



*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 adoption of regulations. The regulations were promulgated pursuant to G.L. c. 128A §§ 9 and 9B, as part of the Commission’s regulatory process for harness horse racing, and concern the following regulations:

### **205 CMR 3.02: *Definitions***

Section 3.02 lists the definitions and interpretations that apply to 205 CMR 3.00. The proposed changes add definitions for ARCI and USTA, to include the specific date and version. The amendments are meant to clearly identify which versions of the rules are being used.

### **205 CMR 3.28: *Prohibited Practices***

Section 3.28 sets out prohibited substances and prohibited practices. The proposed changes include to correct an incorrect citation from “205 CMR 3.28(5),” to “Annex I.” Additional changes include changing the word “breeze” to “qualify” and the word “jockeys” to “drivers” to reflect the terminology used in Standardbred Racing.

### **205 CMR 3.29: *Medications and Prohibited Substances***

Section 3.29 explains the rules about medications and prohibited substances in horse racing, and the factors considered to decide penalties when a violation occurs. The proposed change removes the language in Section 2A, as the Racing Division does not use this multiple medication violation system.



Massachusetts Gaming Commission

**Scheduled hearing date and time:**

**Tuesday, May 5, 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.

**MEETING ID: 218 572 692 232 71**

**PASSCODE: F2j9zs2o**

**DIAL BY PHONE: 1 213-631-9908**

**PHONE CONFERENCE ID: 717 049 183**

A complete copy of the draft regulations referenced above may be downloaded by visiting [www.massgaming.com](http://www.massgaming.com), clicking on 'Regulations and Compliance' and selecting the '[Proposed Rulemaking](#)' Section. Anyone wishing to offer comments on these regulations can email [Melanie.Foxx@massgaming.gov](mailto:Melanie.Foxx@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.

**Comments must be received by 5:00 PM EST on May 4, 2026.** Additionally, please find the accompanying Small Business Impact Statements in accordance with M.G.L. c. 30A, § 2 attached.



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## **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 amendments to **205 CMR 3.00: Harness Horse Racing**, specifically, **205 CMR 3.02: Definitions**; **205 CMR 3.28: Prohibited Practices**; **205 CMR 3.29: Medications and Prohibited Substances**, notice of which was filed with the Secretary of the Commonwealth. These amendments were developed as part of the process of promulgating regulations governing Harness Horse Racing in the Commonwealth. This regulation is authorized by G.L. c. 128A, §§ 9 and 9B.

These amendments apply directly to harness horse licensees conducting or participating in racing in the Commonwealth. Accordingly, these proposed regulations are not likely to have a negative impact on small businesses. 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:

To the extent that horsemen and barns are small businesses, they may be impacted by these regulations. It is difficult to estimate with accuracy the potential number of small businesses that may be impacted.

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

Projected reporting, recordkeeping and other administrative costs are unlikely to change in any material way for compliance with the proposed amendments.

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



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The design standards are appropriate as they provide clarity and encourage uniformity of the rules for anyone licensed by the Massachusetts Gaming Commission to conduct or participate in Harness Horse Racing in the Commonwealth of Massachusetts.

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.

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

This amendment will most likely not affect small businesses in an administrative capacity and is unlikely to deter or encourage the formation of new businesses in the Commonwealth at this time.

Massachusetts Gaming Commission

By:

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Legal Division



Massachusetts Gaming Commission

Dated: March 26, 2026



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