



Legal Division

Notice of Public Hearing

Notice is hereby provided that in accordance with G.L. c. 30A § 2, the Massachusetts Gaming Commission ("Commission") will convene a public hearing for purposes of gathering comments, ideas, and information relative to the proposed amendment and adoption of **205 CMR 149.00: Race Horse Development Fund**. The regulation was promulgated pursuant to G.L. c. 23K §§ 4(37), 4(38), 5, 7, 60; and G.L. c. 128A §§ 9, and 9B, as part of the Commission's regulatory process, and concerns the following regulation:

205 CMR 149.00: Race Horse Development Fund; specifically, 205 CMR 149.04: Race Horse Development Fund: Distributions; Escrow Accounts

The Commission is amending this section of the regulation to clarify the procedures enumerated within the section. The section has been amended to include citations and references to the Treasurer's Office, who must provide authorization prior to the opening of any new bank account by an agency, including an Escrow Account.

Scheduled hearing date and time:

Tuesday, January 13, 2026, at 9:30 AM EST

Pursuant to Chapter 2 of the Session Acts of 2025, Governor Healey extended a limited relief from certain provisions of the Open Meeting Law which was first implemented to protect the health and safety of the public and individuals interested in attending public meetings during the global Coronavirus pandemic. In keeping with the guidance provided, the Commission will conduct this hearing utilizing remote collaboration technology.

CONFERENCE CALL NUMBER: 1-646-741-5292

PARTICIPANT CODE: 112 815 5750

A complete copy of the draft regulation referenced above can be downloaded by visiting www.massgaming.com, clicking on 'Regulations and Compliance' and selecting the '[Proposed Rulemaking](#)' Tab from the drop-down menu. Anyone wishing to offer comment on the regulations may email Judith.Young@massgaming.gov and request the virtual hearing link to appear and speak. Alternatively, written comments may also be submitted to the same email address with 'Regulation Comment' in the subject line.

Written Comments must be received by 5:00 PM EST on January 12, 2026.

Additionally, please find an accompanying Small Business Impact Statement in accordance with G.L. c. 30A, § 2 attached.



Massachusetts Gaming Commission

SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this small business impact statement in accordance with G.L. c.30A, §2 relative to the proposed amendment to **205 CMR 149.00**, specifically, **205 CMR 149.04: Race Horse Development Fund: Distributions; Escrow Accounts**, notice of which was filed this day with the Secretary of the Commonwealth. This regulation is largely governed by G.L. c. 23K, §§ 4(37), and 5.

This regulation applies directly to all members of the Standardbred and Thoroughbred racing industry, including racing associations licensed by the Commission. Accordingly, this regulation may have an impact on small businesses. However, the proposed amendments will not subject any small business to any additional impacts. In accordance with G.L. c. 30A, §2, the Commission offers the following responses:

1. Estimate of the number of small businesses subject to the proposed regulation:

The Amendments to this regulation do not impact small business, however, the commission anticipates that many small businesses who are breeders, trainers and within the racing industry would be impacted by this regulation as a whole.

2. State the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation:

There are no projected reporting, recordkeeping, or administrative costs created directly by these regulations that would affect small businesses as this amendment the proposed amendments are procedural in nature.

3. State the appropriateness of performance standards versus design standards:

There are no performance or design standards imposed by the proposed amendment to this regulation. The proposed amendments add additional clarity.

4. Identify regulations of the promulgating agency, or of another agency or department of the Commonwealth, which may duplicate or conflict with the proposed regulation:

There are no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth.



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5. State whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:

This amendment updates the procedure to escrow funds from the Race Horse Development Fund to the Standardbred and Thoroughbred racing associations. The proposed changes are not expected to deter nor encourage the formation of new businesses.

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By:

A handwritten signature in black ink, appearing to read 'Judith A. Young', is written over a horizontal line.

Judith A. Young
Senior Associate General Counsel
Legal Division

Dated: November 20, 2025



Massachusetts Gaming Commission