



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: Adds a matrix to address penalties given to trainer that have multiple medication violations within a 365 day period.

Citation of existing rules affected by this order:

Repealed:

Amended:

Suspended:

Statutory authority for adoption: RCW 67.16.020

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 17-04-064 on January 30, 2017.

Describe any changes other than editing from proposed to adopted version:

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: March 10, 2017

NAME (TYPE OR PRINT)

Douglas L Moore

SIGNATURE

TITLE

Executive Secretary

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 10, 2017

TIME: 3:23 PM

WSR 17-07-056

(COMPLETE REVERSE SIDE)

**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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____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	<u>1</u>	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	1	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	1	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	1	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

NEW SECTION

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
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.