

STATE OF SOUTH DAKOTA
DEPARTMENT OF REVENUE
SOUTH DAKOTA COMMISSION ON GAMING

Notice of Public Hearing to Adopt Rules

A public hearing will be held at the City Hall, 102 Sherman Street, Deadwood, South Dakota, on Tuesday, June 13th, 2023, at 9:00 a.m., MT, to consider the adoption and amendment of proposed rules numbered:

HORSE RACING RULES: 20:04:27:12; 20:04:27:13.13; 20:04:27:14; 20:04:27:16;
20:04:27:17.

- (1) Proposed rule amendment: ARSD 20:04:27:12. Penalty for use of illegal substances.

This amendment incorporates the provisions of ARSD 20:04:27:16 concerning violations of permitted drugs and violations for the use of illegal substances. It standardizes violations for both illegal substances and violations involving permitted drugs. The proposal also increases the fine that may be assessed and adopts the most recent version of the Association of Racing Commissioners International Uniform Clarification Guidelines for Foreign Substances and Recommended Penalties.

- (2) Proposed rule 20:04:27:13.13. Maximum threshold for Phenylbutazone (bute).

This rule would increase the permissible bute levels to amount that is stable, in line with other jurisdictions and consistent with trainer requests. This changes an existing standard but is not anticipated to cause an increase in violations.

- (3) Proposed rule amendment: 20:04:27:14. Restrictions on use of authorized drugs.

This amendment incorporates the most recent version of the Association of Racing Commissioners International Uniform Clarification Guidelines for Foreign Substances and Recommended Penalties as applied to authorized drugs. It is not anticipated that this change will increase or decrease the current violation volume.

- (4) Proposed rule amendment: 20:04:27:16. Penalty for violation of permitted drug restriction.

This amendment rescinds the rule as the functional aspects of the existing rule are incorporated into the proposed amendments to ARSD 20:04:27:12 as set forth above.

- (5) Proposed rule amendment: 20:04:27:17. Penalties for violations.

This amendment incorporates the most recent version of the Association of Racing Commissioners International Uniform Clarification Guidelines for Foreign Substances and

Recommended Penalties as applied to penalties for violations. It is not anticipated that this change will increase or decrease the current violation volume.

Persons interested in presenting data, opinions, arguments, and amendments for or against the amendments and proposed rules may do so by e-mail to mark.heltzel@state.sd.us. Material sent by mail must reach the Commission on Gaming by 72 hours before the public hearing or 5 p.m. on Wednesday, June 7, to be considered.

After the hearing, the Commission will consider all written and oral comments it receives on the proposed rule changes. The Commission may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to any individual with disabilities that this hearing is being held in a physically accessible place. Please notify the Commission on Gaming at least 48 hours before the public hearing if you have special needs for which special arrangements must be made. The telephone number for making these special arrangements is (605)578-3074.

The text of the above-proposed rule is available on the South Dakota Administrative Rules website at: <http://rules.sd.gov/>. Paper copies of the proposed rules may also be obtained without charge from the:

South Dakota Commission on Gaming
87 Sherman Street
Deadwood, South Dakota 57732
Telephone: (605)578-3074

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