



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: April 08, 2022

TIME: 11:44 AM

WSR 22-09-008

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: To clarify the penalty associated with a "stacking" violation.

Citation of rules affected by this order:

New: WAC 260-70-640 Permitted medication

Repealed:

Amended:

Suspended:

Statutory authority for adoption: 67.16.020

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 22-05-073 on February 15, 2022 (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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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	<u>1</u>	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	___	Amended	___	Repealed	___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

New	___	Amended	1	Repealed	___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

Negotiated rule making:	New	___	Amended	1	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: April 8, 2022

Name: Douglas L Moore

Title: Executive Secretary

Signature:



WAC 260-70-640 Permitted medication. Trainers using permitted medication in the care of their horses are subject to all rules governing such medications. Failure to administer permitted medication to a horse on a program of permitted medication is a violation of these rules.

(1) The use of one of three approved nonsteroidal anti-inflammatory drugs (NSAIDs) is permitted under the following conditions:

(a) The drug may not exceed the following permitted serum or plasma threshold concentrations, which are consistent with administration by a single intravenous injection at least (~~twenty-four~~) 24 hours before the post time for the race in which the horse is entered:

- (i) Phenylbutazone - 2.0 micrograms per milliliter;
- (ii) Flunixin - (~~20~~) 20.0 nanograms per milliliter;
- (iii) Ketoprofen - (~~2~~) 2.0 nanograms per milliliter.

(b) No NSAID, including the approved NSAIDs listed in this rule(~~7~~) may be administered within the (~~twenty-four~~) 24 hours before post time for the race in which the horse is entered.

(c) The presence of a second approved NSAID will be considered a Class B violation if the second of the approved NSAIDs is over the secondary threshold as follows:

- (i) Phenylbutazone - 0.3 mcg per milliliter;
- (ii) Flunixin - 3 ng per milliliter;
- (iii) Ketoprofen - 1 ng per milliliter.

(d) Any unapproved NSAID in the post-race serum or plasma sample is not permitted. The use of all but one of the approved NSAIDs must be discontinued at least (~~forty-eight~~) 48 hours before the post time for the race in which the horse is entered.

(2) Any horse to which a NSAID has been administered is subject to having a blood and/or urine sample(s) taken at the direction of an official veterinarian to determine the quantitative NSAID level(s) and/or the presence of other drugs which may be present in the blood or urine sample(s).