



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (October 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: March 09, 2018

TIME: 2:03 PM

WSR 18-07-014

**Agency:** Washington Horse Racing Commission

**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:** Creates a section that deals with testing as a biological in hair and how it is used..

**Citation of rules affected by this order:**

New: WAC 260-70-665

Repealed: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 18-03-045 on January 10, 2018 (date).

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:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

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

New	<u>1</u>	Amended	___	Repealed	___
-----	----------	---------	-----	----------	-----

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

New	<u>1</u>	Amended	___	Repealed	___
-----	----------	---------	-----	----------	-----

**The number of sections adopted using:**

Negotiated rule making:	New	<u>1</u>	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

**Date Adopted:** March 9, 2018

**Name:** Douglas L Moore

**Title:** Executive Secretary

**Signature:**



NEW SECTION

**WAC 260-70-665 Hair testing.** (1) The commission is authorized to collect and submit hair samples for testing in quarter horses and mixed breed races. For horses which have been entered to race, the hair sample may be collected at any time prior to post time, or a sample may be collected in the test barn following the race. If a sample is collected after a horse is entered into, but prior to competing in a race, a positive report received based on the sample collected will be considered a post race violation. Hair samples may also be collected for out of competition testing.

(2) The commission or its designee will comply with the official testing laboratories guidelines for hair sample collection and storage.

(3) The presence of any prohibited substances that appears in a pre- or post-race sample including, but not limited to, clenbuterol, zilpaterol, and ractopamine in QH and mixed breed races, will constitute a violation.

The presence of a therapeutic medication with an established threshold level for that breed which appears in a hair sample will not be considered a violation.

(4) Samples collected for out of competition testing in quarter horses that result in a positive finding for a prohibited substance as listed in WAC 260-70-545 will be reported to the board of stewards and considered a violation.

The presence of clenbuterol in an out of competition test in a quarter horse will result in the horse being placed on the official veterinarians list for a minimum of thirty days or until a sample is submitted and is reported as negative for the presence of clenbuterol. If, at the owners request a sample is submitted for screening for removal from the official veterinarians list, the owner(s) are responsible for the cost of the testing.

(5) If a horse is selected for hair testing and the mane is less than four and one-half inches in length, the commission may elect to collect a hair sample using the tail.