**Section 200.40 Inspections and Searches**

a) The Illinois Racing Board or the State Stewards investigating for violations of law or the rules and regulations of the Board shall have the power to permit persons authorized by either of them to search:

1) the person of all persons licensed by the Board, and of all employees and agents of any race track operator licensed by the Board, or to enter and search the jockey and drivers' rooms, paddocks, stables, stalls, tack rooms, barns, sheds, horse trailers, other vehicles related to the transportation of racehorses and/or the transportation of equipment used by or in the care of the racehorses, or other vehicles and equipment in the immediate stable area; and

2) the person and/or property of all vendors who are permitted by the race track operator to sell and distribute their wares and merchandise within the race track enclosure; and

3) all public areas in the racetrack enclosure, in order to inspect and examine the personal effects or property of licensees and vendors.

b) Dormitory rooms are excluded from searches conducted pursuant to this Section, but may be subject to search pursuant to a warrant.

c) Searches conducted pursuant to this Section shall be based on reasonable suspicion of a violation of law or of the rules and regulations of the Board by the party whose premises or person is the subject of the search and shall be conducted in a reasonable period of time, and shall not be so frequent as to constitute harassment of a licensee. Searches of persons conducted pursuant to this Section shall consist of an external pat down and shall not be internally invasive. The policies of the Board in relation to administrative searches shall be posted at every racetrack under the Board's control.

d) Each licensee, in accepting a license, releases all claims or possible actions for damages that he or she may have by virtue of any action taken under this Section*.* Each employee of a licensed operator, in accepting his or her employment, and each vendor who is permitted to sell and distribute merchandise within the race track enclosure, does thereby irrevocably consent to search under this Section and waive and release all claims or possible actions for damages resulting from any action taken under this Section. At the time a licensee applies for or renews his or her license, he or she shall receive a copy of the policies of the Board in relation to administrative searches, including relevant Sections of the Illinois Horse Racing Act. The consent to a search of premises or person pursuant to this Section shall be included on the license applications of all licensees. Any person who refuses to be searched pursuant to this Section may have his or her license suspended or revoked and may be ejected from the racetrack facilities.

e) The Board delegates the authority to conduct inspections and searches pursuant to this Section to the Director of Security of the Illinois Racing Board and to Special Agents of the Illinois State Police, or other designees of the Department of State Police assigned, from time to time, to assist the Chief Investigator. Prior to conducting a search under this Section, a written authorization for administrative inspection shall be issued by either two stewards, the Executive Director of the Board, or a Member of the Board. The written authorization for administrative inspection shall include the name and title of the person or persons authorizing the search, the names of the persons conducting the search, the persons and/or areas to be searched, the date and time of the search, and the purpose of the search. Should exigent circumstances arise, such as the flight of a suspect with items reasonably suspected of being contraband and/or other circumstances that make it impractical to obtain prior written authorization, the requirement of written authorization shall not apply.

f) At least two personnel of the Board, or the State Stewards, or those authorized for such purposes, shall be present for any of the searches conducted pursuant to this Section. Any Board personnel, State Steward, or person authorized to conduct a search under this Section shall be provided with detailed instructions on how a particular search is to be conducted, including the information contained in the authorization for administrative inspection.

(Source: Added at 32 Ill. Reg. 16493, effective October 1, 2008)