

WSR 22-05-074

PROPOSED RULES

HORSE RACING COMMISSION

[Filed February 15, 2022, 9:28 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-11-031.

Title of Rule and Other Identifying Information: WAC 260-28-295
Trainer responsibility.

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.

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, 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, by April 1, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To require a trainer that "ships in" a horse to race from outside the racing facility to provide 14 days of medical records on the horse upon request.

Reasons Supporting Proposal: Knowledge of the medical treatments given on the horse will provide the official veterinarian insight as to any possible preexisting conditions during a prerace exam.

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-1546.1

AMENDATORY SECTION (Amending WSR 18-07-019, filed 3/9/18, effective 4/9/18)

WAC 260-28-295 Trainer responsibility. The purpose of this section is to identify the minimum responsibilities of the trainer that pertain specifically to the health and well-being of horses in his/her care.

(1) The trainer is responsible for and is the absolute insurer of the condition of the horses entered regardless of the acts of third parties.

(2) The trainer is responsible for the condition of horses in his/her care.

(3) The trainer will immediately notify the owner(s) of any horses in the trainer's care of any pending rule violations involving their horse(s) including, but not limited to, alleged medication violations. Notice to the trainer will be deemed notice to the owner.

(4) The trainer is responsible for the presence of any prohibited drug, medication, or other prohibited substance, including permitted medication in excess of the maximum allowable concentration, in horses in his/her care. A positive test for a prohibited drug, medication or substance, including permitted medication in excess of the maximum allowable concentration, as reported by a commission-approved laboratory, is prima facie evidence of a violation of this rule. In the absence of substantial evidence to the contrary, the trainer will be held responsible.

(5) A trainer will prevent the administration of any drug or medication or other prohibited substance that may cause a violation of these rules.

(6) A trainer whose horse has been claimed remains responsible for violation of any rules regarding that horse's participation in the race in which the horse is claimed.

(7) The trainer is responsible for:

(a) Maintaining the assigned stable area in a clean, neat and sanitary condition at all times;

(b) Using the services of those veterinarians licensed by the commission to attend to horses that are on association grounds;

(c) The proper identity, custody, care, health, condition and safety of horses in his/her care;

(d) Immediately reporting the alteration of the sex of a horse to the horse identifier and the racing secretary;

(e) Promptly reporting to the racing secretary and an official veterinarian when a posterior digital neurectomy (heel nerving) is performed on a horse in his/her care and ensuring that such fact is designated on its certificate of registration;

(f) Promptly report to the racing secretary, when mares who have been entered to race, have been bred;

(g) If a colt or horse has been gelded, promptly submit a completed gelding report to The Jockey Club Office, or report the fact to the racing secretary;

(h) Promptly reporting the serious injury and/or death of any horse at locations under the jurisdiction of the commission to the stewards and the official veterinarian and compliance with the rules in this chapter governing postmortem examinations;

(i) Maintaining knowledge of the medication record and medication status of horses in his/her care;

(j) Providing a fourteen day record of any procedure or medication administered to any horse entered to race that is not present on the grounds upon request of the official veterinarian;

(k) Immediately reporting to the stewards and the official veterinarian knowledge or reason to believe, that there has been any administration of a prohibited medication, drug or substance;

~~((k))~~ (l) Ensuring the fitness to perform creditably at the distance entered;

~~((l))~~ (m) Ensuring that every horse he/she has entered to race is present at its assigned stall for a prerace soundness inspection as prescribed in WAC 260-70-570;

~~((m))~~ (n) Ensuring proper bandages, equipment and shoes;

~~((n))~~ (o) Attending the collection of a hair, urine, or blood sample or delegating a licensed employee or the owner to do so; and

~~((o))~~ (p) Ensuring that all the trainer's employees wear a safety helmet and safety vest while on horseback, in compliance with WAC 260-12-180.

[Statutory Authority: RCW 67.16.020. WSR 18-07-019, § 260-28-295, filed 3/9/18, effective 4/9/18; WSR 16-09-034, § 260-28-295, filed 4/14/16, effective 5/15/16; WSR 12-05-042, § 260-28-295, filed 2/10/12, effective 3/12/12. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 08-05-090, § 260-28-295, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.020. WSR 07-03-065, § 260-28-295, filed 1/16/07, effective 2/16/07.]