

WAC 260-84-125 Multiple medication violations. (1) A trainer who receives a penalty for a medication violation based upon a horse testing positive for a class 1-5 medication, as provided in WAC 260-70-685 shall be assigned points based upon the substances penalty class designation for the substance.

| Class | Points if Threshold is Established by WHRC | Points if No Threshold is Established by WHRC |
|--------------|--|--|
| Class A | N/A | 6 |
| Class B | 2 | 4 |
| Class C | 1/2, with incremental increases of 1/2 point for each additional violation within 365 days | 1, with incremental increases of 1/2 point for each additional violation within 365 days |
| Class D | 0 | 0 |

If the stewards or commission determine that the violation is due to environmental contamination, they may assign fewer or no points against a trainer based on specific facts of the case.

(a) The points assigned to a medication violation shall be included in the steward's or commission ruling. The ruling will contain the penalty imposed for the original violation as defined in chapters 260-70 and 260-84 WAC.

(b) If an appeal is filed after the original ruling is issued, a second ruling will be issued citing the appeal and stating that no points shall be applied until the licensee has exhausted their rights of appeal.

(c) If the trainer's point total exceeds the limit for a secondary suspension, a conference will be held to assess the suspension. Once all appeals period have expired or all appeals are exhausted or waived, the second conference will be held at which time the points, based on the WHRC guidelines shall immediately become part of the trainer's record and shall then subject the trainer to the enhanced penalties imposed by the stewards or commission.

(d) A trainer's cumulative points, based on the commission guidelines, for violations in all jurisdictions shall be used in determining the enhanced penalty for medication violations and whether enhanced penalties shall be imposed. Points will be reported to Association of Racing Commissioners International and become part of the trainer's official record.

(e) Multiple positive tests for the same medication incurred by a trainer prior to delivery of official notice of the violations by the commission may be treated as a single violation.

(f) The official ARCI record of the trainer's past violations shall be prima facie evidence of a trainer's past violations.

(2) In addition to the penalty imposed for the original violation, the following enhanced penalty shall be imposed upon a trainer based on the cumulative points as determined by the stewards or commission.

| Points | Suspension in Days |
|---------------|---------------------------|
| 5 to 5.5 | 15 to 30 days |
| 6 to 8.5 | 30 to 60 days |
| 9 to 10.5 | 90 to 180 days |

| Points | Suspension in Days |
|---------------|---------------------------|
| 11 or more | 180 to 360 days |

(a) Enhanced penalties for multiple medication violations are not a substitute for the original penalty and are intended to be an additional penalty when the licensee:

- (i) Has more than one violation for the relevant time period; and
- (ii) Exceeds the permissible number of points.

(b) The suspension periods as provided above shall run consecutive to any suspension imposed for the original offense. The stewards or commission ruling shall distinguish the penalty for the original offense and enhanced penalty based on the trainer's cumulative points.

(c) Points shall expire as follows:

| Penalty Classification | Expunged Time |
|-------------------------------|----------------------|
| Class A | 3 years |
| Class B | 2 years |
| Class C | 1 year |

In the case of a medication violation that results in a suspension, any points assessed expire on the anniversary date when the suspension is completed.

[Statutory Authority: RCW 67.16.020. WSR 17-07-056, § 260-84-125, filed 3/10/17, effective 4/10/17.]