

**Title 260 WAC
HORSE RACING COMMISSION**

Chapters

- 260-16 Special types of races.
- 260-20 Association grounds and facilities.
- 260-24 Association officials and employees.
- 260-34 Drug and alcohol testing of licensees and employees.
- 260-36 Occupational permits and licenses.
- 260-44 Weights and equipment.
- 260-70 Controlled medication program.

**Chapter 260-16 WAC
SPECIAL TYPES OF RACES**

WAC

260-16-090 Arabian horses—Certification.

WAC 260-16-090 Arabian horses—Certification.

(1) Certification of Arabian horses shall be as follows: The breeder or owner of an Arabian horse shall apply to the Washington State Arabian Horse Racing Association (WSAHRA) for such certification. Forms will be provided by the WSAHRA for the applicant to complete and return to WSAHRA. These include a form to be completed by the owner or manager (or an authorized agent of the owner or manager) of the farm on which the horse was foaled, and a form to be completed by the current owner of the horse.

(2) Certification of Arabian horses foaled in 1987 or before shall be as follows: Arabian horses foaled in Washington in 1987 or before shall be certified as "Washington-bred" by the WSAHRA when application for such certification has been approved by the WSAHRA, and provided that the completed application forms are accompanied by a fee of ten dollars per horse and are received by the WSAHRA by December 31, 1988. No applications for certification of horses born in 1987 or before shall be accepted after December 31, 1988.

(3) Certification of Arabian horses foaled in 1988 or thereafter shall be as follows: Arabian horses foaled in Washington in 1988 or thereafter shall be certified as "Washington-bred" by the WSAHRA for a fee of ten dollars, provided that the completed application forms and proper fees for such certification are received by the WSAHRA by December 31 of the year in which they are foaled.

If such application forms or fees for certification are received by the WSAHRA after December 31 of the year they are foaled, but by December 31 of the year after the horse is foaled, then there will be a charge of fifty dollars for such certification. However, no application for certification will be accepted beyond December 31 of the year after the horse is foaled.

[Statutory Authority: RCW 67.16.075, 67.16.020 and 67.16.040. 88-06-017 (Order 88-01), § 260-16-090, filed 2/24/88.]

**Chapter 260-20 WAC
ASSOCIATION GROUNDS AND FACILITIES**

WAC

260-20-170 First-aid equipment and personnel.

WAC 260-20-170 First-aid equipment and personnel. Each racing association shall equip and maintain at its track temporary facilities with not less than two beds, equipped with such first-aid appliances and material as shall be approved by the commission, and shall provide the attendance of a competent physician and one licensed nurse, registered nurse, or physician's assistant, at the option of the track, thereat during racing hours. A racing association conducting a meet with an average daily handle of one hundred twenty thousand dollars or less may provide at its track a licensed paramedic in lieu of a physician if the services of a competent physician cannot be obtained.

[Statutory Authority: RCW 67.16.075, 67.16.020 and 67.16.040. 88-06-017 (Order 88-01), § 260-20-170, filed 2/24/88. Statutory Authority: RCW 67.16.020 and 67.16.040. 81-15-033 (Order 81-05), § 260-20-170, filed 7/10/81; Rules of racing, § 330, filed 4/21/61.]

**Chapter 260-24 WAC
ASSOCIATION OFFICIALS AND EMPLOYEES**

WAC

260-24-280 Stewards—Authority to award punishment.

WAC 260-24-280 Stewards—Authority to award punishment. The stewards have the power to punish at their discretion any person subject to their control either by suspension of the privilege of attending the races during the meeting; or by suspension from acting or riding during the meeting; or by fine not exceeding \$750.00; or both, and if in their discretion they deem it necessary they may impose a suspension up to thirty days beyond the meet; for any further punishment or additional fine, they shall so report to the commission. Persons subject to these rules are deemed to come within the control of the board of stewards assigned to a meet beginning on the day an association accepts entries for the first day of racing of that meet.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 87-15-019 (Resolution No. 87-02), § 260-24-280, filed 7/8/87; 81-08-013 (Order 81-01), § 260-24-280, filed 3/24/81; Order 72-6, § 260-24-280, filed 10/13/72; Rule 259, filed 4/21/61.]

**Chapter 260-34 WAC
DRUG AND ALCOHOL TESTING OF LICENSEES
AND EMPLOYEES**

WAC

- 260-34-010 Primary purpose.
- 260-34-020 Intoxication.
- 260-34-030 Testing.
- 260-34-040 Definition of licensee and employees.
- 260-34-050 Reasonable suspicion.
- 260-34-060 Refusal to test.
- 260-34-070 Responsibility to report valid prescriptions.
- 260-34-080 Testing procedure.

260-34-090	A positive test.
260-34-100	Confidentiality test results.
260-34-110	Consumption of alcohol.
260-34-120	Alcohol violations defined.
260-34-130	Consumption reasonable suspicion for testing.
260-34-140	Alcohol levels determined.
260-34-150	Alcohol testing.
260-34-160	Refusal to be tested.
260-34-170	Alcohol violation sanctions.
260-34-180	Testing expense.

WAC 260-34-010 Primary purpose. In order to protect the integrity of horse racing in the state of Washington, to protect the health and welfare of licensees and employees engaged in horse racing within the state of Washington, to prevent the exploitation of the public, licensees and/or employees engaged in horse racing in the state of Washington, to foster fairness of competition within the racing industry and in order to protect public safety within the state of Washington, the horse racing commission intends to regulate at all race meets licensed by it, the use of any controlled substance as listed in chapter 69.50 RCW or any prescription legend drug unless such prescription legend drug was obtained directly and pursuant to a valid prescription from a duly licensed physician or dentist acting in the course of his or her professional practice. This chapter shall be applicable to any licensee or employee who is responsible for the conduct of, or the officiating of, a race or whose duties include the training, exercising, riding, driving, or caring for a horse while the horse is on any association premises to participate in a horse racing meet.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 88-09-033 (Order 88-02), § 260-34-010, filed 4/15/88.]

WAC 260-34-020 Intoxication. No licensee or employee of any racing association or any employee of the horse racing commission who is responsible for the conduct of, or officiating of a race or whose duties include the training, exercising, riding, driving, or caring for a horse while the horse is on any association premises to participate in a horse racing meet shall be under the influence of intoxicating liquor, the combined influence of intoxicating liquor and any drug, or under the influence of any narcotic or other drug while within the enclosure of any association. In addition, the personal use by any licensee or employee of any drug or abuse of any controlled substance as listed in chapter 69.50 RCW is prohibited without valid legal prescription.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 88-09-033 (Order 88-02), § 260-34-020, filed 4/15/88.]

WAC 260-34-030 Testing. The board of stewards of the horse racing commission may require any licensee, employee of any racing association, or employee of the horse racing commission who is responsible for the conduct of, or officiating of, a race or whose duties include the training, exercising, riding, driving, or caring for a horse while the horse is on any association premises to participate in a horse racing meet, to provide blood and/or urine samples for the purpose of drug or alcohol analysis under any of the following circumstances:

(1) As part of a physical examination described in WAC 260-32-160.

(2) When there is reasonable suspicion to believe that the proposed testee has used any drug, narcotic, or controlled substance as defined in chapter 69.50 RCW or any prescription legend drug unless such prescription legend drug was obtained directly and pursuant to a valid medical prescription from a duly licensed physician or dentist acting in the course of his or her professional practice or, alcohol in excess of the limits prescribed in this chapter.

(3) At the discretion of the stewards when the proposed testee has a documented history of an unexplained positive test which indicates illegal drug usage or when the proposed testee has a documented history of sanction for drug usage or violation.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 88-09-033 (Order 88-02), § 260-34-030, filed 4/15/88.]

WAC 260-34-040 Definition of licensee and employees. For the purpose of this chapter, licensee or employee means and includes any person licensed or employed by the horse racing commission within the state of Washington or by any association whose duties include any of the following: Training, exercising, riding, driving, or caring for a horse while he/she is on the association grounds to participate in a horse racing meet, or any licensed racing official who is involved in the conduct of a horse racing meet including, but not limited to:

- (1) Apprentice jockey;
- (2) Assistant starter;
- (3) Assistant trainer;
- (4) Clerk of scales;
- (5) Dentist;
- (6) Driver;
- (7) Exercise boy/girl;
- (8) Groom;
- (9) Horseshoer;
- (10) Jockey;
- (11) Jockey agent;
- (12) Out rider;
- (13) Paddock judge;
- (14) Pony rider;
- (15) Racing judge;
- (16) Security officer;
- (17) Starter;
- (18) Steward;
- (19) Trainer;
- (20) Valet;
- (21) Veterinarian;
- (22) Veterinarian's assistant;
- (23) Any other licensed personnel deemed appropriate by the horse racing commission where the person is involved in the conduct of a race.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 88-09-033 (Order 88-02), § 260-34-040, filed 4/15/88.]

WAC 260-34-050 Reasonable suspicion. When ordering a drug or alcohol test based upon reasonable suspicion, the board of stewards may consider, but are not limited to, any of the following factors:

(1) Unexplained or continued rule violations which have a detrimental effect on racing.

(2) Involvement in any accident which causes injury to person or animal at the track as well as any near accident which created a clear danger of accident or injury to person or animal at the track.

(3) Willful conduct detrimental to horse racing as evidenced by continued rule violations, other disciplinary problems, behavioral problems, disturbances, or other similar conduct at the track.

(4) Observable physical or emotional impairment at the track.

(5) Involvement in a race of questionable outcome or circumstance as determined by the board of stewards in the exercise of their expertise.

(6) Willful abuse of animal or person who is engaged in a race, work, or exercise engagement at the track.

(7) Prior positive test or tests, excluding those where a valid legal prescription has been revealed.

(8) Performance of prescribed duties in a manner which indicates a best effort to win is not present at the track.

(9) Information supplied by a law enforcement agency, the thoroughbred racing protective bureau, or horse racing commission of any state or country which is verified in writing relating to drug or alcohol abuse or both.

(10) Any other physical conduct at the track which can be documented which would indicate the possibility of drug or narcotic dependence or usage, or alcohol abuse.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 88-09-033 (Order 88-02), § 260-34-050, filed 4/15/88.]

WAC 260-34-060 Refusal to test. When any licensee or employee is requested to submit to a test in a manner prescribed by this chapter, he/she shall do so in a prompt manner. Refusal to supply such sample shall result in:

(1) Immediate suspension of the licensee or employee.

(2) A hearing before the board of stewards with written notice of the issue to be addressed prepared by the presiding steward, to be held within the next two racing days of the delivery of the notice or sooner if the licensee or employee and the board of stewards agree to it.

(3) The board of stewards shall confirm the facts with respect to the refusal to test at the hearing and where substantiated, the licensee or employee shall be suspended from racing for and until such time as a negative test has been obtained in conformance with this chapter.

(4) Continued refusal to submit to an ordered test will result in license revocation and banning from race meets in the state of Washington.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 88-09-033 (Order 88-02), § 260-34-060, filed 4/15/88.]

WAC 260-34-070 Responsibility to report valid prescriptions. Whenever any licensee or employee has been directed by the stewards to submit to a drug test and that licensee or employee is taking a substance pursuant to a valid prescription on order of a duly licensed physician or dentist, it shall be the licensee or employee's responsibility to give written notice to the chief of security, or his designated representative of the Washington horse racing commission containing the following:

(1) Name of the licensee or employee.

(2) The quantity and dosage of the substance prescription.

(3) The name of the duly licensed physician or dentist prescribing same.

(4) The date the prescription was prescribed.

All such notices shall become part of the records of the drug test and preserved to maintain strict confidentiality of the contents.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 88-09-033 (Order 88-02), § 260-34-070, filed 4/15/88.]

WAC 260-34-080 Testing procedure. (1) When the drug testing is a result of a required physical examination or as described in WAC 236-34-030, the licensee or employee will report to the specified physician where a member of the medical staff will supervise the sample being given. The supervision need not include actual observance of the delivery of the sample but the sample shall be taken under such circumstances that the integrity of the sample is maintained without unnecessarily interfering with the individual rights of the licensee including the right to be free from unnecessary embarrassment. Intentional contamination of the sample by any licensee which is likely to prevent appropriate analysis of the sample shall be grounds for the suspension or revocation of the licensee's license. Any sample shall be placed in a container and sealed together with a double identification tag in the presence of the person being tested. One portion of such tag bearing a printed identification number shall remain with the sealed container. The other portion of such tag bearing the same printed identification number, shall be detached in the presence of the person tested and a member of the medical staff and the chief of security or his designated representative of the horse racing commission. The licensee or employee will attest by signature on the tag to indicate witnessing such action. The member of the medical staff and the chief of security or his designated representative of the horse racing commission will further attest by signature to indicate witnessing such action. The sample will then be handled in a manner consistent with an evidentiary chain of custody by the chief of security or his designated representative of the horse racing commission throughout the transportation and laboratory testing process. The sample and the tag identifying same which is to be provided to the laboratory for analysis shall not identify the person by name, but only by number assigned and recorded by the chief of security or his designated representative of the horse racing commission.

(2) When the testing is to be done as a result of reasonable suspicion or the result of mandatory testing being conducted after a positive test, the same procedure for handling the specimen shall be utilized, but the sample may be taken at the track and witnessed by the chief of security or his designated representative of the horse racing commission. The witness must be of the same sex as the person being tested. After the sample is taken and sealed, the chief of security or his designated representative of the horse racing commission will be responsible for the evidentiary chain of custody and transportation of the sample to the laboratory. The chief of security of the horse racing commission will maintain a checklist of procedures in implementing these steps which will be marked as they are carried out and it will be maintained as part of security records.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 88-09-033 (Order 88-02), § 260-34-080, filed 4/15/88.]

WAC 260-34-090 A positive test. In order to be considered positive, any test must be confirmed by at least two independent testing methods which are state-of-the-art as determined by the laboratory conducting the tests. If marijuana is detected, it will not be reported positive unless found at the level of one hundred nanograms per milliliter.

A positive controlled substance or prescription drug result shall be reported by the laboratory to the presiding steward at the track. On receiving written notice from the laboratory that a specimen has been found positive for a controlled substance or prescription legend drug, the procedure shall be as follows:

(1) The presiding steward shall give notice to the licensee or employee in writing, setting a hearing by the board of stewards within the next two racing days of delivery of the notice or sooner if the licensee or employee and the board of stewards agree.

(2) At the hearing, the licensee or employee shall be provided an opportunity to explain the positive test.

(3) This hearing shall be closed and the findings kept confidential unless for use with respect to any order issued pursuant to this chapter or any administrative or judicial hearing with regard to such a finding.

(4) Lacking a satisfactory explanation and documentation or upon the licensee or employee agreeing with the test results, the board of stewards shall:

(a) Suspend the licensee or employee until such time as a negative test can be submitted by that licensee or employee and the results reviewed by the board of stewards.

(b) Refer the licensee or employee to an approved agency for a drug evaluation interview. If after such evaluation, the licensee or employee's condition proves nonaddictive and not detrimental to the best interests of racing as determined by the board of stewards, the licensee or employee shall be allowed to participate in racing provided he or she agrees that further testing may be done as described in WAC 260-34-030(3).

(c) If, after such professional evaluation, the licensee or employee's condition proves addictive or detrimental to the best interests of racing, the licensee or employee

shall not be allowed to participate in racing until such time as he or she can produce a negative test result and show official documentation that he or she has successfully completed a certified drug rehabilitation program approved by the board of stewards, in consultation with the executive secretary of the horse racing commission. The licensee or employee must agree to further testing as described in WAC 260-34-030(3).

(5) For a second offense in the calendar year, the licensee or employee shall be suspended for the balance of the calendar year or one hundred twenty days, whichever is greater, and he or she is required to complete a certified drug rehabilitation program approved by the board of stewards in consultation with the executive secretary of the horse racing commission before applying for a reinstatement of license.

(6) When any licensee or employee has a history of more than two drug-related violations of this chapter, that licensee or employee may be declared detrimental to the best interests of racing and sanctioned as such.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 88-09-033 (Order 88-02), § 260-34-090, filed 4/15/88.]

WAC 260-34-100 Confidentiality test results. The chief of security of the horse racing commission shall maintain all test results and records, both negative and positive, confidential. He shall document the process which will ensure the confidentiality of the handling of such results. Information contained in the test results shall remain confidential at all times except for use with respect to any order issued pursuant to this chapter or any administrative or judicial hearing with regard to such an order. Access to the reports of any test results shall be limited to the board of stewards, the chief of security of the commission at the track, and the person being tested, except in the instance of a contested matter. The information obtained as a result of a test being required under the rules of the horse racing commission shall be considered privileged and shall be used for administrative purposes only and, further, shall be exempt from use as evidence in any criminal prosecution involving the violation of offenses listed in chapter 69.50 RCW.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 88-09-033 (Order 88-02), § 260-34-100, filed 4/15/88.]

WAC 260-34-110 Consumption of alcohol. Consumption of alcohol by any licensee or employee listed in WAC 260-34-040 (1) through (22) or as described in (23) to an extent that the licensee or employee is affected by alcohol while in performance of their duties is prohibited.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-110, filed 8/19/88.]

WAC 260-34-120 Alcohol violations defined. The testing for any licensee or employee for use of alcohol shall be done upon an order of the board of stewards based upon reasonable suspicion to believe that the licensee or employee has consumed alcohol as described in WAC 260-34-020 or 260-34-110.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-120, filed 8/19/88.]

WAC 260-34-130 Consumption reasonable suspicion for testing. A documented report of observed consumption of alcohol by a licensee or employee not in keeping with WAC 260-34-110 by any horse racing commission employee or by any track administration security officer may be deemed reasonable suspicion for alcohol testing of that licensee or employee. Reasonable suspicion for alcohol testing may also be established by documentation by commission employees or by any track administrative security officer for physical or mental impairment, loss of balance, slurred speech, presence of alcohol on the breath, glazed eyes, or any other physical or mental action generally associated with alcohol intoxication.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-130, filed 8/19/88.]

WAC 260-34-140 Alcohol levels determined. For the purpose of this chapter, licensees and employees shall be considered to have consumed alcohol in violation of WAC 260-34-030 or 260-34-110 when a test reveals the testee has .08 micrograms or more of alcohol per 210 liters of breath as shown by analysis of his breath, blood or other body substance.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-140, filed 8/19/88.]

WAC 260-34-150 Alcohol testing. The testing of any licensee or employee to determine blood level of alcohol shall be by the method and procedure approved by the Washington state patrol or by a blood alcohol test if requested by the licensee or employee, such blood alcohol test must be supervised in a manner prescribed by the horse racing commission. If a blood test is requested, the expense of same shall be borne by the requesting licensee or employee.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-150, filed 8/19/88.]

WAC 260-34-160 Refusal to be tested. Any licensee or employee who refuses to be tested for alcohol consumption after receiving a written order from the stewards shall be suspended immediately and must leave the association grounds. The licensee or employee may be subject to further sanctions at a stewards hearing. The stewards may lift the suspension at their discretion.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-160, filed 8/19/88.]

WAC 260-34-170 Alcohol violation sanctions. (1) For a first alcohol offense within a calendar year, the penalty is two days suspension.

(2) For a second alcohol offense within a calendar year, the penalty is two days suspension and a mandatory evaluation by a certified alcohol treatment program approved by the executive secretary of the horse racing commission.

(3) For a third offense within a calendar year, the penalty is fourteen days suspension and enrollment and

completion of a certified alcohol treatment program approved by the executive secretary of the horse racing commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-170, filed 8/19/88.]

WAC 260-34-180 Testing expense. All testing, whether blood, urine, or breath, ordered pursuant to this chapter shall be at the expense of the horse racing commission. All expense of drug and/or alcohol evaluation, treatment, reports, and fees shall be at the expense of the licensee or employee undergoing such evaluation or treatment.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 88-09-033 (Order 88-02), § 260-34-180, filed 4/15/88.]

Chapter 260-36 WAC

OCCUPATIONAL PERMITS AND LICENSES

WAC

260-36-040 Registration of personnel other than owners, trainers and jockeys—Fee.

WAC 260-36-040 Registration of personnel other than owners, trainers and jockeys—Fee. (1) Any person acting in an official capacity or any person employed on a race track other than a groom or concession employee shall be licensed by the Washington horse racing commission for three years and the fee shall be \$15.00.

(2) All grooms and concession employees shall be licensed by the Washington horse racing commission for one year and the fee shall be \$5.00.

(3) Any person who serves as a volunteer and is not an owner, trainer, or jockey shall be licensed by the Washington horse racing commission for one year and the fee shall be \$5.00.

(4) All employees of the Washington horse racing commission shall be exempt from any license fees but shall be issued a photo identification badge which shall be displayed in the same manner as all other licensees while in the performance of their duties at the track.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 87-15-019 (Resolution No. 87-02), § 260-36-040, filed 7/8/87; 86-09-072 (Order 86-02), § 260-36-040, filed 4/21/86; 82-14-012 (Order 82-05), § 260-36-040, filed 6/25/82; Rules of racing, § 343, filed 4/21/61.]

Chapter 260-44 WAC

WEIGHTS AND EQUIPMENT

WAC

260-44-080 Weighing out—Overweight—Declarations—Posting—Maximum.

WAC 260-44-080 Weighing out—Overweight—Declarations—Posting—Maximum. (1) If a jockey intends to carry overweight, he must declare the amount thereof at the time of weighing out, or if in doubt as to his proper weight, he may declare the weight he will carry.

(2) If a jockey intends to carry overweight exceeding by more than two pounds the weight which his horse is to carry, the owner or trainer consenting, he must declare the amount of overweight to the clerk of the scales at least forty-five minutes before the time appointed for the race, and the clerk shall cause the overweight to be stated on the notice board immediately. Failure on the part of a jockey to comply with this rule shall be reported to the stewards.

(3) No horse shall carry more than seven pounds overweight.

(4) However, at nonprofit race tracks, horses may carry more than seven pounds overweight with the permission of the stewards up to a maximum weight of one hundred thirty-five pounds, except handicaps and races where the conditions expressly state to the contrary.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 87-15-019 (Resolution No. 87-02), § 260-44-080, filed 7/8/87; Order 75-1, § 260-44-080, filed 2/18/75; Rules of racing, §§ 304, 305, 306, filed 4/21/61.]

Chapter 260-70 WAC

CONTROLLED MEDICATION PROGRAM

WAC

260-70-010	Definitions applicable to chapter 260-70 WAC.
260-70-021	Medication standards.
260-70-025	Bleeder list.
260-70-026	Bleeder treatment.
260-70-050	Procedure for taking specimens.
260-70-090	Permitted level of approved NSAIDS.
260-70-120	Sampling medications and drugs.
260-70-170	Veterinarian report.

WAC 260-70-010 Definitions applicable to chapter 260-70 WAC. As used in this chapter, unless the context clearly requires a different meaning, the following terms shall have the following meanings:

(1) "Permitted medication" or "medication" means and includes any substance used to treat or prevent disease, relieve pain, or improve health with the exception of prohibited drugs.

(2) "Prohibited drugs" means (a) any medication or metabolic derivatives thereof which is an analgesic, including narcotics or which could serve as a local anesthetic, or tranquilizer, or which could stimulate or depress the circulatory, respiratory, or central nervous system of a horse, or bronchial dilators; or (b) any interfering substance.

(3) "Interfering substance" or "interfere" means and refers to any medication which might mask or screen the presence of prohibited drugs or prevent or delay testing procedures. Such terms include permitted medication when used in quantities which might mask or screen the presence of prohibited drugs or prevent or delay testing procedures.

(4) "Approved nonsteroidal anti-inflammatory drug (NSAID)" includes and is limited to phenylbutazone or oxyphenylbutazone; flunixin; naproxen and meclufenamic acid used in the manner described in WAC 260-70-090.

(5) "Bleeder" means a horse which hemorrhages from a nostril or into its trachea during a race or during exercise or within one hour of the race or exercise.

(6) "Bleeder list" means a tabulation of all bleeders to be maintained by the commission veterinarian.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 87-15-020 (Resolution No. 87-03), § 260-70-010, filed 7/8/87; 86-09-072 (Order 86-02), § 260-70-010, filed 4/21/86; 84-06-061 (Order 84-01), § 260-70-010, filed 3/7/84; Order 75.5, § 260-70-010, filed 10/17/75; Order 74.1, § 260-70-010, filed 5/22/74, effective 7/1/74.]

WAC 260-70-021 Medication standards. (1) No horse shall have in its body any prohibited drug or interfering substance while participating in a race.

(2) No person shall administer, attempt to administer, or aid or abet in the administration of, any medication or drug to a horse on the day of a race in which the horse is entered at any time prior to the race except in accordance with this rule.

(3) Subject to the provisions of this rule, medication calculated to improve or protect the health of a horse may be administered to a horse in training.

(4) The administration of medication to any horse on race day, except as hereinafter provided, is prohibited. For the purpose of this rule, the day of the race shall be deemed to commence at 9:00 p.m. on the day preceding the race.

(5) Approved nonsteroidal anti-inflammatory drugs (NSAIDS) may be administered to a horse, but not on race day. No more than one of the NSAIDS may be used on or carried in a horse's body at any one time.

(6) Notwithstanding any other provision of this rule, no two-year old horse shall carry in its body while participating in a race any medication, including medications defined in WAC 260-70-010 (1) through (4) and 260-70-090 (1) through (4). Vitamins are permitted, however, if they do not interfere with testing. The finding of any medication in a two-year old horse participating in a race shall disqualify the owner of such horse from participating in the purse distribution; and in addition the stewards may take any authorized action they may consider necessary to preserve the integrity of racing.

(7) In the case of delayed-release substances, the time of administration shall be deemed that time at which such medication, drug, or substance is released within the body of a horse.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 87-15-020 (Resolution No. 87-03), § 260-70-021, filed 7/8/87; 84-06-061 (Order 84-01), § 260-70-021, filed 3/7/84; 82-03-053 (Order 82-01), § 260-70-021, filed 1/20/82; 80-01-072 (Order 79-02), § 260-70-021, filed 12/24/79.]

WAC 260-70-025 Bleeder list. A horse which during the race or following the race, or which during exercise or following exercise is found to be hemorrhaging from one or both nostrils or is found to have bled into the trachea is eligible to be placed on a bleeder list and treated on race day to prevent bleeding during its race. In order to obtain authorization for race day treatment of the bleeder, the trainer must obtain a certificate of

examination from the commission veterinarian and the horse is then placed on the official bleeder list. The commission veterinarian must, by examination, and/or in consultation with the stewards, establish that the horse did in fact hemorrhage from one or both nostrils or that an endoscopic examination in the test barn or receiving barn showed observable amounts of free blood in the respiratory tract. When confirmed by the commission veterinarian, the horse shall be placed on the bleeder list which is maintained by the commission veterinarian. Once on the list, a horse shall be removed from the bleeder list only upon the directions of the commission veterinarian, who must certify in writing to the commission his recommendation for removal of the horse from the list. The list is a state-wide list that applies only at all race meetings at Longacres, Playfair, and Yakima Meadows and not at any other track.

Once a horse is placed on the bleeder list, the horse must be assigned to a prerace security stall, to be known as a detention stall, no later than four hours prior to the scheduled post time for any race in which it is entered to start. The detention stall is assigned by the commission veterinarian and may at his discretion be the stall regularly assigned that horse for its customary stabling. Once placed in the detention stall, a horse must remain there until it is taken to the receiving barn or to the paddock to be saddled or harnessed for the race, except that the stewards may permit horses to leave the secured stall to engage in exercise blowouts or warm-up heats. If the horse on the bleeder list is assigned as a detention stall its regular stall, that stall must be posted and the stall must be under direct observation of a responsible, licensed employee of the trainer or the owner.

Where facilities permit, the commission veterinarian may designate a secured area and assign stalls within that secured area to those horses on the bleeder list who are entered to race that day or night.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 87-15-020 (Resolution No. 87-03), § 260-70-025, filed 7/8/87; 84-06-061 (Order 84-01), § 260-70-025, filed 3/7/84.]

WAC 260-70-026 Bleeder treatment. A horse on the bleeder list must be treated at least four hours prior to post time with furosemide (i.e., Lasix®). No other medication is permitted for bleeder treatment unless or except as approved by the commission. Bleeder medication must be administered in the manner approved by the commission veterinarian, and furosemide (i.e., Lasix®) by oral administration is NOT PERMITTED for such purposes. The bleeder medication shall be administered by the horse's regular veterinarian, and may be witnessed by the commission veterinarian or his designee.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 87-15-020 (Resolution No. 87-03), § 260-70-026, filed 7/8/87; 84-06-061 (Order 84-01), § 260-70-026, filed 3/7/84.]

WAC 260-70-050 Procedure for taking specimens. All horses from which specimens are to be drawn are to be taken to the detention area at the prescribed time and remain there until released by the commission veterinarian. No person other than the owner, trainer, groom, or

hotwalker of a horse to be tested, and no lead pony, shall be admitted to the detention area without permission of the commission veterinarian.

(a) During the taking of specimens from a horse, the owner or responsible trainer (who in the case of a claimed horse shall be the person in whose name such horse raced), or a stable representative designated by such owner or trainer, shall be present and witness the taking of such specimens and so signify in writing.

(b) Samples taken from a horse by the commission veterinarian or his assistant shall be placed in a container and sealed together with a triple identification tag. One portion of such tag bearing a printed identification number shall remain with the sealed container; the other portion of such tag bearing the same printed identification number shall be detached in the presence of the witness and the commission veterinarian shall thereon identify the horse from which such specimen was taken, as well as the race and day, verified by such witness, and such detached portion of identification tag shall be kept by the commission veterinarian for delivery only to the stewards and/or the racing commission. The commission veterinarian shall take every precaution to insure that the commission chemist and no member of the laboratory staff shall know the identity of the horse from which the specimen has been taken prior to the completion of all testing thereon.

(c)(1) If, after a horse remains a reasonable time in the detention area and a specimen may not be taken from such a horse, the commission veterinarian may permit such horse to be returned to its barn in usual surroundings for the taking of the specimen under the supervision of the commission veterinarian.

(2) With the consent of the trainer or attendant the commission veterinarian may administer to the horse a diuretic to facilitate urination. Quantity, identity, and time of administration shall be noted on both portions of the specimen tag by the commission veterinarian.

(d) The commission veterinarian shall be responsible for safeguarding all specimens while in his possession and shall cause such specimens to be delivered only to the chief chemist as soon as possible after sealing, but in such order or in such manner as not to reveal the identity of any horse from which each sample was taken.

(e) All specimens taken by or under the supervision of the commission veterinarian or other authorized representative of the commission shall be delivered to the chief chemist at the laboratory of the commission for official analysis.

(f) Notwithstanding the provisions of these rules requiring certain functions to be performed by the commission veterinarian, he may delegate any of such duties to an authorized representative or representatives, approved by the commission, so long as such delegation is not of a duty which would under the appropriate statutes be defined as the practice of veterinary medicine.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 87-15-020 (Resolution No. 87-03), § 260-70-050, filed 7/8/87. Statutory Authority: RCW 67.16.020. 78-06-001 (Order 78-1), § 260-70-050, filed 5/4/78; Order 74.1, § 260-70-050, filed 5/22/74, effective 7/1/74.]

WAC 260-70-090 Permitted level of approved NSAIDS. Trainers using permitted medication in the care of their horses are subject to all rules governing such medications. Those using approved NSAIDS are also subject to these additional rules:

(1) PHENYLBUTAZONE or OXYPHENYLBUTAZONE shall be administered in such dosage amount that the test sample shall contain not more than 5 micrograms of phenylbutazone or 5 micrograms of oxyphenylbutazone per milliliter of blood plasma or more than 165 micrograms of the drug substance, its metabolites and analogs per milliliter of urine.

(2) NAPROXEN shall be administered in such dosage amount that the test sample shall contain not more than 5 micrograms of the drug substance, its metabolites or analogs per milliliter of blood plasma or more than 165 micrograms of the drug substance, its metabolites or analogs per milliliter of urine.

(3) FLUNIXIN shall be administered in such dosage amount that the test sample shall not contain more than 1 microgram of the drug substance, its metabolites or analogs per milliliter of blood plasma.

(4) MECLOFENAMIC ACID shall be administered in such dosage amount that the test sample shall contain not more than 1 microgram of the drug substance, its metabolites or analogs per milliliter of blood plasma.

(5) No horse on a program of permitted medication shall be permitted to race without such medication.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 87-15-020 (Resolution No. 87-03), § 260-70-090, filed 7/8/87; 84-06-061 (Order 84-01), § 260-70-090, filed 3/7/84; 80-05-132 (Order 79-03), § 260-70-090, filed 5/7/80; Order 74.1, § 260-70-090, filed 5/22/74, effective 7/1/74.]

WAC 260-70-120 Sampling medications and drugs. The state veterinarian, the test barn veterinarian, any duly authorized inspector of the commission, or any member of the board of stewards may take samples of any medicine or other materials suspected of containing improper medication or drugs which would affect the racing condition of a horse in a race, which may be found in stables or elsewhere on race tracks or in the possession of such tracks or any person connected with racing on the grounds of an association and the same shall be delivered to the chief chemist of the commission for analysis under the same conditions as in this article prescribed for analysis of blood and urine.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 87-15-020 (Resolution No. 87-03), § 260-70-120, filed 7/8/87; Order 74.1, § 260-70-120, filed 5/22/74, effective 7/1/74.]

WAC 260-70-170 Veterinarian report. Every veterinarian who treats a horse upon the approved grounds shall, in writing on a form prescribed by the commission, report to the commission veterinarian in a manner and at a time prescribed by him/her, the name of the horse treated, the name of the trainer of the horse, the time of treatment, and any other information requested by the commission veterinarian. Detection of any unreported medication, drug, or substance; or failure to detect any permitted medication, drug or substance by the chief chemist in a test may be grounds for disciplinary action.

A list of horses on a program of permitted medication shall be kept in the office of the commission and shall be available for public inspection.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 87-15-020 (Resolution No. 87-03), § 260-70-170, filed 7/8/87; 80-05-132 (Order 79-03), § 260-70-170, filed 5/7/80. Statutory Authority: RCW 67.16.020. 78-06-001 (Order 78-1), § 260-70-170, filed 5/4/78; Order 74.1, § 296-70-170, filed 5/22/74, effective 7/1/74.]

Title 261 WAC HOSPITAL COMMISSION

Chapters

261-06	Public records.
261-40	Review and approval of annual budget submittals, rates, rate schedules, other charges and changes.
261-50	Rules for reporting hospital patient discharge information.

Chapter 261-06 WAC PUBLIC RECORDS

WAC

261-06-070	Inspection and copying.
261-06-080	Exemptions.
261-06-090	Review of denials of public records requests.
261-06-110	Records index.

WAC 261-06-070 Inspection and copying. (1) No fee shall be charged for the inspection of public records. The commission shall charge a fee of ten cents per page of copy, plus postage, if any, for providing copies of public records and for use of the commission's copy equipment. This charge is the amount necessary to reimburse the commission for its actual costs incident to such copying.

(2) The charge for manuals and manual revisions shall be the cost to the commission for printing and mailing.

(3) The charge for computer-generated reports, tapes, or other media shall be the cost to the commission for producing and mailing.

[Statutory Authority: RCW 42.17.250 through 42.17.340 and chapter 70.39 RCW. 87-22-005 (Order 87-03, Resolution No. 87-03), § 261-06-070, filed 10/23/87. Statutory Authority: Chapter 70.39 RCW. 83-06-036 (Order 83-02, Resolution No. 83-02), § 261-06-070, filed 2/28/83; Order 73-01, § 261-06-070, filed 1/11/74.]

WAC 261-06-080 Exemptions. (1) The commission reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 261-02-060 is exempt under the provisions of RCW 42.17.310 and 70.39.110.

(2) In addition, pursuant to RCW 42.17.260, the commission reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The