs first. Implantation of microchips shall be done in compliance with pertinent state veterinary scope of practice regulations.*

Sponsors: Ellen Harvey, Aiken, SC; Keith Gisser, Cleveland Heights, OH; Trish Soulbsy, Powell, OH; Sabine Spring, Ashley, PA

[The sponsors state: “*Adds the words ‘or’ as well as ‘and;’ deletes the comma after ‘tattooing.’ Makes this rule consistent and in agreement with rule 7.06, which stipulates mandated permanent identification of a tattoo or freeze brand and a microchip, prior to racing. The existing rule 26.24 treats each of three named identification methods as equal to each other and interchangeable, putting it in conflict with 7.06, which mandates application of a tattoo or freeze brand and a microchip.*”]

*Ensures compliance with state regulations regarding implantation of microchips and mitigates liability risk, avoids civil penalties for violation of such regulations and liability risk.*

*Gives a horse the benefit of a visible form of ID (lip tattoo or freeze brand) and a microchip; restores and continues the long-established choice offered to breeders for decades, a choice that now carries a financial penalty without the due process of rule change procedures.*

*Invisible identification, in the form of a microchip, is useful only in situations where all involved with the horse know they have a chip and anticipate they may need to ID the horse. The time a horse spends at the track comprises a small percentage of their life and invisible ID—a microchip - is no longer of use in the majority of the horse's life, off the track.*

*Invisible ID hinders commerce for those seeking to buy or adopt post-racing Standardbreds. It obstructs the work of those getting ahead of dealers to acquire and transition horses to new careers, deprives the USTA and industry of marketing opportunities involving nontraditional Standardbred owners. A horse in pleasure use generates substantial revenue in the equine agricultural economy through vet and farrier fees, tack, feed, fence and barn construction and the open space needed to keep a horse.”]*

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21. A proposal to amend existing *Rule 26.27 Freeze Branding at the Time of DNA Genotyping* to add verbiage in regard to state regulation for chip implantation and make this rule consistent with existing *Rule 7.06*, which requires identification with a lip tattoo or freeze brand and a microchip:

*26.27 Freeze Branding at the Time of DNA Genotyping. The lip tattooing or freeze branding or and microchip implantation other identification of foals shall be simultaneous with the drawing of blood from the foal for blood typing or the collection of hair from the foal for DNA genotyping, both of which shall be accomplished under the supervision of a USTA employee, director or other individual so designated by the President or Executive Vice-President. Implantation of microchips shall be done in compliance with pertinent state veterinary scope of practice regulations. Permanent identification assigned and administered by the USTA or by Standardbred Canada, including lip tattoo, neck freeze brand, microchip, or any future identification method may not be altered or obliterated.*

Sponsors: Ellen Harvey, Aiken, SC; Keith Gisser, Cleveland Heights, OH; Trish Soulbsy, Powell, OH; Sabine Spring, Ashley, PA

[The sponsor states: “*Brings rule in agreement with existing rule 7.06, which stipulates identification required prior to racing and the proposed rule 7.06, which recognizes state authority to regulate chip implantation. Gives horse a visible form of ID and microchip – continues a 25-year ID choice for breeder and adds a chip, for two forms of ID.*”]

[The sponsors of proposals 10, 17, 19, and 20 additionally state: “*All proposals referencing agreement with rule 7.06, with mandatory freeze brands (or lip tattoos applied at registration, take into account a horse's need for visible identification throughout their lives. Relative to the length of their lives, horses' racing days are minimal. Policies and practices concerning identification must meet identification needs throughout all of their lives.*”

I find no reference, in USTA rules, to the current practice of providing only a microchip at registration and imposing a 50% surcharge (\$75) fee for a brand, a choice made for fewer than 20% of horses registered in 2020. The surcharge is not in rule 27.04, which sets fees for every other part of the registration process.

In four rules regarding identification of horses (7.06, 26.22, 26.24 and this rule, 26.25), the only redundancy is between 26.24 and 26.25 in which ‘tattooing, freeze branding or microchip’ are mentioned in the same order, with the same punctuation, suggesting each is a ‘standalone’ form of identification, with no mandate for any one or combination of them. The rules do not support current practice- mandatory chipping of a newly registered horse and imposition of a 50% surcharge for a brand, the cost of which remains embedded in the registration fee. It imposes a financial penalty on breeders who want a choice of visible ID—a choice they had for about 25 years and are now denied, without the due process of rule change procedures.

For decades, the USTA invested hundreds of thousands of dollars and thousands of hours of staff time promoting use of the Standardbred after racing. Phasing out their ‘hallmark’ -a freeze brand- belies that effort and removes a low tech, accessible means of identification, widely recognized in the ‘market’ for post- racing horses - those who want to adopt, buy or advocate for them when they most need it.

Thanks to outreach by the USTA and others, popularity of the breed for pleasure is rising (there are 7,400 members of Standardbred Retraining Group on Facebook as of August 17, 2021). They’re passionate and anxious to learn about their horses’ racing career and pedigrees. They’re ripe for recruitment to USTA membership, use of Pathway, purchase of racing photos. They may, with guidance, expand their ownership to include racehorses. Membership grows by 2-300 people a week, a rate exceeding the growth of USTA membership.

While a microchipped horse is at the track, the utility of that identification ends when racing ends. Thousands of Standardbreds have been transitioned to new careers, through adoption groups and individuals buying them, because of their demeanor and athletic ability. To be identified on any sale platform and extracted from perilous situations, they need a visible form of ID.

A freeze brand is visible from a distance and conveys instantly that a horse is a Standardbred. It means this horse is likely broken to drive, has been extensively handled, has a pedigree, a name, a history. A horse with an invisible microchip is just another brown horse. Chips and brands are not interchangeable, equally accessible forms of ID, nor are they mutually exclusive. A horse can derive benefit from both forms of ID.

Breed associations and rescue groups routinely brand horses for protection and identification. The 36 Warmblood breeds and BLM mustangs carry a brand. Tinia Creamer, president of an equine adoption group and national 2019 ASPCA “Equine Welfare Award” winner, says her group brands the 100+ horses they place annually because, “The single most important thing Heart of Phoenix does, after screening very well before an adoption, is FREEZE BRANDING (capitals theirs). Our brand lets people nationwide know that someone cared about this horse because the brand has USA wide recognition.” The USTA’s own Full Circle program, with 15,000 horses enrolled, provides a way for a past connection to provide assistance to a horse that is important to them. Unbranded horses lack the very thing that makes Full Circle work — visible ID.

Many USTA members, and thousands of potential members who own pleasure use Standardbreds, want the benefit of both forms of ID. Comments from nearly 3,000 people signed a petition asking the USTA to restore a mandatory freeze brand (or tattoo) as part of registration. I'll provide the entire petition to CEO Mike Tanner and Registration Committee Chair Dr. Mossbarger at time of the annual meeting.

A person seeking to identify an unbranded Standardbred horse beyond the track or a breeding farm must:

1. Know or suspect that a brown or bay horse in a grade sale, where there may be hundreds of bay or brown horses, is a Standardbred.
2. Know they have a chip and where on the horse it might be.
3. Have in their possession a reader for which they paid \$69 - \$279.
4. Be in a location with Wi-Fi access and ensure the scanner is charged.
5. Be in a location that does not prohibit use of cellphone photos or video.
6. Be able to safely access, separate and control the horse in an environment where they may be tied to a wall, inches from other horses, or wedged in a pen with dozens of agitated, anxious horses.
7. Get within six inches of them to activate the scanner
8. Copy the 15-digit number that appears on the screen for 90 seconds
9. Have the knowledge and Wi-Fi access to cross reference it with the pertinent database.

In contrast, a person seeking to identify a Standardbred by freeze brand requires:

1. The ability to see.

The most valuable resource for a horse in peril is their identity. A microchip may identify them during their racing career -when everyone around them knows they have a chip and can read it, but beyond racing, for the majority of that horse's life, it does not.”]

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22. A proposal to amend existing Rule 26.32 Breeder of Record to clarify the location of the breeder of record, for ease of identifying eligibility for state owned or bred programs (also note re-organization of rule to add subsections (a) and (b)):

26.32 Breeder of Record.

(a) In the event the transfer date of a mare is incorrectly reported by the owner, upon receiving documentation providing proof of the correct transfer date that is acceptable to the USTA Registrar, the Registrar may revise any USTA records and certificates to reflect the correct date. Otherwise, the listed breeder of a horse, as defined in Rule 4.18, shall not be changed after the foal has been registered with the USTA and a registration certificate has been issued.

(b) Unless the breeder is revised by the Registrar as per 26.32(a), the location of the breeder of record shall be listed as the state of the owner or lessee of the dam at the time of breeding.

Sponsor: Richard Johnson, The Villages, FL

[The sponsor states: “Here is my problem – I own a filly that is eligible to both Ohio and Michigan as I lived in Michigan at the time the dam was bred. But as of August 12<sup>th</sup>. I have moved to Florida and now the printed

*[material listed my filly as 'Breeder: Richard E. Johnson, FL' which is false. With online entry, the Northville Downs race secretary will see Florida bred and automatically discard my declaration into Michigan owned and bred races. In addition, I have a colt entered into the fall yearling sale listed as Ohio and Michigan eligible and the paperwork will say 'Breeder: Richard E. Johnson, FL,' causing a lot of people to call the Michigan Harness Horsemen's Association or USTA to find out why there is a Florida bred horse eligible to Michigan stakes. A few states now qualify that any sire bred to a mare can race in more than one jurisdiction, as long as the mare is owned by the person/farm in that state or spends six months or more in that state. For example – my two broodmares are stabled in Ohio and bred to Ohio sires. Their offspring are eligible to the Ohio program and to the Michigan program because at the time of conception I lived in Michigan. I also have two broodmares in foal to Ohio sires and if sold, will have the same problem to have the opportunity to race in Ohio or Michigan.]*

Current Rule 23.32 reads as follows:

Breeder of Record. - In the event the transfer date of a mare is incorrectly reported by the owner, upon receiving documentation providing proof of the correct transfer date that is acceptable to the USTA Registrar, the Registrar may revise any USTA records and certificates to reflect the correct date. Otherwise, the listed breeder of a horse, as defined in Rule 4.18, shall not be changed after the foal has been registered with the USTA and a registration certificate has been issued.

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23. A proposal to amend existing *Rule 27 Fees and Dues*, by adding new section *27.02 Equestrian Member* re-numbering 27.02-27.12 accordingly, with fees (see also proposed bylaw change to Article 1.01(b) to add new membership type for Equestrian Members):

The following dues and fees have been duly enacted in accordance with the Rules and Regulations:

**27.01 Individual Membership.**

(a) New Member (1 year)	\$ 90.00
(b) New Member (3 years)	\$222.00
(c) Renewal (1 year)	\$ 75.00
(d) Renewal (3 year)	\$200.00

**27.02 Equestrian Membership**

<u>(a) New Member (1 year)</u>	<u>\$30.00</u>
<u>(b) New Member (3 years)</u>	<u>\$75.00</u>
<u>(c) Renewal (1 year)</u>	<u>\$25.00</u>
<u>(d) Renewal (3 year)</u>	<u>\$65.00</u>

Sponsor: Sabine Spring, Ashley, PA

[The sponsor states: "The fee reflects a discounted level from traditional membership because of lack of intention to gain financial reward from owning a Standardbred. Equestrian members would not be users of highly trafficked portions of USTA data exchange like online entry."]

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## BYLAW CHANGE PROPOSALS

24. A proposal to amend *Article 1.01(b) Individual Members* of the Association bylaws to add new subsection (c) adding an additional membership type of *Equestrian Member* (see also rule change proposal 22):

1.01 Qualifications of Members. The following shall qualify for membership in this association.

(a) Track Members.

1. Persons, firms, corporations, and agricultural societies and associations sponsoring and conducting meetings other than extended pari-mutuel harness race meetings.
2. Persons, firms, associations, and corporations conducting extended parimutuel harness race meetings.

(b) Individual Members.

1. Owners of registered Standardbred or non-Standardbred horses.
2. Officials licensed by the association.
3. Drivers licensed by the association.
4. Trainers licensed by the association.
5. Corporations, associations, individuals or stake secretaries sponsoring stakes or futurities, but not engaged in conducting race meetings.
6. Officers, directors, managers, speed superintendents, race secretaries and executive employees of corporations or associations conducting harness race meetings.
7. Officers, directors and stockholders of corporations owning and racing horses.
8. Farm managers or persons designated to verify breeding records

(c) Equestrian Members. Participants in the equine industry other than racing, including but not limited to sport horses, pleasure horses and owners of retired Standardbreds.

Sponsor: Sabine Spring, Ashley, PA

[The sponsor states: "*The Standardbred has gained tremendous popularity as a sport horse for multiple disciplines after their retirement from racing. There are multiple social media groups, sporting seven to eight thousand members and growing, for folks who own a retired racer, or looking to acquire one. Everyone is extremely interested in their racing past and these new members would generate revenue in membership and Pathway fees as they conduct research on their horse. I understand that the USTA had an Equestrian membership in the past, but that was before the ubiquitous exchange of information pertaining to Standardbreds on social media. The popularity of Standardbreds in the pleasure horse world has grown exponentially since then and the quest for digital data about their horses is never ending. Some of these sport horse owners, or owners to be, might even get caught by the racing bug when provided access to this information and material. It could be a great way to create new harness racing fans and even potential racehorse owners.*"]

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25. A proposal to amend Articles 3.01(d)(5), 4.01 and 4.02 (a) and (c) of the Association bylaws *in regard to annual election of USTA Directors as follows:*

3.01 Annual District Meeting. There shall be held within each district and sub-district 4A and sub-district 4B an annual meeting of the membership between the first day of October and the first day of February following.

(d) Order of Business. At the annual district meetings of the association, the chairman, or in the event of his/her absence or inability to serve, another director of the district shall preside, and the order of business shall be as follows:

1. Filing the proof of notice of meeting.
2. Reports of officers.
3. Reports of committees, if any.
4. Report of election committee.
5. Election of directors.
6. Miscellaneous business.

4.01 District Membership Directors. Membership elected directors shall be elected by the membership of each district ~~at the annual meeting held in each of the districts~~ for the expiring term on the second Tuesday of December.

4.02 Election of Membership Directors. Membership directors shall be elected as follows:

(a) Nomination Petition Requirements. Candidates for membership director other than incumbent membership director shall be made by filing a written petition signed by at least twenty-five (25) voting members from the district for which the person seeks to become a candidate to be filed at the main office of the association in Columbus, Ohio ~~at least fifty (50) days before the election. In computing the fifty (50) day period, the day of filling shall be counted and the day of the district meeting excluded by October 1st.~~

Nominating petitions forwarded by mail shall be by registered mail return receipt requested and shall be considered filed as of the postmark date. All others shall be considered filed at the time they are actually received at the main office of the association.

(b) Restriction Against Running in more than One District. An individual can only run in one district at one time.

(c) Incumbent Director. The incumbent membership director shall automatically become a candidate unless ~~at least fifty (50) days prior to said election he or she~~ files a written declination at the office of the association by the last day of September.

(d) Active Membership Requirement. Any candidate for membership director must be an individual member of this association, and upon election, must maintain that membership throughout the term of office.

(e) Official Ballot. The association will then prepare an official ballot listing thereon all candidates for the position of membership director for any vacancy where there is a contest. Votes to be valid must be cast using the official ballot prepared by the association and returned in the official return envelope provided by the association. In the event there is not a contested election for the position of the membership director, the sole nominee shall be automatically elected.

(f) Publication of Deadline for Receipt of Ballot. The dates of the mail ballot deadline and the certified public accounting firm to which the ballots must be sent shall be announced and communicated to the members electronically or by another method approved by the executive vice president. ~~The ballots shall be postmarked by the second Tuesday deadline for receipt of ballots shall be four (4) days prior to the first Monday~~ of December, unless otherwise established by the board of directors.

(g) Voting Procedures by Member. In order to vote, each member will complete the mail ballot by marking thereon his/her choice for director. The member will then place the ballot in the unmarked envelope furnished for that purpose, seal the envelope, place that envelope in the return address envelope furnished for that purpose, seal the return address envelope, and must affix their signature in the upper left-hand corner of the front of the return address envelope. The member will then mail the ballot to the office of an appointed and announced certified public accounting firm as designated by the board of directors. ~~Ballots postmarked by received on the date of election fourth day prior to the district meeting and no later~~, shall be considered as received by the deadline.

1. ~~Voting in Person. Where a member receives a ballot by mail and chooses not to vote by mail in accordance with the provisions of these bylaws said member may take said ballot to the annual district meeting and cast said ballot in person in accordance with the provisions of article 4.03(b) of the bylaws.~~
2. Electronic Voting. The association may also approve and offer a suitable means of voting electronically in an election of director, for those who wish to vote electronically.

(h) Tabulation of Ballots. The association shall appoint and announce a certified public accounting firm in Columbus, Ohio where the ballots will be held until after the four-day deadline, then opened and counted by the certified public accounting firm which will then certify the tabulated results in a sealed envelope to the ~~USTA Secretary~~ ~~district chairman~~ along with all those ballots that are questioned by the accounting firm and not counted in the tabulation furnished by said accounting firm. In the event a return address envelope is received by the certified public accounting firm with the name typed or printed, it shall be immediately returned to the voter together with a letter of instruction on the procedure to vote by mail ballot.

4.03 Membership Director Election Committee. If there is a contest for membership director, the chairman of the district board shall appoint an election committee of three from the qualified membership in good standing to determine the validity of all ballots that are questioned by the certified public accounting firm referred to in article 4.02(h) of these bylaws and not counted in the tabulation furnished by said accounting firm and to determine the qualifications of any members entitled to vote in person.

- (a) Presiding over Election Committee. The chairman of the district board shall preside at and have charge of the election committee, unless that person is a candidate in which event that person shall appoint another director from such district, who shall preside and appoint the election committee.
- (b) Place of Registration. ~~The election committee shall open and maintain a place of registration at the designated place of meeting and shall receive personal votes from those entitled to vote in person for one hour prior to the date of the election. Voting in person shall be limited to those members who bring those ballots which they received by mail to the polling place and deliver them to the election committee. All members voting in person in this manner shall register with the election committee at the time they deposit their ballots.~~
- (b)-(e) Candidates May Be Represented. Each candidate may personally, or by representative appointed by the candidate monitor the activities of the election committee.

Sponsors: Russell Williams, President, USTA; Joe Faraldo, Chairperson of the Board, USTA; Mark Loewe, Chairperson of the Rules Committee, USTA; Mike Tanner, Executive Vice President/Chief Executive Officer, USTA; T.C. Lane, Chief Operating Officer, USTA

[The sponsors state: “*Currently, the election of USTA membership directors takes place on an array of dates that vary by year and are tied via bylaw to each respective district’s yearly meeting. It is an antiquated method reflective of a bygone era, and each year it serves to confuse members who, not infrequently, provide feedback to Association staffers indicating that they are unaware of the procedures and timelines of director elections. Effectively, this unintentionally disenfranchises members every year, who either miss deadlines or choose not to participate.*

*This rule change proposal moves to place every district director election on the same date each year, specifically the second Tuesday of December. This will allow for a coordinated USTA “election season” while eliminating confusion and providing for streamlined communication and publicity from the Association office in Columbus, Ohio. The elections will exist independent of the district meetings themselves, and the means of casting ballots will be done either electronically or by mail ballot. As presently stipulated, nominating petitions will be due 50 days prior to election day, and the bylaws governing track director elections will remain unchanged.”]*

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26. A proposal to amend Article 9.05 Standing Committees of the Association bylaws to add a *Trainer Continuing Education* committee (see also rule change proposal 11):

9.05 Standing Committees. Members of the board of directors shall constitute the following standing committees: Communication/Marketing; Driver/Trainer, Fairs, Finance, Owners/Breeders, Pari-Mutuel, Registration, Regulatory, and Rules, and Trainer Continuing Education.

Sponsor: Jonathan Klee, Sands Point, NY

[The sponsor states: “*The Trainer Continuing Education Committee would develop Standardbred specific courses or ones useful to a Standardbred trainer. Topics could include updates on medication use (dos and don’ts), lameness, basic horse health, review of fines and suspensions, Full Circle and life after racing, veterinary care for racehorses, changes to rules and regulations, etc.”*