

PUBLIC PROTECTION CABINET
Kentucky Horse Racing Commission
(As Amended at ARRS, July 13, 2020)

810 KAR 2:090. Temporary unsuitability of licensed premises.

RELATES TO: KRS Chapter 230

STATUTORY AUTHORITY: KRS 230.215(2), 230.225(5), 230.260(8), 230.361(1), 230.370

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) authorizes[grants] the Kentucky Horse Racing Commission ~~[the authority]~~ to regulate conditions under which thoroughbred racing shall be conducted in Kentucky. KRS 230.260(8) authorizes[grants] the commission ~~[the authority]~~ to prescribe necessary and reasonable administrative regulations and conditions under which horse racing at a horse race meeting shall be conducted in this state. This administrative regulation establishes procedures for use of an off-site facility if a racing association's licensed premises becomes[addresses problems arising from a premises being rendered] temporarily unsuitable for its intended use.

Section 1. If any Kentucky racing association's licensed premises is temporarily rendered unsuitable for its intended use, an association may, with commission authorization pursuant to KRS 230.300(11)[approval], occupy an alternate facility during the period that its licensed premises is temporarily unsuitable, ~~if[provided that]~~ the alternate facility meets the following conditions:

(1) The alternate facility shall[must] be within a sixty (60) mile radius of ~~the[such]~~ racing association's track but not contiguous to track premises; and

(2) The alternate facility shall[must] not be within a sixty (60) mile radius of another racing association's licensed premises where live racing is conducted and shall[must] not be within a forty (40) mile radius of a simulcast facility, unless any affected track or simulcast facility agrees in writing to permit a noncontiguous facility within the protected geographic area.

CONTACT PERSON: Jennifer Wolsing, General Counsel, 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511, phone +1 (859) 246-2040, fax +1 (859) 246-2039, email jennifer.wolsing@ky.gov.