



PREPROPOSAL STATEMENT OF INQUIRY

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

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DATE: October 04, 2019

TIME: 7:26 AM

WSR 19-21-012

Agency: Washington Horse Racing Commission

Subject of possible rule making: Title 260-70-720 Posterior digital neurectomy

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: The WHRC is contemplating prohibiting horses that have been "heel nerved" from being allowed on the grounds

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)
Name: Douglas L Moore	Name: Amanda Benton
Address: 6326 Martin Way Suite 209 Olympia WA 98516	Address: 6326 Martin Way Suite 209 Olympia WA 98516
Phone: 360-450-6462	Phone: 360-450-6462
Fax: 360-450-6461	Fax: 360-450-6461
TTY: 360-450-6462	TTY: 360-450-6462
Email: doug.moore@whrc.state.wa.us	Email: amanda.benton@whrc.state.wa.us
Web site: www.whrc.wa.gov	Web site: www.whrc.wa.gov
Other:	Other:

Additional comments:

Date: 10/4/2019

Name: Douglas L Moore

Title: Executive Secretary

Signature:

WAC 260-70-720 Posterior digital neurectomy. (1) No person may bring onto the grounds of a racing association, or enter or cause to be entered in any race, or sell, offer for sale, or act as an agent in the sale of any horse on the grounds under the jurisdiction of the commission that has had a posterior digital neurectomy, "heel nerved," performed, or has had any nerve removed from the leg of such horse, except as provided in this chapter.

(2) ~~((A horse upon which a posterior digital neurectomy has been performed is eligible to race if the following conditions are met:~~

~~(a) Prior approval of an official veterinarian has been obtained before the horse was brought onto the grounds of the racing association;~~

~~(b))~~ No horse that has been "high nerved" may be allowed on the grounds or entered to race. A "high nerved horse" means a horse whose nerved have been desensitized by any means at or above the fetlock, including volar, palmar, or plantar nerves.

(a) Lack of feeling at the coronary band at the front of the hoof is prima facie evidence that a horse has been "high nerved."

(b) Incisions over nerves at or above the fetlock are evidence that the horse has been "high nerved" even if partial or complete feeling is present at the front of the coronary band of the hoof.

(3) A horse that has been "low heel nerved" may be allowed on the grounds and be entered to race. A "low heel nerved" horse means a horse whose posterior branch only of the palmar digital nerve have been desensitized by any means below the fetlock.

(a) A horse that has been "low heel nerved" must have the procedure designated on its registration certificate, and a certification by the practicing veterinarian who performed the procedure to the official veterinarian, upon request.

(b) The responsibility to ensure the registration certificate is noted on the registration certificate and the practicing veterinarian certification, if requested, is provided and is the responsibility of the owner of the horse.

(c) The trainer of record of a horse that has been "low heel nerved" is responsible to ensure all horses under his care are reported to the racing secretary prior to being admitted on the grounds.

(d) The racing secretary is responsible to maintain a list of all horses that are "low heel nerved" and shall post the list in the racing office in a location that is accessible to all licensees.

(4) Prior to admittance on the grounds of a horse that has been "low heel nerved" it must be approved by an official veterinarian.

An official veterinarian (~~is~~) must be satisfied that the loss of sensation to the horse due to the posterior digital neurectomy will not endanger the safety of the public and the participants in racing and does not compromise the integrity of horse racing(~~+~~

~~(c) The racing secretary is notified of the posterior digital neurectomy at the time the horse is admitted to the grounds of the racing association; and~~

~~(d) The horse's registration or eligibility certificate has been marked to indicate that a posterior digital neurectomy was performed).~~