



State of Arkansas
Bureau of
Legislative Research

Marty Garrity, Director
Kevin Anderson, Assistant Director
for Fiscal Services
Tim Carlock, Assistant Director
for Information Technology
Matthew Miller, Assistant Director
for Legal Services
Richard Wilson, Assistant Director
for Research Services

Memorandum

TO: ALC–Executive Subcommittee

FROM: Michael Harry, Legislative Attorney, Administrative Rules Review Section,
Legal Services Division

CC: Marty Garrity, Director, Bureau of Legislative Research;
Jessica Sutton, Administrator, Administrative Rules Review Section, Legal
Services Division

DATE: February 20, 2017

SUBJECT: Legal Authorization for Arkansas Racing Commission – Emergency Rule re: total
dissolved carbon dioxide levels

The Arkansas Racing Commission’s stated purpose for the current emergency rule is to bring Arkansas Racing Commission Rule 1231 (B)(3) into compliance with the standards set by the Thoroughbred Owners and Breeders Association (TOBA) for all graded stakes races at Oaklawn Park. The current rules allow for the total dissolved carbon dioxide concentration levels in the blood of a horse to be 39.0 millimole per liter, whereas the TOBA minimum level is 37.0 millimole per liter. The change is necessary to ensure the graded stakes races at Oaklawn, including the Arkansas Derby, will comply with all TOBA requirements for 2017.

Pursuant to Arkansas Code Annotated § 23-110-204(a), the Arkansas Racing Commission has sole jurisdiction over the business and sport of horse racing in the state of Arkansas. Further, Ark. Code Ann. § 23-11-204(b)(1)(E) gives the Arkansas Racing Commission the full, complete, and sole power and authority to promulgate rules accordingly.