



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: January 02, 2020

TIME: 9:36 AM

WSR 20-02-110

Agency: Washington Horse Racing Commission

X Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

X Preproposal Statement of Inquiry was filed as WSR 19-11-031 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) WAC 260-28-295 Trainer responsibility

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
February 14, 2020	9:30 a.m.	Auburn City Council Chambers 25 West Main, Auburn, WA 98002	

Date of intended adoption: February 14, 2020 (Note: This is NOT the effective date)

Submit written comments to:

Name: Douglas L Moore

Address: 6326 Martin Way Suite 209 Olympia, WA 98516

Email: doug.moore@whrc.state.wa.us

Fax: 360-549-6461

Other:

By (date) February 7, 2020

Assistance for persons with disabilities:

Contact Patty Brown

Phone: 360-459-6462

Fax: 360-459-6461

TTY:

Email: patty.brown@whrc.state.wa.us

Other:

By (date) February 7, 2020

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Would require trainers of horses not stabled on the grounds to provide 14 days veterinarian records of horses when entered prior to racing.

Reasons supporting proposal: Provides regulatory veterinarians equal information when assessing a horses condition for racing at the same level of those horses stabled on the grounds..

Statutory authority for adoption: 67.16.020

Statute being implemented:

Is rule necessary because of a:

Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization)

Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Douglas L Moore	6326 Martin Way Suite 209 Olympia WA 98516	360-459-6462
Implementation:	Douglas L Moore	6326 Martin Way Suite 209 Olympia WA 98516	360-459-6462
Enforcement:	Douglas L Moore	6326 Martin Way Suite 209 Olympia WA 98516	360-459-6462

Is a school district fiscal impact statement required under RCW 28A.305.135?

Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

No: Please explain:

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

RCW 34.05.310 (4)(b)
(Internal government operations)

RCW 34.05.310 (4)(c)
(Incorporation by reference)

RCW 34.05.310 (4)(d)
(Correct or clarify language)

RCW 34.05.310 (4)(e)
(Dictated by statute)

RCW 34.05.310 (4)(f)
(Set or adjust fees)

RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW ____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. Not business related

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

Date: January 2, 2020

Name: Douglas L Moore

Title: Executive Secretary

Signature:



WAC 260-28-295 Trainer responsibility. The purpose of this section is to identify the minimum responsibilities of the trainer that pertain specifically to the health and well-being of horses in his/her care.

(1) The trainer is responsible for and is the absolute insurer of the condition of the horses entered regardless of the acts of third parties.

(2) The trainer is responsible for the condition of horses in his/her care.

(3) The trainer will immediately notify the owner(s) of any horses in the trainer's care of any pending rule violations involving their horse(s) including, but not limited to, alleged medication violations. Notice to the trainer will be deemed notice to the owner.

(4) The trainer is responsible for the presence of any prohibited drug, medication, or other prohibited substance, including permitted medication in excess of the maximum allowable concentration, in horses in his/her care. A positive test for a prohibited drug, medication or substance, including permitted medication in excess of the maximum allowable concentration, as reported by a commission-approved laboratory, is prima facie evidence of a violation of this rule. In the absence of substantial evidence to the contrary, the trainer will be held responsible.

(5) A trainer will prevent the administration of any drug or medication or other prohibited substance that may cause a violation of these rules.

(6) A trainer whose horse has been claimed remains responsible for violation of any rules regarding that horse's participation in the race in which the horse is claimed.

(7) The trainer is responsible for:

(a) Maintaining the assigned stable area in a clean, neat and sanitary condition at all times;

(b) Using the services of those veterinarians licensed by the commission to attend to horses that are on association grounds;

(c) The proper identity, custody, care, health, condition and safety of horses in his/her care;

(d) Immediately reporting the alteration of the sex of a horse to the horse identifier and the racing secretary;

(e) Promptly reporting to the racing secretary and an official veterinarian when a posterior digital neurectomy (heel nerving) is performed on a horse in his/her care and ensuring that such fact is designated on its certificate of registration;

(f) Promptly report to the racing secretary, when mares who have been entered to race, have been bred;

(g) If a colt or horse has been gelded, promptly submit a completed gelding report to The Jockey Club Office, or report the fact to the racing secretary;

(h) Promptly reporting the serious injury and/or death of any horse at locations under the jurisdiction of the commission to the stewards and the official veterinarian and compliance with the rules in this chapter governing postmortem examinations;

(i) Maintaining knowledge of the medication record and medication status of horses in his/her care;

(j) Providing a fourteen day record of any procedure or medication administered to any horse entered to race that is not present on the grounds upon request of the official veterinarian;

(k) Immediately reporting to the stewards and the official veterinarian knowledge or reason to believe, that there has been any administration of a prohibited medication, drug or substance;

~~((k))~~ (l) Ensuring the fitness to perform creditably at the distance entered;

~~((l))~~ (m) Ensuring that every horse he/she has entered to race is present at its assigned stall for a prerace soundness inspection as prescribed in WAC 260-70-570;

~~((m))~~ (n) Ensuring proper bandages, equipment and shoes;

~~((n))~~ (o) Attending the collection of a hair, urine, or blood sample or delegating a licensed employee or the owner to do so; and

~~((o))~~ (p) Ensuring that all the trainer's employees wear a safety helmet and safety vest while on horseback, in compliance with WAC 260-12-180.