

WAC 260-84-120 Penalties relating to multiple NSAIDs and phenylbutazone. (1) Should the laboratory analysis of serum or plasma taken from a horse show the presence of more than one approved nonsteroidal anti-inflammatory drug (NSAID) in violation of these rules the following penalties will be assessed:

(a) For a first offense within a three hundred sixty-five day period - Fine not to exceed \$300;

(b) For a second offense within a three hundred sixty-five day period - Fine not to exceed \$750;

(c) For a third offense within a three hundred sixty-five day period - Fine not to exceed \$1,000.

(2) Should the laboratory analysis of serum or plasma taken from a horse show the presence of phenylbutazone in excess of the quantities authorized by this rule, the following penalties will be assessed:

| Concentration | 1st offense within 365 days | 2nd offense within 365 days | 3rd and subsequent offenses within 365 days |
|------------------------|-----------------------------|-----------------------------|---|
| > 2.0 but < 3.5 mcg/ml | Warning | Fine not to exceed \$300 | Fine not to exceed \$500 |
| > 3.5 but < 7.0 mcg/ml | Fine not to exceed \$300 | Fine not to exceed \$500 | Fine not to exceed \$1000 |
| > 7.0 mcg/ml | Fine not to exceed \$500 | Fine not to exceed \$1000 | Fine not to exceed \$2500 and possible suspension |

(3) Detection of any unreported permitted medication, drug, or substance by the primary testing laboratory may be grounds for disciplinary action.

(4) As reported by the primary testing laboratory, failure of any test sample to show the presence of a permitted medication, drug or substance when such permitted medication, drug or substance was required to be administered may be grounds for disciplinary action, which may include a fine not to exceed three hundred dollars. Multiple violations by an individual within a three hundred sixty-five day period may include additional fines and/or suspension or revocation.

(5) In assessing penalties for equine medication, prior offenses will count regardless of whether the violation(s) occurred in Washington or another recognized racing jurisdiction, and regardless of the prior concentration level.

[Statutory Authority: RCW 67.16.020. WSR 18-09-060, § 260-84-120, filed 4/16/18, effective 5/17/18; WSR 15-07-058, § 260-84-120, filed 3/16/15, effective 4/16/15; WSR 12-07-005, § 260-84-120, filed 3/9/12, effective 4/9/12; WSR 11-03-053, § 260-84-120, filed 1/14/11, effective 2/14/11. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 08-05-086, § 260-84-120, filed 2/15/08, effective 3/17/08; WSR 05-07-064, § 260-84-120, filed 3/11/05, effective 4/11/05.]