

## WSR 22-05-073

## PROPOSED RULES

## HORSE RACING COMMISSION

[Filed February 15, 2022, 9:27 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-19-065.

Title of Rule and Other Identifying Information: WAC 260-70-640 Permitted medications.

Hearing Location(s): On April 8, 2022, at 9:30 a.m., video conference via Zoom; or Auburn City Council Chambers, 25 West Main, Auburn, WA 98002. Dependent on gathering limits, method of meeting will be determined at a later date and posted on [www.whrc.wa.gov](http://www.whrc.wa.gov).

Date of Intended Adoption: April 8, 2022.

Submit Written Comments to: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516, email [doug.moore@whrc.state.wa.us](mailto:doug.moore@whrc.state.wa.us), fax 360-549-6461, by April 1, 2022.

Assistance for Persons with Disabilities: Contact Melanie Bowdish, phone 360-459-6462, fax 360-459-6461, email [melanie.bowdish@whrc.state.wa.us](mailto:melanie.bowdish@whrc.state.wa.us), by April 1, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To update the penalty for a "stacking" violation to a B penalty.

Reasons Supporting Proposal: A stacking violation penalty was not defined in the regulation and will give guidance to the board of stewards if a violation occurs.

Statutory Authority for Adoption: RCW 67.16.020.

Rule is not necessitated by federal law, federal or state court decision.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516, 360-459-6462.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. Not business related.

February 15, 2022  
Douglas L. Moore  
Executive Secretary

**OTS-2630.6**

AMENDATORY SECTION (Amending WSR 18-07-015, filed 3/9/18, effective 4/9/18)

**WAC 260-70-640 Permitted medication.** Trainers using permitted medication in the care of their horses are subject to all rules governing such medications. Failure to administer permitted medication to a horse on a program of permitted medication is a violation of these rules.

(1) The use of one of three approved nonsteroidal anti-inflammatory drugs (NSAIDs) is permitted under the following conditions:

(a) The drug may not exceed the following permitted serum or plasma threshold concentrations, which are consistent with administration by a single intravenous injection at least (~~twenty-four~~) 24 hours before the post time for the race in which the horse is entered:

- (i) Phenylbutazone - 2.0 micrograms per milliliter;
- (ii) Flunixin - (~~20~~) 20.0 nanograms per milliliter;
- (iii) Ketoprofen - (~~2~~) 2.0 nanograms per milliliter.

(b) No NSAID, including the approved NSAIDs listed in this rule(~~r~~) may be administered within the (~~twenty-four~~) 24 hours before post time for the race in which the horse is entered.

(c) The presence of a second approved NSAID will be considered a Class B violation if the second of the approved NSAIDs is over the secondary threshold as follows:

- (i) Phenylbutazone - 0.3 mcg per milliliter;
- (ii) Flunixin - 3 ng per milliliter;
- (iii) Ketoprofen - 1 ng per milliliter.

(d) Any unapproved NSAID in the post-race serum or plasma sample is not permitted. The use of all but one of the approved NSAIDs must be discontinued at least (~~forty-eight~~) 48 hours before the post time for the race in which the horse is entered.

(2) Any horse to which a NSAID has been administered is subject to having a blood and/or urine sample(s) taken at the direction of an official veterinarian to determine the quantitative NSAID level(s) and/or the presence of other drugs which may be present in the blood or urine sample(s).

[Statutory Authority: RCW 67.16.020. WSR 18-07-015, § 260-70-640, filed 3/9/18, effective 4/9/18; WSR 16-09-015, § 260-70-640, filed 4/11/16, effective 5/12/16; WSR 12-07-005, § 260-70-640, filed 3/9/12, effective 4/9/12. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 08-09-044, § 260-70-640, filed 4/10/08, effective 5/11/08; WSR 07-07-036, § 260-70-640, filed 3/12/07, effective 4/12/07; WSR 06-09-009, § 260-70-640, filed 4/10/06, effective 5/11/06; WSR 05-07-067, § 260-70-640, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. WSR 96-10-001, § 260-70-640, filed 4/17/96, effective 5/18/96.]