

Text to be deleted appears in [brackets]
Text to be added is underlined

Sections 4002.26 and 4002.27 of 9 NYCRR would be renumbered as sections 4002.27 and 4002.28 and amended, and new Sections 4002.26, 4002.29, 4002.30, 4002.31 and 4002.32 of 9 NYCRR would be added, as follows:

§ 4002.26. License requirements for exercise rider.

In addition to the requirements of sections 4002.8 and 4002.29 of this Part:

(a) An exercise rider license may be issued only to an applicant who has received and submitted an endorsement of the head outrider and a steward in a form and manner approved by the commission. The head outrider, by making an endorsement, certifies that the applicant has been observed riding one or more horses on the racetrack and has an ability to navigate safely and respond safely to track conditions.

(b) An applicant for an initial exercise rider license shall provide evidence of employment by a licensed trainer, except as otherwise provided under this Part.

(c) An exercise rider shall not be authorized to ride from a starting gate unless the exercise rider has received the endorsement of the starter certifying that the exercise rider has demonstrated knowledge of starting gate procedures and is satisfied that the exercise rider can break safely from a starting gate.

(d) An outrider may require an exercise rider during the first six months of initial licensure as an exercise rider to wear a helmet cover and vest and/or an armband of a distinctive color while training.

§ [4002.26] 4002.27. License requirements for apprentice jockey.

In addition to the [qualifications set forth in section] requirements of sections 4002.8 and 4002.29 of this Part, an [initial] apprentice [jockey's] jockey license may [only] be issued only to an applicant who:

(a) is at least 16 years of age;

(b) if, under 18 years of age, has the written consent of a parent or guardian;

(c) is vouched for, in writing, by a licensed trainer who has [utilized] engaged the [applicant's services] applicant as an exercise [person] rider;

(d) [has minimum 20/20 vision acuity, corrected, in one eye, as certified by a licensed physician, optometrist, ophthalmologist or optician];

(e) passes a physical examination satisfactory to the commission;

(f) has at least two [years'] years of experience [in] on the backstretch or farm in horse handling, the past one year of which has been as an exercise person;

[(g)] (e) has obtained a gate card from the starter at the meeting;

[(h)] (f) passes a written or oral examination conducted by the [commission] stewards, which may include questions on the anatomy, characteristics and locomotion of the horse[,]; lameness, bleeding and other equine problems[,]; riding and track equipment[,]; and rules and regulations relating to jockeys and racing in general; and

[(i)] (g) thereafter demonstrates riding ability satisfactory to the commission while temporarily licensed. [However, should] Should such applicant foul, be careless or unsafe, or be found guilty of any other riding infraction[,] while [so] temporarily licensed, the apprentice jockey may be penalized for such conduct, including the temporary license may be cancelled and not reissued for six months.

§ [4002.27] 4002.28. License requirements for jockey.

In addition to the [qualifications set forth in section] requirements of sections 4002.8 and 4002.29 of this Part, a full jockey's license (initial and renewal) may be issued only to an applicant who [has a minimum 20/20 vision acuity, corrected, in one eye as certified by a licensed physician, optometrist, ophthalmologist or optician;]

(a) meets the requirements of an apprentice jockey in section 4002.27 of this Part;

(b) can demonstrate good physical condition for a jockey; and [who has either ridden out the apprenticeship requirements prescribed in Part 4032 of this Subchapter, or has satisfied the stewards that he or she is so qualified]

(c) has demonstrated to the stewards a competence of riding ability, which may include consideration of the recommendations from the starter, head outrider and the designated representatives of the jockeys and the horsemen of the racetrack. The demonstration of ability shall include the ability to break with a horse in company from the starting gate, working a horse in company around a turn and down a stretch, switching a crop from one hand to the other while maintaining control of the horse in a stretch drive, and causing a horse to switch lead coming out of a turn.

§ 4002.29. Rider medical fitness for licensing.

(a) Rider means a jockey, apprentice jockey, exercise rider, outrider, pony rider or other individual whose job requires the person to mount or ride a horse on the racetrack grounds.

(b) Each rider must comply with the requirements of this section before a license may be issued or renewed.

(c) Each rider shall meet the following fitness standards:

(1) has a minimum 20/20 vision acuity, corrected, in one eye as certified by a licensed physician or optometrist in a form and manner approved by the commission.

(2) has hearing capability with a minimum range of 500-2000 c/sec and no hearing loss greater than 35 A-weighted decibels (dBA) in either ear, and that is adequate to

hear instructions and not risk the safety of other jockeys, as certified by a licensed physician or licensed audiologist in a form and manner approved by the commission; and

(3) has an appropriate range of pain-free movement and, if necessary, possesses radiological evidence of a sound bony union of a fractured or cracked bone, has clearance from an orthopedic surgeon and can show that his or her ability to ride safely is unaffected.

(d) Each rider shall be medically certified:

(1) before his or her license is issued or renewed by the commission, by a licensed physician where the licensee is domiciled, in a form and manner approved by the commission, that such rider:

(i) is not currently taking, or has not recently taken or is not prescribed or recommended to take medication that:

(a) may put such rider at greater risk in the event of a fall;

(b) has side effects, actual or potential, that could interfere with such rider's physical capability, judgment, coordination or alertness; or

(c) may interfere with such rider's physical capability, judgment, coordination or alertness;

(ii) has not been prescribed or taken any anticonvulsant medication for at least 10 years and does not have a current susceptibility to convulsions; and

(iii) has no established cardiovascular disease, endocrine disorder, chronic gastrointestinal disease, renal failure or transplant, neoplasia, psychiatric disorder, debilitation respiratory disorder, neurological disorder, past history of head injury, intracranial bleed, skull fracture, intracranial arteriovenous malformation or aneurysm, cerebrovascular disease, unexplained loss of consciousness or cranial surgery; or

(2) in writing by a treating or attending physician for each condition set forth in subparagraphs (i) through (iii) of paragraph (1) of this subdivision, who describes and explains to the satisfaction of the commission in a form and manner approved by the commission and certifies that the current condition of the licensee shall not affect the performance of any work activities of such person or pose a risk to the health and safety of any other individuals at work or to the horses.

(e) In cases in which a rider has a medical condition set forth in subdivisions (c) or (d) of this section, such rider may be required to submit additional medical information and be subjected to testing. The commission may find that there are situations and cases where restrictions on riding may be advisable on a temporary or permanent basis, and the commission may impose such restrictions.

(f) A rider applicant or licensee may be found to have another medical condition that is not compatible with safe riding if the condition requires medication or treatment that may impact such rider's ability to ride safely, the medical condition could cause a sudden incapacity of such rider during riding, or the medical condition cannot be safely accommodated during riding and places the health and safety of fellow riders, facility staff or other persons or horses at risk.

(g) Every rider must have an account established with the jockey health information system or to such comparable system as the commission may designate (HIS).

(h) Every rider must undergo and pass a baseline concussion assessment using the most current sport concussion assessment tool testing protocol and upload the results of such concussion assessment into the HIS.

(i) The stewards may require any rider to be re-examined at any time. The stewards may refuse to allow a rider to mount or ride a horse until such rider has successfully passed such examination.

(j) All medical and related information provided to the HIS, stewards or commission pursuant to this section shall constitute protected personal privacy information within the meaning of Public Officers Law sections 87(2)(b) and 89(2)(b), and such information shall not be disclosed or disseminated except in compliance with all applicable law and rules.

(k) Notwithstanding anything to the contrary in this section:

(1) the baseline concussion assessment requirement may be waived for seven calendar days for a rider who submits the request in writing to the state steward and is granted permission prior to the running of a race. No waiver shall be granted more than once in a calendar year;

(2) a jockey who is not domiciled in New York may request from the state steward a waiver of this section or any part of this section until the jockey has been named to ride a fourth program at a race meeting or in a calendar year; and

(3) a rider who has not met the requirements of this section may be issued a license by the interstate compact on licensure of participants in live horse racing with pari-mutuel wagering, but shall not be permitted to participate in racing in New York.

§ 4002.30. Reportable injury or change in medical condition or medications.

(a) A reportable injury means any loss of consciousness, a head injury or concussion, a severe back injury, a fracture or dislocation involving a limb bone or joints, a fracture of the pelvis or spine, or any injury or illness that results in being hospitalized for one or more nights or away from work or an inability to perform one or more routine functions at work for one week or more (including the day the injury or illness began).

(b) Any jockey, apprentice jockey or exercise rider who suffers a reportable injury at a racetrack shall record the incident in the HIS.

(c) Where a jockey, apprentice jockey or exercise rider sustains a reportable injury since last riding, he or she shall inform the stewards at the earliest opportunity and shall not ride, attempt to ride, weigh out or attempt to weigh out until passed fit to ride by the stewards.

(d) Where a jockey, apprentice jockey or exercise rider has been diagnosed with a musculoskeletal injury, disorder or other condition below the standards set forth in subdivision (c) of section 4002.28 of this Part, he or she he must inform the stewards at the earliest opportunity, and must not weigh out or attempt to weigh out until passed fit to ride by the stewards.

(e) Where a jockey, apprentice jockey or exercise rider has commenced or will commence taking medication that:

(1) may put such rider at greater risk in the event of a fall;

(2) has side effects that could interfere with such rider's physical capability, judgment, coordination or alertness; or

(3) could interfere with such rider's physical capability, judgment, coordination or alertness;

he or she shall inform the stewards at the earliest opportunity and shall not ride, attempt to ride, weigh out or attempt to weigh out until passed fit to ride by the stewards.

§ 4002.31. Fitness to return to ride.

No rider may mount or ride a horse on the grounds of a racetrack operator who has not complied with the following additional requirements after a license has been issued:

(a) each rider who is thrown or falls from a horse or experiences any other potential concussive event must undergo and pass another baseline concussion assessment and upload such new concussion assessment into the HIS; and

(b) each rider who experiences any other reportable injury, as such term is defined in subdivision (a) of section 4002.30 of this Part, shall report the event to the stewards and is not permitted to return to racing until such rider has been medically evaluated and certified by the state steward as fit to return to racing, meeting the standards set forth in subdivisions (c) and (d) of section 4002.29 of this Part.

§ 4002.32. Mandatory information card.

Each jockey, apprentice jockey and exercise rider shall carry on his or her person a card or other device containing his or her name; emergency contact information; HIS account name and password and website address; and medical insurance provider. Such card or other device shall be carried in a manner making the information readily accessible by emergency and medical professionals.

A new Part 4067 would be added to 9 NYCRR, as follows:

PART 4067

Steeplechase Jockey Licensing Requirements

Section

4067.1 Occupational license required

4067.2 License requirements for steeplechase jockey

4067.3 Reportable injury or change in medical condition or medications

4067.4 Fitness to return to ride

4067.5 Mandatory information card

4067.6 Participation in pari-mutuel races

§ 4067.1. Occupational license required.

No person shall participate in or at any steeplechase race meeting as a jockey, including as a professional or an amateur rider, unless such person has received an occupational steeplechase jockey license from the commission.

§ 4067.2. License requirements for steeplechase jockey.

A steeplechase jockey license may be issued only to an applicant who:

(a) meets all the requirements pertaining to thoroughbred jockey licensing in sections 4002.8, 4002.27 and 4002.28 of Article 1 of this Subchapter;

(b) meets all the requirements pertaining to thoroughbred rider fitness in section 4002.29 of Article 1 of this Subchapter, except as may be waived on a temporary basis by the state steward as set forth in paragraphs (1) and (2) of subdivision (k) of such section; and

(c) holds a current license issued by the National Steeplechase Association.

§ 4067.3. Reportable injury or change in medical condition or medications.

Every licensed steeplechase jockey shall comply with all the requirements pertaining to thoroughbred riders in section 4002.30 of Article 1 of this Subchapter.

§ 4067.4. Fitness to return to ride.

No person shall mount or ride a steeplechase horse as its jockey who has not complied with the fitness-to-return-to-ride requirements pertaining to thoroughbred riders set forth in section 4002.31 of Article 1 of this Subchapter.

§ 4067.5. Mandatory information card.

Every licensed steeplechase jockey shall comply with all the requirements pertaining to thoroughbred riders in section 4002.32 of Article 1 of this Subchapter.

§ 4067.6. Participation in pari-mutuel races.

No steeplechase jockey may participate in any race in which pari-mutuel wagering is offered unless the jockey has participated in at least 40 races sanctioned by the National Steeplechase Association.

Section 4002.16 of 9 NYCRR would be amended, as follows:

§ 4002.16. [Emergency permit] Temporary licensing and emergency permits.

In an emergency, the steward of the commission may permit owners, trainers, assistant trainers and jockeys to start, train or ride pending action on their applications. To the extent necessary and for the sole purpose of permitting an applicant for a rider license to demonstrate proficiency, the steward of the commission may issue a temporary license.