



# Gaming Commission

One Broadway Center, P.O. Box 7500, Schenectady, NY 12301-7500  
[www.gaming.ny.gov](http://www.gaming.ny.gov)

February 2, 2024

Re: **Industry Notification – Proposed Rulemaking for Thoroughbred Claiming Rules Amendments (9 NYCRR §§ 4038.1, 4038.3 and 4038.4)**

To Whom It May Concern:

The New York State Gaming Commission has proposed amendments to its regulations governing Thoroughbred claiming regulations (9 NYCRR §§ 4038.1, 4038.3 and 4038.4). Upon publication in the February 7, 2024 State Register, the full text of the proposal will be posted on our website at <https://www.gaming.ny.gov/proposedrules.php>.

The proposed rulemaking would allow claimants who have raced on a circuit within 120 days, which would increase the number of owners qualified to make claims.

In addition, the proposed rulemaking would allow the stewards to extend a certificate of eligibility to claim for an 30 additional days if the certificate holder had entered a claim but had lost a disposition by lot when there were multiple claimants.

The proposed amendments would also reduce the requisite waiting period in which a claimed horse may not start in a claiming race, providing owners a greater opportunity to start a horse for the price at which the horse had been claimed, given the owners would be able to gain access to races that had already been written in the track's condition book.

The proposed amendments would extend the prohibition of a claimed horse from running outside New York from 30 days to 60 days, which would mitigate entry shortages that have been experienced at New York tracks. An exception is proposed for horses claimed at Finger Lakes Racetrack toward the end of the Finger Lakes racing season, in which case the prohibition would be limited to 30 days from the end of the Finger Lakes racing season.

If you wish to provide any comments on this proposed rulemaking, please submit your written comments to [gamingrules@gaming.ny.gov](mailto:gamingrules@gaming.ny.gov) or to Kristen M. Buckley, One Broadway Center, Suite 500, Schenectady, NY 12305 no later than April 8, 2024.

Very truly yours,

A handwritten signature in blue ink that reads "Kristen M. Buckley".

Kristen M. Buckley  
Acting Secretary