



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, as part of the Commission’s regulatory process, and concern the following regulations:

205 CMR 3.13: Licensee: duties and obligations

The proposed language to Section 3.13(13) would require a warning light system of green, yellow, and red beacon style lights and sirens in the event of an accident and also assigns the duties of the judges to monitor, control and trigger the accident warning lights to indicate to the drivers to proceed with caution if yellow, cease racing if red, and an “all clear” green light to signal for warm ups and live racing to continue.

205 CMR 3.15: Owners

The proposed modification to Section 3.15(3) would place a limit for an owner to have or employ no more than two trainers on the grounds of the Association without approval of the Board of Judges.

205 CMR 3.21: Trainers

The proposed language in Section 3.21(8) would require that the trainer ensures that specific equipment is secured properly, namely the buckles on front hobble hangers and driving line buckles attached to the bit as well as side straps on number pads are required to be taped, for all races.

205 CMR 3.23: Claiming Races

The proposed language in Section 3.23(12) instructs when a claim should be voided if a horse dies on the track or suffers an injury which requires euthanasia of the horse while the horse is on the racetrack.

The proposed language in Section 3.23(13) instructs when a claim is voidable for a period of up to thirty (30) minutes after the race is made official at the discretion of the new owner for any horse vanned off track, sent to the detention barn and observed to be lame, or on the veterinarian’s list for Epistaxis.

205 CMR 3.32: Testing

Proposed language in Section 3.32(3)(k) sets out the different scenarios that can occur when a sample is tested and when there is a request for a split sample. It further clarifies the standard presumption if the referee laboratory is unable to reach a valid testing conclusion or if the split sample was not of sufficient quantity for the referee laboratory to reach a valid testing conclusion.

205 CMR 3.33: Postmortem Examinations

The proposed changes to section 205 CMR 3.33(6) would require a mortality review after the death of a horse, to be conducted by the Director of Racing. The Director of Racing’s primary role would be to



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gather information surrounding the death of each racehorse and to ultimately arrive, if possible, at conclusions and recommendations to the appropriate entity or person.

Scheduled hearing date and time:

Tuesday, May 27, 2025, 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: 111 754 7773

A complete copy of the draft regulations referenced above may be downloaded by visiting 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 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 26, 2025. Additionally, please find the accompanying Small Business Impact Statements in accordance with M.G.L. c. 30A, § 2 attached.



Massachusetts Gaming Commission

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Legal Division

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 3.13(13): Licensee: duties and obligations, 205 CMR 3.15(3): Owners, 205 CMR 3.21(8): Trainers, 205 CMR 3.23(12)(13): Claiming Races, 205 CMR 3.32(3)(k): Testing and 205 CMR 3.33(6): Postmortem Examinations**, 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:

Some of the proposed regulations are design standards and some are performance standards. The design standards are important as they encourage uniformity, while the performance standards provide further clarification regarding the responsibilities and prohibitions of 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.



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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 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:

/s/ Melanie D. Foxx
Melanie D. Foxx
Associate General Counsel

Dated: April 10, 2025



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