

**WAC 260-34-030 Testing.** (1) A steward of the horse racing commission, a commission security investigator or the executive secretary, may require any licensee or applicant to provide breath, blood, oral fluids, and/or urine samples for the purpose of drug or alcohol analysis under any of the following circumstances:

(a) When a steward or commission security investigator finds that there is reasonable suspicion to believe that the applicant or licensee has used or is under the influence of alcohol and/or any drug.

(b) When an applicant or licensee has a documented history of an unexplained positive test which indicates illegal drug usage or has a documented history of violating chapter 69.41, 69.45 or 69.50 RCW, WAC 260-34-020 or similar drug-related violation within five years of conviction or release from a correctional institution for that violation. The term "correctional institution" shall include any prison, jail or similar institution in this state or elsewhere.

(c) When a steward or commission security investigator decides to test any licensee or applicant as a condition of any conditional or probationary license.

(d) When any person is riding a horse on the grounds of a licensed racing association.

(2) For licensees or applicants who are subject to a field screening urine, or oral fluid test under the provisions in this chapter, and whose test shows the presence of a controlled substance or alcohol, the field screening test results shall be confirmed by a laboratory acceptable to the commission.

(3) The result of a test conducted with a preliminary breath test (PBT) instrument, or oral swab, shall constitute evidence of a violation of these rules. The results of such a test may be considered for purposes of determining whether the licensee or applicant has consumed alcohol, the level of alcohol concentration, and whether the licensee or applicant has violated a prohibition on the use or consumption of alcohol established in a conditional license.

[Statutory Authority: RCW 67.16.020. WSR 11-07-030, § 260-34-030, filed 3/10/11, effective 4/10/11. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 08-07-039, § 260-34-030, filed 3/13/08, effective 4/13/08. Statutory Authority: RCW 67.16.020. WSR 07-03-064, § 260-34-030, filed 1/16/07, effective 2/16/07. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 06-07-064, § 260-34-030, filed 3/10/06, effective 4/10/06; WSR 05-07-066, § 260-34-030, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. WSR 00-07-038, § 260-34-030, filed 3/6/00, effective 4/6/00. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 89-13-006 (Order 89-02), § 260-34-030, filed 6/9/89; WSR 88-09-033 (Order 88-02), § 260-34-030, filed 4/15/88.]