

# RULE ADOPTIONS

## AGRICULTURE

### (a)

#### DIVISION OF MARKETING AND DEVELOPMENT

#### New Jersey Sire Stakes Program

#### Readoption with Amendments: N.J.A.C. 2:32

Proposed: May 16, 2022, at 54 N.J.R. 801(a).

Adopted: July 26, 2022, by the New Jersey Sire Stakes Board of Trustees, Michael Gulotta, Chair.

Filed: August 11, 2022, as R.2022 d.109, **without change**.

Authority: N.J.S.A. 5:5-91.

Effective Dates: August 11, 2022, Readoption;  
September 6, 2022, Amendments.

Expiration Date: August 11, 2029.

#### Summary of Public Comment and Agency Response:

The Department of Agriculture (Department) received comments from a Jean Public in response to the notice of the proposed rulemaking concerning N.J.A.C. 2:32.

COMMENT: Jean Public states that she opposes the continuation of the New Jersey Sire Stakes Program because she contends that it kills horses on the racetracks. Jean Public further states that she does not support horse racing in any form, and that forcing horses to run means that they never get a chance to be out in the sun and free, which she believes kills them. She describes the Sire Stakes Program as “ugly and vile and evil.”

RESPONSE: The Department and the Sire Stakes Board of Trustees do not agree with the views expressed by Jean Public. The New Jersey Sire Stakes Program is established by statute, and it is run in a humane manner.

#### Federal Standards Statement

Executive Order No. 27 (1994) and P.L. 1995, c. 65, require State agencies that adopt, readopt, or amend State rules that exceed any Federal standards or requirements to include in the rulemaking document a comparison with Federal law. A Federal standards analysis is not required because the rules of the Sire Stakes Program are dictated by the Sire Stakes Program Establishment Act, N.J.S.A. 5:5-91 et seq., and are not subject to any Federal requirements or standards.

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 2:32.

**Full text** of the adopted amendments follows:

#### SUBCHAPTER 1. SIRE STAKES PROGRAM

##### 2:32-1.1 General provisions

(a) The Sire Stakes Program incorporates herein by reference, as amended and supplemented, the 2021 U.S. Trotting Rule Book. Copies of the most current regulations may be procured online at <https://www.ustrotting.com/rulebook/> and are available for inspection by contacting the New Jersey Department of Agriculture, Division of Marketing and Development, 200 Riverview Plaza, Trenton, New Jersey. The Division’s contact information can be found at: <https://www.nj.gov/agriculture/divisions/md/about/contacts.html>.

(b) All rules utilized by the New Jersey Department of Agriculture in the Administration of the Sire Stakes Program shall conform to the United States Trotting Association’s Rule Book referenced at (a) above.

#### SUBCHAPTER 2. NEW JERSEY SIRE STAKES CONDITIONS

##### 2:32-2.2 Qualifying standards

(a) In order to be eligible for nomination to the New Jersey Sire Stakes Program, a foal must be the product of the mating of a Standardbred mare with a resident New Jersey Sire Stakes stallion meeting the requirements at N.J.A.C. 2:32-2.3 and 2.4.

1. A foal that meets the criteria at (a) above, and which is the result of a breeding that occurred on a farm in New Jersey, or as a result of the intra-or inter-state transportation of the fresh semen of a qualifying stallion, may be eligible for nomination to the Sire Stakes Program.

(b) A foal that otherwise meets the criteria at (a) above, but was conceived using frozen semen or ovum/embryo transplant, may be eligible for nomination to the Sire Stakes Program, provided all other registration requirements are met as set forth under Rule 26 of the United States Trotting Association’s Rules and Regulations (available at <https://www.ustrotting.com/rulebook/> or by contacting the Program at the New Jersey Department of Agriculture, Division of Marketing and Development at <https://www.nj.gov/agriculture/divisions/md/about/contacts.html>), and if the following requirements are satisfied:

1. Beginning with the 2010 breeding season and for foals of 2011 and thereafter, the foal was conceived by semen that has been frozen, and:

i.-ii. (No change.)

2. After January 1, 2006, the foal was conceived through embryo/ovum transplant, and the following conditions have been met:

i. The Registrar of the United States Trotting Association granted approval for the embryo/ovum transplant before the transplant took place;  
ii.-iii. (No change.)

##### 2:32-2.3 Requirements for Sire Stakes stallions

(a)-(b) (No change.)

(c) A completed stallion registration application must be received by the SBOA-NJ at: SBOA-NJ, 64 Business Route 33, Manalapan, NJ 07726, not later than December 1 of the year prior to that in which the stallion is to stand. In addition, a Certificate of Veterinary Inspection, completed by a licensed New Jersey veterinarian who examined the stallion at the beginning of the current breeding season, shall be submitted to the SBOA-NJ, along with a copy of the EIA-AGID test chart, no later than March 1. A Certificate of Veterinary Inspection shall be submitted for each dual hemisphere stallion on or before March 15 of the current breeding season by a licensed New Jersey veterinarian who examined the stallion prior to its first breeding of the season, and not later than March 1 of the year the stallion is registered and standing.

(d) Provided that they meet all other eligibility requirements set forth in these rules, the foals of stallions registered in accordance with this section shall be eligible to be nominated to all Premier Division races, all Standardbred Development Fund Division races, and any other races administered by the New Jersey Sire Stakes Program.

##### 2:32-2.4 Stallion standing full season

(a) In order to establish and maintain the eligibility of his foals for the Sire Stakes Program, a stallion must be present on the farm in New Jersey on which he is registered to stand by the dates published by the SBOA-NJ for the year for which he is registered as a Sire Stakes stallion and shall stand on that farm for breeding purposes for the full breeding season. A Sire Stakes stallion that is registered as a dual hemisphere stallion must be present on the farm on which he is registered to stand by the dates published by the SBOA-NJ of the year of registration, and shall stand on that farm for breeding purposes for the remainder of the breeding season, except that the Sire Stakes Board of Trustees may grant permission allowing a dual hemisphere stallion to leave the farm after July 15 of the breeding season in order to return to the southern hemisphere.

1. (No change.)

(b) A stallion may race during a breeding season for which he is registered as a Sire Stakes stallion, so long as all proper registration paperwork is submitted. The Sire Stakes Board of Trustees may grant permission to compete in any stakes or invitational events only to a first year Sire Stakes stallion whose participation the Board of Trustees determines to be important to the betterment of the Sire Stakes Program. The granting of permission to race pursuant to this section shall not relieve any stallion from the requirements at (a) above or this subsection, except that any stallion granted such permission shall not be required to be on the farm on which he is registered to stand until March 1 of the breeding season. In order to be eligible, any stallion granted permission to continue

racings may only breed or have semen collected on a farm within the boundaries of the State of New Jersey. Semen must be available for pick up at the farm where the stallion is registered. Any semen collection of such a stallion must be supervised by a responsible party and then certified to, in writing, by a veterinarian licensed to practice in the State of New Jersey. A stallion's semen that is gathered outside of the State of New Jersey cannot be used to breed foals that are eligible to be nominated to the New Jersey Sire Stakes Program. Stallions that are registered in any jurisdiction other than the State of New Jersey shall be automatically disqualified from participation in the New Jersey Sire Stakes Program and any foals resulting from breedings to said stallions shall be ineligible to participate in the New Jersey Sire Stakes Program.

(c) If a registered Sire Stakes stallion is moved during a breeding season without having obtained the prior permission of the Sire Stakes Board of Trustees, the foals of that stallion which were bred during that breeding season shall not be eligible for the Sire Stakes Program.

(d) (No change.)

2:32-2.5 List of mares bred

The stallion owner must supply the New Jersey Standardbred Breeders and Owners Association, the New Jersey Sire Stakes, and the United States Trotting Association a list of mares bred, on a form prescribed by the Sire Stakes Board of Trustees, identifying each mare that has been bred to said stallion including those mares that were bred through transported semen. A final list of mares bred is to be supplied by not later than September 15 of the breeding season and shall contain all breeding activity of said stallion for the entire breeding season, including those mares that were bred through transported semen.

2:32-2.6 Fund policy

(a) After consideration of the Standardbred Development Fund portion of the Sire Stakes purse money and special event money is made, the Premier Division of the Sire Stakes purse money will be allocated as determined by the Board of Trustees.

(b) All Sire Stakes purse moneys shall be determined each year by the Board of Trustees of the New Jersey Sire Stakes.

(c)-(d) (No change.)

2:32-2.9 Yearling nominations

(a) All yearlings to be nominated to the Sire Stakes Program must be registered with the United States Trotting Association or any Standardbred Registry recognized by the United States Trotting Association and must hold a certificate of registration dated on or before the time of nomination.

1. Nominations of yearlings to the Premier and Standardbred Development Fund divisions shall be received along with the nomination fee payment, by the office of the New Jersey Sire Stakes, not later than May 15 of each yearling year or, if May 15 falls on a Saturday, Sunday, or a holiday, on the next business day following that date. Nominations received after the closing date will not be accepted. Yearlings that are registered for the Premier Division shall also be eligible to participate in the Standardbred Development Fund Division.

2. The yearling nomination fee for the foals of mares resident or bred while in the State of New Jersey shall be \$50.00, provided that a copy of the United States Trotting Association certificate of registration or a certificate of registration from a Standardbred Registry body recognized by the United States Trotting Association accompanies the yearling nomination form. An additional \$25.00 processing fee shall be due if the copy of the United States Trotting Association certificate of registration or a certificate of registration from a Standardbred Registry body recognized by a United States Trotting Association is not submitted. The nomination fee for those yearlings otherwise meeting all Sire Stakes eligibility requirements of this chapter, but which were not the foals of mares resident or bred while in the State, shall be \$100.00 if accompanied by a certificate of registration or a copy of a certificate of registration from the United States Trotting Association or from a Standardbred Registry Body recognized by the United States Trotting Association. An additional \$25.00 processing fee shall be due if said certificate of registration is not submitted. Payment of the nomination fee covers nomination to both the Standardbred Development Fund and Premier divisions. Thereafter, each division will have separate sustaining payments. Nomination payments

are to be made to the New Jersey Sire Stakes, PO Box 330, Trenton, NJ 08625.

3. The yearling nomination payment form will also provide for nomination to the Renaissance Pace upon payment of an additional fee of \$25.00 for colts and \$15.00 for fillies, which is also due by May 15.

4. Supplemental nominations may be made to the New Jersey Sire Stakes. Parties delinquent in paying the May 15 yearling nomination fee date are given until September 15 of the yearling year to fulfill the aforementioned conditions of nomination and pay the nomination fee along with an additional late fee of \$300.00. For nominations received after September 15, but on or before February 15 of the two-year-old year, the cost will be \$650.00 in addition to the original nomination fee. An additional \$700.00 is required to supplement the Renaissance Open Pace or \$400.00 for the Renaissance Filly division by February 15 of the two-year-old year.

2:32-2.10 Sustaining fees

The Board of Trustees may reduce sustaining fees by majority vote; otherwise, the sustaining fee schedule will be as follows:

PREMIER DIVISION

Age	First Sustaining Fee	Second Sustaining Fee
2	\$300.00 (Feb. 15)	\$500.00 (Apr. 15)
3	\$300.00 (Feb. 15)	\$500.00 (Apr. 15)

STANDARDBRED DEVELOPMENT FUND DIVISION

Age	First Sustaining Fee	Second Sustaining Fee
2	\$100.00 (Feb. 15)	\$150.00 (Apr. 15)
3	\$100.00 (Feb. 15)	\$150.00 (Apr. 15)

RENAISSANCE PACE

Age	Sustaining Fee
2YO Open	\$700.00 (Mar. 15)
2YO Filly	\$400.00 (Mar. 15)

BREEDERS MATURITY

Age	Sustaining Fee
4YO Open	\$200.00 (Feb. 15)
4YO Mares	\$200.00 (Feb. 15)

2:32-2.11 Payment dates

(a) In the Premier Division, the first sustaining payment on a two- or three-year-old must be made on or before February 15 of a year and the second sustaining payment on a two- or three-year-old must be made on or before April 15 of a year in order to remain eligible in that year.

(b) In the Standardbred Development Fund Division, the first sustaining payment on a two- or three-year-old must be made on or before February 15 of a year and the second sustaining payment on a two- or three-year-old must be made on or before April 15 of a year in order to remain eligible in that year. In the event that the 15th day of the aforementioned months falls on a Saturday, Sunday, or holiday, the payment must be postmarked on or before the next business day following the 15th of that month.

2:32-2.12 Eligibility

(a) In order for Sire Stakes eligible two-year-old horses to remain eligible as three-year-olds, their owners must have made the yearling nomination and the first two-year-old sustaining payment. This condition applies to both the Standardbred Development Fund and Premier Divisions.

(b) A two-year-old's owner who makes the nomination payment but fails to make the first sustaining payment in either the Standardbred Development Fund or Premier Program may regain his or her horse's eligibility for its two-year-old and three-year-old seasons by payment of

a penalty of \$1,000 plus the amount of the first sustaining payment within 30 days of the original due date of the payment.

2:32-2.20 Entry fees

(a) Entry fees will be added to the basic purse in Standardbred Development Fund and Premier series races. Entry fees will be:

Premier Division	Standardbred Development Fund Division
2 year olds. . . \$500.00	2 year olds. . . \$200.00
3 year olds. . . \$500.00	3 year olds. . . \$200.00

(b) Entry fees for Premier Finals will be \$1,500.

(c) Entry fees for all Standardbred Development Fund finals will be \$500.00.

(d) The Sire Stakes Board of Trustees may reduce entry fees by majority vote in the interest of the Sire Stakes Program.

2:32-2.22 Qualifying standards

All starters in the New Jersey Sire Stakes Premier Division and the New Jersey Sires Stakes Standardbred Development Fund Division must meet all track qualifying standards at the track where the race is being contested and be eligible at time of entry.

2:32-2.27 Final races

(a) There will be a two- and three-year old "Final" race in each Premier Division at the pari-mutuel raceways as scheduled by the New Jersey Sire Stakes Board of Trustees. There will be a Standardbred Development Fund Division series "Final" race in each Division for two-and three-year-olds.

(b) (No change.)

(c) Each Premier Final will have a \$1,500 entry fee at The Meadowlands and is open to the highest New Jersey Sire Stakes point winners in the series that are declared in and can be drawn to a post position in the first tier. Each Standardbred Development Fund Final will have a \$500.00 entry fee and is open to the highest New Jersey Sire Stakes Standardbred Development Fund point earners that are declared in and can be drawn to post in the first tier. Trailers are not permitted to start in any New Jersey Sire Stakes Finals. The entry fee is subject to reduction by the Sire Stakes Board of Trustees in the interest of the Sire Stakes Program.

(d) All horses competing in both the Premier and Standardbred Development Fund Finals at all tracks will be determined on a point basis. A horse must start and finish a heat in order to earn points. The point value will be awarded as follows:

1.-9. (No change.)

(e)-(i) (No change.)

(j) Total points accumulated towards Final Race eligibility in the Premier Division shall include only Premier Division points. Only Standardbred Development Division race points count toward the Standardbred Development Final eligibility.

2:32-2.28 Separate Standardbred Development Fund Division

A separate New Jersey Sire Stakes Standardbred Development Fund Division with a separate payment schedule may be in force.

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**DIVISION OF MARKETING AND DEVELOPMENT**

**New Jersey Standardbred Development Fund Program**

**Adopted New Rules: N.J.A.C. 2:32A**

Proposed: May 16, 2022, at 54 N.J.R. 806(a).

Adopted: July 26, 2022, by the New Jersey Sire Stakes Board of Trustees, Michael Gulotta, Chair.

Filed: August 11, 2022, as R.2022 d.110, **without change**.

Authority: N.J.S.A. 5:5-91 and 5:5-91.1.

Effective Date: September 6, 2022.

Expiration Date: September 6, 2029.

**Summary of Public Comment and Agency Response:**

The Department of Agriculture (Department) received comments from a Jean Public in response to the notice of the proposed rulemaking concerning N.J.A.C. 2:32A.

COMMENT: Jean Public states that she opposes the continuation of the Standardbred Development Fund Program (Program) because she contends that the Program encourages "horse abuse." She contends that the Program has no value at all to the people of New Jersey or to the horses because, according to her, "the whole business is full of drugs and horses dying on the racetracks." She states that the proposed rules are neither reasonable nor proper.

RESPONSE: The Department and the Sire Stakes Board of Trustees do not agree with the views expressed by Jean Public. The Standardbred Development Fund Program provides the social and economic benefits to the State and the people of New Jersey that were discussed in the rulemaking notice of proposal. The Program is established by statute, and it is run in a humane manner.

**Federal Standards Statement**

Executive Order No. 27 (1994) and P.L. 1995, c. 65, require State agencies that adopt, readopt, or amend State rules that exceed any Federal standards or requirements to include in the rulemaking document a comparison with Federal law. A Federal standards analysis is not required because the regulation of the Standardbred Development Fund Program is dictated by the N.J.S.A. 5:5-91 and 5:5-91.1 and is not subject to any Federal requirements or standards.

**Full text** of the expired rules adopted herein as new rules can be found in the New Jersey Administrative Code at N.J.A.C. 2:32A.

**Full text** of the adopted amendments follows:

SUBCHAPTER 1. STANDARDDBRED DEVELOPMENT FUND PROGRAM

2:32A-1.1 General provisions

The Sire Stakes Program Board of Trustees, on behalf of the Standardbred Development Fund Program, hereby adopts and incorporates by reference, as amended and supplemented, the 2021 U.S. Trotting Rule Book. Copies of the most current regulations may be procured online at <https://www.ustrotting.com/rulebook/> and are available for inspection by contacting the Division of Marketing and Development at the New Jersey Department of Agriculture, 200 Riverview Plaza, Trenton, New Jersey. The Division's contact information can be found at: <https://www.nj.gov/agriculture/divisions/md/about/contacts.html>.

SUBCHAPTER 2. NEW JERSEY STANDARDDBRED DEVELOPMENT FUND CONDITIONS

2:32A-2.2 Qualifying standards

(a) In order to be eligible for nomination to the New Jersey Standardbred Development Fund Program, a foal must be the product of the mating of:

1. A Standardbred mare with a resident New Jersey Sire Stakes stallion meeting the requirements at N.J.A.C. 2:32-2.3. Said mares do not need to be registered with the New Jersey Standardbred Development Fund Program, nor does a registration fee need to be paid for said mares; or

2. A Standardbred mare with any Standardbred stallion that is registered with the United States Trotting Association or such other generally recognized Standardbred breed provided the mare resides in the State of New Jersey for a period of at least 150 days including the date of foaling. Said mare must be registered with the New Jersey Standardbred Development Fund Program by December 31 of the year of foaling in order for the offspring to be eligible to the Standardbred Development Fund Program. The registration form must be accompanied by a payment of \$100.00.

2:32A-2.5 Yearling nominations

(a) All yearlings to be nominated to the Standardbred Development Fund Program must be registered with the United States Trotting Association or any Standardbred registry recognized by the United States