



# PREPROPOSAL STATEMENT OF INQUIRY

## CR-101 (October 2017) (Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: May 07, 2019

TIME: 10:31 AM

WSR 19-11-027

**Agency:** Washington Horse Racing Commission

**Subject of possible rule making:** Title 260-40-280 Impaired horses

**Statutes authorizing the agency to adopt rules on this subject:** RCW 67.16.020

**Reasons why rules on this subject may be needed and what they might accomplish:** To prohibit the entry of horses that have been "heel nerved".

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

	(If necessary)
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Additional comments:

**Date:** 5/7/2019

**Name:** Douglas L Moore

**Title:** Executive Secretary

**Signature:**

**WAC 260-40-280 Impaired horses.** An owner or trainer may not enter or start a horse that:

(1) Is not in physically sound and competitive racing condition.

(2) Has ~~((been trachea-tubed))~~ a temporary or permanent tracheostomy.

(3) Has ~~((been nerved except as provided in (a) and (b) of this subsection.~~

~~(a) Horses that have)) had a digital neurectomy ((heel nerves) may be permitted to race subject to the prerace veterinary examination.~~

~~(b) Horses that have been nerved, blocked with alcohol or any other medical drug that desensitizes the nerves above the ankle will not be permitted to race))~~ performed.

(4) Has impaired eyesight in both eyes.

(5) Has been treated by extracorporeal shock wave therapy or radial pulse wave therapy other than allowed in WAC 260-70-545(4).