



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Washington Horse Racing Commission

Permanent Rule Only

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: Amends how Extracorporeal Shock Wave Therapy is used and reported along with penalties for violations.

Citation of existing rules affected by this order:

Repealed:
 Amended: WAC 260-70-545 & WAC 260-84-130
 Suspended:

Statutory authority for adoption: RCW 67.16.020

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 12-24-024 on November 28, 2012.
 Describe any changes other than editing from proposed to adopted version:

In 260-70-545, section 3, subsection 4,a, the word train was replaced by the term, workout.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

Date adopted: January 11, 2013

NAME (TYPE OR PRINT)
Douglas L Moore

SIGNATURE

TITLE
Deputy Secretary

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 11, 2013
TIME: 2:21 PM

WSR 13-03-061

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	<u>2</u>	Repealed	_____
-----	-------	---------	----------	----------	-------

The number of sections adopted in the agency's own initiative:

New	_____	Amended	<u>2</u>	Repealed	_____
-----	-------	---------	----------	----------	-------

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	<u>2</u>	Repealed	_____
-----	-------	---------	----------	----------	-------

The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	<u>2</u>	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

AMENDATORY SECTION (Amending WSR 07-07-036, filed 3/12/07, effective 4/12/07)

WAC 260-70-545 Prohibited practices. The following are prohibited practices:

(1) The possession or use of any drug, substance, or medication if the use may endanger the health or welfare of the horse or endanger the safety of the rider, or which may adversely affect the integrity of racing; or

(2) The possession or use of a drug or medication on the premises of a facility under the jurisdiction of the commission that has not been approved by the United States Food and Drug Administration (FDA) for any use in human or animal, or any substance forbidden by an official veterinarian.

(3) The possession and/or use of blood doping agents(~~(7)~~) including, but not limited to, those listed below, on the premises of a facility under the jurisdiction of the commission:

- (a) Erythropoietin;
- (b) (~~Erythropoietin~~) Darbepoetin;
- (c) Oxyglobin; and
- (d) Hemopure.

(4) Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy unless the following conditions are met:

(a) Any treated horse may not race or workout for a minimum of ten days following treatment;

(b) Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines may only be used by veterinarians licensed by the commission and only approved machines at a previously disclosed location may be used;

(c) The practicing veterinarian has filed a report with an official veterinarian notifying the commission that an Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machine is on association grounds;

(d) All Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy treatments are reported to an official veterinarian on the prescribed form not later than twenty-four hours after treatment.

The horse will be added to a list of ineligible horses. This list will be kept in the race office and be posted in an accessible location.

(5) The use of a (~~naso-gastric~~) nasogastric tube (a tube longer than six inches) for the administration of any substance within twenty-four hours prior to the post time of the race in which the horse is entered and without the prior approval of an official veterinarian.

AMENDATORY SECTION (Amending WSR 11-03-053, filed 1/14/11, effective 2/14/11)

WAC 260-84-130 Penalties for prohibited practices. For a person or persons found to be responsible for violation of WAC 260-70-545, including the treating veterinarian, the following penalties will be assessed:

- (1) For violations of WAC 260-70-545, except WAC 260-70-545 (4) (b) ~~((7))~~.
 - (a) For first offense - Thirty day suspension and \$1,000 fine;
 - (b) For second offense - Sixty day suspension and \$2,000 fine;
 - (c) For third offense - One year suspension, \$2,500 fine; and
 - (d) For subsequent offense(s) - Revocation of license and a \$2500 fine.
- (2) For violations of WAC 260-70-545 (4) (a), the person or persons found to be responsible for the violation, including the treating veterinarian a \$2,500 fine and ~~((revocation of license))~~ a minimum of a one-year suspension.