



Oregon Racing Commission
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www.oregon.gov/racing



COMMISSION MEETING AGENDA
Thursday March 21, 2024
1:30 p.m.

The Oregon Racing Commission will meet at **1:30 p.m. Thursday, March 21st, 2024**, via Zoom videoconference. You may join the meeting by clicking on the link below, or by calling in. Please be aware if you call in, your phone number will appear as your ID.

Topic: Oregon Racing Commission's Zoom Meeting
Time: March 21st, 2024, 01:30 PM Pacific Time (US and Canada)

Join Meeting: [Zoom Link](#)

If you are unable to access this session through a computer, please dial: 1-253-215-8782
Meeting ID: 816 1688 2661
Passcode: 1u2VAB

A request for an interpreter or other accommodation for persons with disabilities should be made at least 48 hours before the meeting to Commission staff at 503-853-5927 or by email at ORC.info@orc.oregon.gov. This proposed agenda is subject to last-minute changes without prior notice.

AGENDA ITEMS

ROLL CALL:

APPROVALS:

- 1) Meeting Agenda
- 2) February Minutes

OLD BUSINESS:

- 3) Director's Report
- 4) Budget Committee Report
- 5) Best Practices and Strategic Planning Committee Report
- 6) Further discussion on rule amendments:

- a) OAR 462-160-0130 – Medications and Prohibited Substances

NEW BUSINESS:

- 7) Review and discuss approval of the ORC Strategic Plan
- 8) ARCI Spring Meeting Report – Micha Lloyd Director of Mutuels
- 9) Request permission to begin the rule making process for the following rule filings:
 - a) 462-210-0040 (1) – Amends funding
 - b) 462-160-0150 – Necropsy
- 10) Discussion and possible adoption of proposed rule filings:
 - a) 462-150-0060 (k) – Plate Amendment
 - b) 462-140-0250 (a) – Starting Gate
 - c) 462-160-0110 (6) – Intra Articular Injections
 - d) 462-160-0120 (3) (a) – Shock Wave Therapy
 - e) 462-220-0020 – Geo Location
 - f) 462-160-0140 – Testing Amendment

PUBLIC COMMENT:

CONTESTED CASES:

None

CONFIRMATION OF NEXT COMMISSION MEETING:

The next commission meeting is scheduled for April 18th, 2024, at 1:30 P.M. in person in Room 1A of the Portland State Building located at 800 NE Oregon St., Portland, OR 97232 and remotely via ZOOM.

ADJOURNMENT:

Movement to adjourn.

At any time during the public session, the Commission may go into executive session to consider information or records exempt from disclosure pursuant to ORS 192.660(2)(f), ORS 192.345(2), OAR 462-220-0070 regarding trade secrets; and/or ORS 192.660(2) (f) and ORS 192.355(9) to consult with counsel concerning written legal advice; and/or ORS 192.660(2)(h) to discuss its legal rights and duties regarding current litigation, or litigation likely to be filed. The Commission may also elect to deliberate on pending contested cases pursuant to ORS 192.690(1). Additional items may be placed on the agenda after the general mailing of the agenda. Calls may be made to the Commission office the week of the meeting to inquire about additions.



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Minutes
Oregon Racing Commission
February 15, 2024

Meeting Detail

The Oregon Racing Commission (ORC) met at 1:30 p.m. Thursday, February 15th, 2024, via Zoom videoconference.

Call to Order and Roll Call

Chair Margaret Doherty called the meeting to order at 1:30 p.m. and Karen Parkman conducted roll call.

In Attendance

Commissioners: Margaret Doherty, Diego Conde, Quinn Berry (arrived late at 1:38 p.m.), Lindsay Fowler, and Scott Beckstead.

Staff: Executive Director Connie Winn; Karen Parkman, Program and Administrative Coordinator; Kelly Routt, Assistant Attorney General (AAG)

Excused

None

Approvals:

Meeting Agenda

Did not occur.

Meeting Minutes

Action: Approval of the January minutes.

Moved by: Commissioner Beckstead

Seconded: Commissioner Conde

Vote: Commissioners Doherty, Conde, Fowler, and Beckstead voted AYE, and the motion was carried unanimously (4:0).

OLD BUSINESS:

Executive Director's report

Executive Director Winn reported that the legislative short session has ended. There were 3 bills that may have impacted the ORC, but none passed committee. The ORC should plan and be prepared for a bill to pass in 2025 that will phase out greyhound wagering over 5 years. This proposal has been agreed upon by all sides. The bill which would define casino is to go into a work group for an overhaul and should also be anticipated to reappear in 2025. The current rule review is nearly complete, and focus will soon shift to the summer race meet. She thanked all interested parties, commissioners, and staff for working on and taking part in these discussions. Lastly, she congratulated the Oregon Quarter Horse Racing Association for putting on a successful stud auction in Hood River.

Medication and Safety Committee Report

Director Winn thanked all who took part in the discussion and reported that 3 veterinarians were also in attendance, with varying opinions. There were two topics where there was not a uniform consensus. The first was concerning Furosemide (Lasix). The recommendation is to allow horses to receive Lasix closer to racing, rather than 4-5 hours before. This medication is given to prevent bleeding from the horse's lungs after strenuous activity. The new recommendation would be in line with Washington regulations, as well as allowing the drug to be more effective during the race time and decrease the prevalence of dehydration, which can occur when the horses receive the medication several hours before racing. That recommendation had little push back, however, the issue of dosage was contested. The ORC's recommendation was reducing the dose to 250 mg, which Dr. Everman feels is in line with other surrounding tracks, though he would consider going up to 300 mg. This was heavily debated. Director Winn suggested considering and researching how the weight of the horses impact dosage, as Thoroughbreds tend to be leaner and weigh less than some Quarter Horses. She recommends that the commission allow the committee to continue research on the issue and not make final decisions before the 2024 race meet. It is still her intent that the ORC follows the recommendation of Dr. Everman, once sufficient research is done to ensure weight is not another factor to consider. Commissioner Fowler and Commissioner Berry, who apologized for joining late, both agreed with Director Winn's report.

The other concern was the dosage of Phenylbutazone (Bute), an NSAID. All agreed that changing the allowed time for Bute to be administered from 24 hours before racing, to 48 hours before racing would decrease the opportunity for injuries to be potentially masked during pre-race examinations. However, the exact dosage caused debate. Dr. Everman recommended 0.3 mg/ml, down from the current allowed dosage of 2.0 mg/ml. There were concerns voiced that because Bute is metabolized differently by each horse, some horses receiving the correct dose may flag at the lab as being over the limit. Dr. Everman recommended 0.5 mg/ml as a compromise, but still received push back.

Chair Doherty agreed and recommended that he begin filling out a preliminary form for the questions he could. Commissioner Beckstead stated that he would start the process with Director Winn's involvement, and then could present his answers to the full body for further discussion. Both agreed the hope is to ensure the form is done correctly and that further discussion may occur during the March, and perhaps April, meetings. Chair Doherty urged the other commissioners to review the document and familiarize themselves with the questions in the meantime.

Review Fair Meet Applications

Chair Doherty first thanked the administrative team for sending out the meeting documents in a single PDF this month, which made review of all documents, especially all the race meet applications, during the meeting much easier.

Director Winn reported that all applications had been received and thanks Karen Parkman and Mike Twiggs for their part in procuring and reviewing the applications. The applications for Crooked River Round Up (CRRU) and Eastern Oregon Livestock Show (EOLS), and Tillamook were filled out correctly, had the required supporting documents, and funding requests matched those of last year. The supplication for Grants Pass Downs (GPD) included a request for two additional race days but did not request additional hub funds to support those extra races. There was not a representative from GPD's to confirm, but Director Winn assumes those extra days are a place holder to enable the track to make up for canceled races, if necessary, so special permission would not be required at the time. Director Winn asked Randy Boden if he knew anything about the extra days, to which he stated he did not. He only knew of the change last year to make the one all-Quarter Horse day a commercial day to meet the commission's requirement of one commercial day within the fiscal year. However, that day won't exist this year, so that may factor into the extra days being requested.

Director Winn recommended a vote to pass all four applications.

Action: Approve the race applications for CRRU, EOLS, GPD, and Tillamook fair meets.

Moved by: Commissioner Conde

Seconded: Commissioner Berry

Vote: Commissioners Doherty, Conde, Berry, Fowler, and Beckstead voted AYE, and the motion was carried unanimously (5:0).

Request permission to start the rule making process for the following rule filings:

A. **462-130-0010 (2) (k) Corrects conflicting information – amendment.**

Director Winn reported that this rule is a clerical fix that removes a line which conflicts with another line later in the same rule regarding intoxication.

Action: Approval to start the rule making process to amend 462-130-0010 (2) (k).

Moved by: Commissioner Conde

Seconded: Commissioner Fowler

Vote: Commissioners Doherty, Conde, Berry, Fowler, and Beckstead voted AYE, and the motion was carried unanimously (5:0).

B. **462-140-0150 (6) (e) Updates address - amendment**

Director Winn confirmed with Chair Doherty that this is just an address update.

Action: Approval to start the rule making process to amend 462-140-0150(6) (e).

Moved by: Commissioner Fowler

Seconded: Commissioner Conde

Vote: Commissioners Doherty, Conde, Berry, Fowler, and Beckstead voted AYE, and the motion was carried unanimously (5:0).

C. **462-160-0150 Necropsy**

Director Winn reported that this rule received some minor changes that may not be included in the packet. After further discussion it was decided to rename the rule as “Postmortem Exam/Necropsy”, to cover a broader scope. This rule will ensure that any racehorse that dies on the track or on the grounds has the opportunity to receive a necropsy if possible, and if not, all reasonable efforts will be made for the state veterinarian to conduct a postmortem exam at the track. This also covers a reimbursement of reasonable costs of transportation of the horse to the necropsy location and coverage of the necropsy costs, which appears to be unique to Oregon. However, the tracks are small, and Oregon wants to ensure the horsemen are fairly compensated for compliance. A limit of \$1,200 will be set to cover these costs, which the ORC feels is fair. It also outlines that the veterinarian who gives routine care for the horse will not be involved in any postmortem exams. This is a new topic which was not covered in the rules prior to this.

Commissioner Beckstead clarified that this rule would not create any digressions that would lead to a loophole that would allow horsemen to refuse a necropsy if their horse dies. Director Winn responded that it is not up to the horsemen or the track if the horse is not able to be necropsied. The ORC would have to decide that it is not possible. Commissioner Beckstead reclarified that he wants to make sure that if the steward and vet say a horse needs to be examined after breaking down in a race, the owner or trainer would not be able to point to this language and get out of it. Director Winn responded that they would not be able to, and the owner has no jurisdiction over that decision. She asked Commissioner Beckstead if he had any recommendations to make the language clearer that there are no exceptions to necropsy unless explicitly decided by the ORC staff. He just doesn't want any situation to arise where people get out of having a horse examined and

feels in the interest of transparency the ORC needs to be letting the public know the horse was 1) transported and received a necropsy, and 2) what the findings were. He does not want the ORC saying there was not a necropsy because the owner opted out.

Chair Doherty recommended clarifying in the language that “when reasonably feasible” is determined by the commission staff. Commissioner Fowler stated it was the intent of the rule that only the racing commission could determine when it was not reasonably feasible, but that if it is not clear in the current language it could be added in. Chair Doherty stated that addition would solidify the intent. Commissioner Conde suggested updating the language to “when reasonably feasible, unless good cause is shown to the ORC” so that it is clear the ORC must receive good cause as to why it isn’t possible. Commissioner Fowler responded that adopting that language would make it seem like the horseman could then make an argument against their horse not being necropsied, which is not the purpose of this rule. She stated that the purpose of this rule is to ensure every horse gets a necropsy except in situations where it is not reasonably feasible to transport the horse, in which case a postmortem exam is to be performed on-site. There is no cause for an owner to argue against having it done. Commissioner Conde suggested then to break the rule into two subsections, the first stating all horses that die on the track or grounds receive and necropsy/postmortem examination period, and then a second subsection that states the necropsy is to take place at x facility whenever feasible. That then would remove the examination being reasonably feasible altogether. Director Winn said that she would play with the wording but what she is hearing is a subsection along the lines of: “When reasonably feasible, as determined by the Oregon Racing Commission, these necropsies will be conducted at x facility.” She asked if all were in agreement that when reasonably feasible the horse is going to Oregon State University and if not, it is happening on-site. The commissioners all agreed.

Chair Doherty recommended that Director Winn make the edits to the language to be review again at a later meeting for voting.

D. 462-220-0030 (11) Record retention – amendment

Director Winn reported that this rule was brought to the ORC by the advanced deposit wagering (ADW) companies, and Micah Lloyd put it together. It states that “Effective July 1, 2024, an applicant must maintain all customer account related documents after the account is closed including, but not limited to, wagering activity deposits and withdrawals, for a minimum of three years.” The previous rule did not clarify how long records needed to be kept once an account was closed. Micah Lloyd added that this closes a loophole that had been brought to the attention of the ADW through Google Apps which requires the ADW to delete customer records when they close their account. This amendment allows

Even among veterinarians there was disagreement. Director Winn recommended making the change to 48 hours for this race year, but leaving the allowed dosage as is for the 2024 race season and conducting further research on the best allowable dose. Commissioner Berry added that there was an understanding that there would also be a grace period to allot for reasonable implementation of any changes, which was agreed on by all in attendance.

Chair Doherty commented that it sounded like more conversation and further meetings were needed. Director Winn recommended there be a motion and vote regarding the agreed upon topics so they could be moved forward with. Commissioner Fowler offered to make the motion. Chair Berry recommended that a written rules advisory document be drafted with the proposed changes and presented to the full commission prior to voting. Chair Doherty agreed with his recommendation. Commissioner Berry commented that he felt the committee had received robust input from the public, and that the staff now need to come up with an official written recommendation based on the opinions already voiced. Commissioner Fowler commented that it was her understanding that the vote today was to approve for that written recommendation to be started on. Director Winn responded that her recommendation was to go ahead and approve making the agreed upon changes official now and keep working on the other issues. However, she was okay waiting and working on an official document with those agreed upon changes listed for the March meeting. Chair Doherty recommended going forward with that and presenting all agreed on changes for voting at the March meeting.

NEW BUSINESS:

Review and Discuss Best Practices Form.

Commissioner Beckstead stated he believes that where we are in the process of this internal performance review of the commission and director is to move forward with the process of filling out the document to submit to the Governor's office. Director Winn responded that this is a check-in and that the form is not due until the end of the fiscal year. The goal today is for the commission to review the review items and give any feedback on areas the staff can work on between now and the final evaluation.

Chair Doherty commented that she appreciated this opportunity to look ahead as, apart from Commissioner Conde, all the commissioners are new and may not have dealt with all the areas of review yet. She liked the idea of the commissioners filling out the form as a preliminary review for Director Winn to receive and compile for further review and discussion at a later meeting. Commissioner Beckstead agreed, stating that when he looked over the form, he felt the current commission had not been a functioning body long enough to answer all the questions. He stated he and Director Winn have an upcoming private meeting, and he would recommend discussing the process further with her during that meeting so that the commission is prepared to complete the review accurately and transparently.

the ORC to retain the records. This is important for responsible gaming and maintaining integrity so a person cannot close an account and create a new one as a new person.

Action: Approval to start the rule making process to amend 462-220-0030 (11).

Moved by: Commissioner Fowler

Seconded: Commissioner Beckstead

Vote: Commissioners Doherty, Conde, Berry, Fowler, and Beckstead voted AYE, and the motion was carried unanimously (5:0).

Discussion and possible adoption of proposed rule filings:

A. 462-220-0040 Prevents double taxation on Affiliate fees.

Director Winn reported that these rules have already been approved for rule making. There have been no changes to either rule since that time. This rule closes a loophole that allowed double taxation on affiliate fees, so an affiliate and licensee are not taxed on the same wager.

Action: Approve the adoption of the proposed rule filing OAR 462-220-0040.

Moved by: Commissioner Fowler

Seconded: Commissioner Conde

Vote: Commissioners Doherty, Conde, Berry, Fowler, and Beckstead voted AYE, and the motion was carried unanimously (5:0).

B. 462-220-0020 Clarifies out of state licensing requirements.

Director Winn explained that this rule does two things. First, in the past employees of an out-of-state licensee were not required to possess an Oregon racing license if they obtained one in another state. However, not all other jurisdictions run full background checks as part of their licensing process. This clarifies that if the other jurisdiction can prove a full background check was done on the individual for licensing then an Oregon license is not also required, however if they cannot then they need to be individually licensed in Oregon.

Action: Approve the adoption of the proposed rule filing OAR 462-220-0020.

Moved by: Commissioner Conde

Seconded: Commissioner Fowler

Vote: Commissioners Doherty, Conde, Berry, Fowler, and Beckstead voted AYE, and the motion was carried unanimously (5:0).

PUBLIC COMMENT:

Randy Boden, the director of the OHBPA, commented that all stakeholders are in favor of the necropsy rule. Where an issue may occur, which was brought up by Dr. Everman, was that if timely

transport was not available or it was too hot or too late at night the horse may not be viable for necropsy by the time it gets to OSU. He suggested stating all horses would get a necropsy unless the state veterinarian deemed that it was not feasible. Otherwise, all are in favor. He also thanked Director Winn for the work she has been doing testifying in Salem. Chair Doherty agreed.

CONTESTED CASES:

None.

CONFIRMATION OF NEXT COMMISSION MEETING:

The next commission meeting is scheduled for March 21st, 2024, at 1:30 P.M. via ZOOM.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 2:21 p.m.



Overview of the medication changes ORC is considering.

Medication: Furosemide

There were two parts to this discussion.

1. Change the maximum dosage from 500 to 300 mg.
2. Change the administration time from 5 – 4 hours to 4.5 to 3 hours.

All parties are generally in agreement with the administration changes.

The vast majority of the veterinarians interviewed support the change to no more than 300 mg of Furosemide.

As it is already March, there is concern now that the time to implement the change may be too close to race meets this summer.

Because these are ONLY administered by attending veterinarians, we have determined that there is no long-term education process necessary.

HISA has recently announced they will be conducting 3 separate studies on the use of Furosemide. See below:

<https://www.bloodhorse.com/horse-racing/articles/274761/hisa-to-fund-three-scientific-studies-on-lasix-use>

ORC Recommendation: Go forward with both changes now. After the results of the three new studies, reconsider any further changes.

Medication: Non-Steroidal Anti-inflammatory

1. Change the time of administration from 24 hours to 48 hours.
2. Change the maximum allowable detectable limit from 2.0 to .5.

All parties are generally in agreement with the change from 24 – 48 hours.

There are still concerns about the detectable limits as well as the appropriate grace period.

Also, we are out of time for this as the fair meets are too close already.

ORC Recommendation:

1. Educate the horsemen and women over the summer and fall meet.
2. Run quantitative butte analysis on horses to assist with the education.
3. File rules after the fall race meet in mid-October.

462-160-0130

Medications and Prohibited Substances

(1) No horse may be administered any substance, other than foods, by any route or method less than 24 hours before the original post time for the race in which the horse is entered except furosemide (by the manner described in these rules) unless approved by a commission veterinarian:

(a) Any licensee of the commission, including veterinarians, found to be responsible for the improper or intentional administration of any drug resulting in a positive test may, after proper notice and hearing, be subject to the same penalties set forth for the licensed trainer;

(b) The licensed trainer is responsible for notifying the licensed owner, veterinarian or any other licensed party involved in a positive laboratory finding of any hearings and any resulting action. In addition their presence may be required at any and all hearings relative to the case;

(c) Any veterinarian found to be involved in the administration of any drug with an RCI Classification of 1, 2, or 3, involved in a prohibited practice as outlined in OAR 462-160-0120, or involved in an ORS 462 violation shall be referred to the State Licensing Board of Veterinary Medicine for consideration of further disciplinary action and/or license revocation. This is in addition to any penalties issued by the stewards or the commission;

(d) Any person who the stewards or the commission believe may have committed acts in violation of criminal statutes may be referred to the appropriate law enforcement agency. Administrative action taken by the stewards or the commission does not prohibit a prosecution for criminal acts committed, nor does a potential criminal prosecution stall administrative action by the stewards or the commission;

(e) A licensed trainer shall not benefit financially during the period for which the individual has been suspended. This includes, but is not limited to, ensuring that horses are not transferred to licensed family members.

(2) Medication Restrictions:

(a) A finding by the commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a race day test, was present in the horse's body on race day. Prohibited substances include:

(A) Drugs or medications for which no acceptable threshold concentration has been established;

(B) Therapeutic medications in excess of established threshold concentrations;

(C) Substances present in the horse in excess of concentrations at which such substances could occur naturally; and

(D) Substances foreign to a horse at concentrations that cause interference with testing procedures.

(b) Except as otherwise provided by this chapter, a person may not administer or cause to be administered by any means to a horse a prohibited drug, medication, chemical or other substance, including any restricted medication pursuant to this chapter less than 24-hours before post time for the race in which the horse is entered.

(3) Medical Labeling:

(a) No person on association grounds where horses are lodged or kept, excluding licensed veterinarians, shall have in or upon association grounds which that person occupies or has the right to occupy, or in that person's personal property or effects or vehicle in that person's care, custody or control, a drug, medication, chemical, foreign substance or other substance that is prohibited in a horse on a race day unless the product is labeled in accordance with this subsection;

(b) Any drug or medication which is used or kept on association grounds and which, by federal or state law, requires a prescription must have been validly prescribed by a duly licensed veterinarian, and in compliance with the applicable state statutes. All such allowable medications must have a prescription label which is securely attached and clearly ascribed to show the following:

(A) The name of the product;

(B) The name, address and telephone number of the veterinarian prescribing or dispensing the product;

(C) The name of each patient (horse) for whom the product is intended/prescribed;

(D) The dose, dosage, duration of treatment and expiration date of the prescribed/dispensed product; and

(E) The name of the person (trainer) to whom the product was dispensed.

(4) Non-Steroidal Anti-Inflammatory Drugs (NSAIDs):

(a) The use of one of three approved NSAIDs shall be permitted under the following conditions:

(A) Horses on any permitted NSAID will be designated on the overnight and the daily racing program;

(B) No horse utilizing a permitted NSAID may be entered into a race unless the presence of the specific NSAID is stated on the entry form at the time of entry. Errors may be corrected up until scratch time. If no scratch time is used, the stewards may designate a time until which errors may be corrected;

(C) Not to exceed the following permitted serum or plasma threshold concentrations which are consistent with administration by a single intravenous injection not less than 24-hours before the post time for the race in which the horse is entered:

(i) Phenylbutazone — 2 micrograms per milliliter;

(ii) Flunixin — 20 nanograms per milliliter;

(iii) Ketoprofen — 2 nanograms per milliliter.

(D) These or any other NSAID are prohibited to be administered within the 24-hours before the original post time for the race in which the horse is entered;

(E) The presence of any unapproved NSAID in serum, plasma or urine sample exceeding the established thresholds pursuant to OAR 462-160-0130(8) is not permitted in a race day sample.

(b) Any horse to which an NSAID has been administered shall be subject to having a blood and/or urine sample(s) taken at the direction of a commission 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);

(c) When listed to race on a permitted NSAID, the approved laboratory must be able to detect the presence of a permitted NSAID in serum, plasma or urine by the routine methods of detection;

(d) If a permitted NSAID is detected in the urine or in any other specimen taken from a horse not stated to have permitted medication in its system on the entry form and/or program, the violation will result in a penalty to the horse's trainer and may result in loss of purse;

(e) If the same horse has three (3) overages of any NSAID during a 365-day period a commission veterinarian may rule the horse off all NSAIDs for a period of one year (365 days);

(f) The decision of whether to scratch a horse which has been entered incorrectly or is incorrectly treated shall be left to the discretion of a commission veterinarian.

(g) Stacking violation may occur when two or more non-steroidal anti-inflammatory drugs are present at detectable levels.

(h) All other non-steroidal anti-inflammatory drugs-laboratory concentration of detection are not permitted.

(5) NSAID Stacking Classification -The presence of more than one NSAID may constitute a NSAID stacking violation consistent with the following restrictions:

(a) Class 1 NSAID Stacking Violation occurs when:

(A) Two non-steroidal anti-inflammatory drugs are found at individual levels determined to exceed the following restrictions:

(i) Diclofenac- 5 nanograms per milliliter of plasma or serum;

(ii) Firocoxib- 20 nanograms per milliliter of plasma or serum;

(iii) Flunixin- 20 nanograms per milliliter of plasma or serum;

(iv) Ketoprofen- 2 nanograms per milliliter of plasma or serum;

(v) Phenylbutazone- 2 micrograms per milliliter of plasma or serum;

(vi) All other non-steroidal anti-inflammatory drugs-laboratory concentration of detection

(B) Three or more non-steroidal anti-inflammatory drugs are found at individual levels determined to exceed the following restrictions:

(i) Diclofenac- 5 nanograms per milliliter of plasma or serum;

(ii) Firocoxib- 20 nanograms per milliliter of plasma or serum;

(iii) Flunixin- 3 nanograms per milliliter of plasma or serum;

(iv) Ketoprofen- 1 nanograms per milliliter of plasma or serum;

(v) Phenylbutazone- 0.3 micrograms per milliliter of plasma or serum;

(vi) All other non-steroidal anti-inflammatory drugs-laboratory concentration of detection

(b) Class 2 NSAID Stacking Violation occurs when any one substance noted in subsection (5)(a)(A)(i-v) above is found in excess of the restrictions contained therein in combination with any one of the following substances at levels below the restrictions so noted but in excess of the following levels:

(A) Flunixin- 3 nanograms per milliliter of plasma or serum;

(B) Ketoprofen- 1 nanograms per milliliter of plasma or serum;

(C) Phenylbutazone- 0.3 micrograms per milliliter of plasma or serum;

(c) Class 3 NSAID Stacking Violation occurs when any combination of two of the following non-steroidal anti-inflammatory drugs are found at or below the restrictions in Subsection (5)(a)(A)(i-v) above but in excess of the following noted restrictions:

(A) Flunixin- 3 nanograms per milliliter of plasma or serum;

(B) Ketoprofen- 1 nanograms per milliliter of plasma or serum;

(C) Phenylbutazone- 0.3 micrograms per milliliter of plasma or serum

(6) Furosemide:

(a) The commission may approve the use of furosemide at any race meet if, in the opinion of the commission, the race meet can provide the necessary qualified staffing, security and for the additional laboratory analysis costs and any other controls necessary to administer a furosemide program.

(b) Furosemide may be administered intravenously to a horse, which is entered to compete in a race. Except under the instructions of a commission veterinarian or the racing veterinarian for the purpose of removing a horse from the Veterinarian's list ~~or to facilitate the collection of a post-race urine sample,~~ furosemide shall be permitted only if the following process is followed:

(A) After the horse's licensed trainer and licensed veterinarian determine that it would be in the horse's best interests to race with furosemide, the horse may be so entered.

(B) The horse may discontinue from racing on furosemide at the licensed trainer's choice at the time of entry.

(C) Furosemide shall only be administered on association grounds.

~~(D) Upon the request of the regulatory agency designee, the veterinarian administering the authorized bleeder medication shall surrender the syringe used to administer such medication which may then be submitted for testing.~~

(c) Horses to run with furosemide must be so noted on the entry form at the time of entry. Errors may be corrected up until scratch time. If no scratch time is used, the stewards may designate a time until which errors may be corrected:

(A) Horses entered to race with furosemide will be designated on the overnight and the daily racing program with a "Lasix®" or "L". If the race is the first race the horse is to run in on furosemide, it shall be designated in the daily racing program with a "1-L". If the race is the first race the horse runs without

furosemide after running one or more races with furosemide, it shall be designated in the program by "O-L" or "L-X";

(B) When discovered prior to the race, errors in the listing of furosemide treatments in the program shall be announced to the public.

(d) The use of furosemide shall be permitted under the following circumstances:

(A) Furosemide shall be administered no more than ~~five~~ **four & ½** hours but not less than ~~four~~ **three** hours prior to the original scheduled post time for the race for which the horse is entered.

(B) The furosemide dosage administered shall not exceed ~~300~~ **500** mg. nor be less than 150 mg.

(C) Furosemide shall be administered by a single, intravenous injection.

(D) The veterinarian treating the horse shall cause to be delivered to a commission veterinarian or designated representative no later than one hour prior to post time for the race for which the horse is entered the following information under oath on a form approved by a commission veterinarian:

(i) The name of the horse, racetrack name, the date and time the furosemide was administered to the entered horse.

(ii) The dosage amount of furosemide administered to the entered horse; and

(iii) The printed name and signature of the attending licensed veterinarian who administered the furosemide.

(iv) Violations of this subsection (subsection (d)) shall result in a fine and scratch from the race the horse was entered to run. Violations may also result in a commission veterinarian ordering the loss of furosemide privileges.

(e) Test results must show a detectable concentration of the drug in the race day serum, plasma or urine sample. If furosemide is not detected in a race day sample, a penalty may be imposed upon the horse's trainer without loss of purse:

(A) Quantification of furosemide in serum or plasma shall be performed. Concentrations of furosemide in serum or plasma shall not exceed 100 nanograms of furosemide per milliliter of serum or plasma. When the concentration of furosemide exceeds 100 nanograms of furosemide per milliliter of serum or plasma, specific gravity of the corresponding urine sample shall be measured.

(B) The specific gravity of race day urine samples may be measured to ensure that samples are sufficiently concentrated for proper chemical analysis. The specific gravity shall not be below 1.010.

(f) Unauthorized use of furosemide shall result in a penalty to the horse's trainer.

(g) The decision of whether to scratch a horse which has been entered incorrectly or is incorrectly treated shall be left to the discretion of a commission veterinarian.

(h) A commission veterinarian may rule a horse off furosemide if in his/her opinion it is in the horse's best interest, the interest of the citizens of the state or the best interest of horse racing.

(7) Bleeder List:

(a) The commission veterinarians shall maintain a Bleeder List of all horses, which have demonstrated external evidence of exercise induced pulmonary hemorrhage from one or both nostrils during or after a race or workout as observed by a commission veterinarian.

(b) Every confirmed bleeder, regardless of age, shall be placed on the Bleeder List and be ineligible to enter for the following time periods:

(A) First incident — 14 days.

(B) Second incident within 365-day period — 30 days.

(C) Third incident within 365-day period — 180 days.

(D) Fourth incident within 365-day period — barred for racing lifetime.

(c) For the purposes of counting the number of days a horse is ineligible to be entered for a race, the day the horse bled externally is the first day of the recovery period.

(d) The voluntary administration of furosemide without an external bleeding incident shall not subject the horse to the initial period of ineligibility as defined by this policy.

(e) A horse may be removed from the Bleeder List only upon the direction of a commission veterinarian;

(f) A horse which has been placed on a Bleeder List in another jurisdiction pursuant to these rules shall be placed on a Bleeder List in this jurisdiction.

(8) Controlled Therapeutic Medications

(a) The following quantitative medications are permissible in test samples up to the stated concentrations in urine:

(A) Acepromazine - metabolite, 2-(1- hydroxyethyl) promazine sulfoxide (HEPS)- 10 ng/ml

(B) Albuterol - 1 ng/ml

(C) Butorphanol - 300 ng/ml

(D) Carboxydetomidine - 2 ng/ml

(E) Clenbuterol - 140 pg/ml (in quarter horse and mixed breed races the presence of clenbuterol is prohibited)

(F) Mepivacaine - metabolite, hydroxymepivacaine -10 ng/ml

(b) The following quantitative medications are permissible in test samples up to the stated concentrations in serum or plasma:

(A) Acepromazine - metabolite, 2-(1- hydroxyethyl) promazine sulfoxide (HEPS)- 10 ng/ml

(B) Albuterol - 1 ng/ml

(C) Betamethasone - 10 pg/ml

(D) ~~(A)~~ Butorphanol - 2 ng/ml

(E) ~~(D)~~ Cetirizine - 6 ng/ml

(F) ~~(E)~~ Cimetidine - 400 ng/ml

(G) ~~(E)~~ Clenbuterol - 2 pg/ml (in quarter horse and mixed breed races the presence of clenbuterol is prohibited)

(H) ~~(G)~~ Dantrolene - 100 pg/ml

(I) ~~(H)~~ Detomidine - 1 ng/ml

(J) ~~(I)~~ Dexamethasone - 5 pg/ml

(J) ~~(I)~~ Diclofenac - 5 ng/ml

(K) ~~(J)~~ DMSO - 10 mcg/ml

(K) ~~(J)~~ Firocoxib - 20 ng/ml

(L) Glycopyrrrolate - 3 pg/ml

(M) Guaifenesin - 12 ng/ml

(N) Isoflupredone - 100 pg/ml

(O) Lidocaine - metabolite, 3-OH lidocaine - 20 pg/ml

(P) Mepivacaine LOD

(Q) Methocarbamol - 1 ng/ml

(R) Methylprednisolone - 100 pg/ml

(S) Omeprazole - metabolite, omeprazole sulfide - 10 ng/ml

(T) Prednisolone - 1 ng/ml

(U) Procaine penicillin - 25 ng/ml

(V) Ranitidine - 40 ng/ml

(W) Triamcinolone acetonide - 100 pg/ml

(X) Xylazine - 200 pg/ml

(9) Environmental Contaminants and Substances of Human Use:

(a) The following substances can be environmental contaminants in that they are endogenous to the horse or that they can arise from plants traditionally grazed or harvested as equine feed or are present in equine feed because of contamination during the cultivation, processing, treatment, storage or transportation phases: Polyethylene glycol (PEG), PEG-like substances, Hordenine;

(b) Regulatory thresholds have been set for the following substances: Caffeine — 100 nanograms of caffeine per milliliter of serum or plasma;

(c) If the preponderance of evidence presented in the hearing shows that a positive test is the result of environmental contamination or inadvertent exposure due to human drug use it should be considered as a mitigating factor in any disciplinary action taken against the affected trainer.

(10) Androgenic-Anabolic Steroids (AAS)

(a) No AAS shall be permitted in test samples collected from racing horses except for residues of the major metabolite of stanozolol, nandrolone, and the naturally occurring substances boldenone and testosterone at concentrations equal to or less than the indicated thresholds.

(b) Concentrations of these AAS shall not exceed the following urine threshold concentrations in total (free drug; or metabolite and drug; or metabolite liberated from its conjugates):

(A) 16beta-hydroxystanozolol (metabolite of stanozolol (Winstrol)): 1 ng/ml for all horses regardless of sex.

(B) Boldenone (Equipose® is the undecylenate ester of boldenone) in:

(i) Male horses other than geldings — 15 ng/ml.

(ii) No boldenone shall be permitted in geldings or female horses.

(C) Nandrolone (Durabolin® is the phenylpropionate ester and Deca-Durabolin® is the decanoate ester) in:

(i) Geldings — 1 ng/ml.

(ii) Fillies and mares — 1 ng/ml.

(iii) In male horses other than geldings — forty-five (45) ng/ml of nandrolone metabolite, 5a-oestrane-3β17a-diol

(D) Testosterone in:

(i) Geldings — 20 ng/ml.

(ii) Fillies and mares — 55 ng/ml.

(iii) Male horses other than geldings — Testosterone will not be tested.

(c) All other AAS are prohibited in racing horses.

(d) Race day urine samples collected from intact males must be identified to the laboratory.

(e) Any horse to which an anabolic steroid has been administered in order to assist in the recovery from illness or injury may be placed on the veterinarian's list in order to monitor the concentration of the drug or metabolite in urine. After the urine concentration has fallen below the designated threshold for the administered AAS, the horse is eligible to be removed from the list.

(11) Clenbuterol:

(a) The use of Clenbuterol shall be permitted under the following conditions: A test sample shall not exceed 2 picograms/milliliter (ml) of Clenbuterol in the blood or serum or 140 pg/ml in urine.

(b) Notwithstanding (11)(a), the use of Clenbuterol, albuterol, zilpateral, ractopamine or any analogues thereof in American Quarter Horse racing at recognized race tracks in Oregon is prohibited. All horses entering an official Quarter Horse race will be subject to testing by any biologic method including but not limited to hair, blood, and urine.

Statutory/Other Authority: ORS 462.270(3)

Statutes/Other Implemented: ORS 462.270 & 462.415

Reason for changes: 6 (b) strike through is necessary to align Rule 160-0130 with the changes proposed in Rule 160-0140 regarding cessation of use of Lasix in the test barn.

Change in 6 (d) (B) maximum dosage change from 500 mg to 300 mg. 1. Will not significantly change the effectiveness of the Furosemide program in mitigating the incidence of EIPH (bleeders). 2. Will help horses by reducing the post injection degree of dehydration. This will be especially significant at Grants Pass where most races are run in hot weather. 3. Will produce a more uniform application of the Furosemide program by narrowing the dosage schedule. 4. Will not change laboratory requirements or capabilities to detect Lasix, or other drugs (This is per UIC laboratory director). 5. May increase our successful paired sampling percentage as a secondary benefit of having less dehydrated horses in the test barn. 6. SSSS Will bring us in alignment with CHRB , including all California fair meets. Also changes form four hours to 3 hours prior to race.

Requires a hearing.

Requires a communication plan.

Oregon Racing Commission Strategic Plan

Background information on methodology to engage interested parties:

Creation of the ORC Strategic Plan was developed through engagement with multiple external interested parties. These include, but are not limited to: Industry associations, other interested associations, other government entities, tribal leaders and their communities, licensees, and professional associations.

VISION, MISSION, AND VALUES & EQUITY STATEMENT

VISION:

The Oregon Racing Commission is the go-to source for industry-respected regulations, customer focused processes, and empowered excellence in racing.

MISSION:

The Oregon Racing Commission is dedicated to promoting the highest standards of safety and integrity within the equine racing industry, both on-ground and online. Our mission is to safeguard the welfare of athletes, both human and equine, with a steadfast commitment to the best interests of our citizenry, licensees, participants, and the economy.

VALUES:

To fulfill our mission, and with an emphasis on technology-driven solutions, we aim to:

Welfare, Health, and Safety:

Prioritizing the health, safety, and well-being of our equine and human athletes through strict regulations and training, while promoting equine care and retirement. Advocating the safety and wellbeing of all other participants and aspects of the racing industry.

Public confidence:

Building and maintaining public confidence in the integrity and credibility of the horse racing industry.

Integrity:

Provide fair, neutral, impartial regulatory treatment of licensees. Ensuring the honesty and fairness of all participants, including trainers, jockeys, licensees, owners, and officials, ensuring equal opportunities for all.

Regulatory Excellence:

Ensuring strict adherence by establishing rules and regulations and taking appropriate action against industry violations. Continuing to hold primacy of online wagering licensing within the horse racing industry by providing a comprehensive regulatory framework and promoting innovation in a business-friendly environment.

Transparency:

Providing clear and open communication about rules, regulations, and decision-making processes.

Support the Economy:

By regulating and promoting pari-mutuel wagering, we stimulate economic growth, creating jobs and opportunities that benefit both the racing industry and the wider Oregon community.

Customer Service:

We believe that customer service is not just a department, but a culture. We strive to provide quick, easy, personalized, and empathetic service to every customer, every time. We listen to our customers, understand their needs, and offer solutions that work for them. We treat our customers with respect, honesty, and kindness. We are always looking for ways to improve our service and exceed our customers’ expectations.

History:

The Oregon Racing Commission is committed to the long-standing tradition of horse racing and recognizes that it is a Cornerstone of our state’s history.

EQUITY STATEMENT:

The Oregon Racing Commission has followed with interest the work of the Governor’s Office of Diversity and Inclusion/ Affirmative Action meeting discussions. As a result, the ORC has confirmed its alignment to intentionally diversify our workforce, operations, and perspectives.

The ORC promotes a culture that fosters and embeds diversity and inclusion throughout its operations, both internally with staff and externally with members of the public, interested parties and/or partners by increasing diverse and multi-cultural perspectives, improving business and service delivery outcomes, increasing certified firm contracting inclusion, improving individual and organizational cultural competences, and improving organizational accountability.

S.M.A.R.T	Description
Specific	What do you want to achieve? What is the outcome you are wanting?
Measurable	How will you know the goal has been achieved? How will you measure progress?
Achievable	How can we accomplish the goal? What steps or tasks are needed to achieve the goal?
Relevant	Does this goal align with agency strategies? Is this the right time?
Time-Bound	What is the timeframe to achieve the goal? What is the completion date?

Goal #1: Promote live racing in Oregon to enhance all aspects of the horse racing industry in support of a strong Oregon economy.

Outcome(s):

- Monitor and encourage economic growth.
- Support the rural county fair meets.
- Advocate horse racing attributes and benefits to the public.
- Continue to ensure excellent customer service is a priority for all staff.

Goal #2: Ensure the safety and security of humans, equine, wagering community and property.

Outcome(s):

- Reduction in injuries to our equine and human athletes.
- Require our licensees to increase monitoring, awareness of avenues, and resources for responsible wagering.
- Provide and enforce policies and procedures regarding the safety of the participants, licensees and staff.
- Provide opportunities for staff to continue learning and researching the latest industry safety standards.
- Develop relationships with industry experts to maintain alignment with best practices.

Goal #3: Continue to be the leader in licensing and regulating Advance Deposit Wagering (ADW) companies.

Outcome(s):

- Provide a rigorous regulatory framework.
- Ensure business friendly practices with open communication across all industry partners.
- Continue to be the recognized go-to regulator for all ADW regulatory issues.
- Creating collaborative opportunities for licensees.

Goal #4: Forward thinking and technologically savvy.

Outcome(s):

- Stay up to date on trends and changes in technology.
- Be open to exploring new ideas and business opportunities.
- Ensure that the public faith in the technology we license is sound.

Goal #5: Increase transparency and access to information.

Outcome(s):

- Provide continual training to commissioners and staff on the requirements around transparency .
- Provide opportunities for engagement with the public.
- Regularly meet with interested parties such as legislators, tribes, and associations to educate them and elicit feedback on our operations.
- Provide extensive resources, research, and historical data on our website, for interested parties and industry associates.

1. DEVELOP STRATEGIES



Determine the best course of action to achieve your goals and objectives.

Description
Project #1 Assist with the passage of statutes that will promote rural economic growth.
Project #2 Revamp our rules and policies with the latest science, research, and industry recommendations as it pertains to safety.
Project #3 Orchestrate the coordination of shared data resources.
Project #4 Modernization of the ORC licensing database
Project #5 Complete revamp of our website

2. CREATE AN ACTION PLAN



Develop an action plan that outlines the specific steps you will take to implement your strategies.

Description	Start Date	End Date	Duration
Project #1 Assist with the passage of statutes that will promote rural economic growth.	10/2023	3/2024	5 months

Project #2 Revamp our rules and policies with the latest science, research, and industry recommendations as it pertains to safety.	10/2023	5/2024	7 months.
Project #3 Orchestrate the coordination of shared data resources.	2023	2025	2 years
Project #4 Modernization of the ORC licensing database	7/2022	12/2024	3.5 years
Project #5 Complete revamp of our website	2/2024	2/2026	2 years

3. ALLOCATE RESOURCES



Determine the resources, including financial, human, and technological, required to implement your action plan.

Project 1: No additional resources needed. This will be managed by the Director.

Project 2: No additional resources needed. This will be managed by ORC staff and industry contacts. Additional training for staff may be necessary and training is already in the ORC budget.

Project 3: No additional resources needed. This will be managed by the Director of Mutuels.

Project 4: Approximate five-year estimate is \$300,000.00. The vast majority of integration and implementation will be absorbed by existing staff. Additional staff may be needed on a short-term contract basis for data entry. This is not expected to exceed \$2,000.00.

Project 5: Minimal additional resources will be needed. We anticipate getting a tutorial for under \$2,000.00 which the agency can absorb.

4. MONITOR AND EVALUATE



Determine how you will continuously monitor your progress and evaluate the effectiveness of your strategies to determine if they need to be adjusted.

Project

Actions & Reviews

<p>Project #1</p> <p>Assist with the passage of statutes that will promote rural economic growth.</p>	<p>Regular meetings with interested parties, including but not limited to: Industry and other Interested Associations Legislators Governor’s office Tribes Rural Communities Internal quarterly reviews on progress and future actions</p>
<p>Project #2</p> <p>Revamp our rules and policies with the latest science, research, and industry recommendations as it pertains to safety.</p>	<p>ORC will continue to seek additional training and research to stay informed of the latest science, research, and industry recommendations. Internal quarterly reviews on progress and future actions.</p>
<p>Project #3</p> <p>Orchestrate the coordination of shared data resources.</p>	<p>Coordinate with licensees to assist with the development of shared resources. Internal quarterly reviews on progress and future actions.</p>
<p>Project #4</p> <p>Modernization of the ORC licensing database</p>	<p>Weekly reviews with Procurement until a contract has been signed. As a minimum, monthly meetings with the EIS Management team. Internal monthly reviews on progress and future actions. Upon execution of the contract, weekly reviews until database is launched.</p>
<p>Project #5</p> <p>Complete revamp of our website</p>	<p>Identify the short- and long-term goals no later than December of 2024.</p> <ol style="list-style-type: none"> 1. Educational Resources and Training Opportunities 2. Informational: all topics related to information. 3. Regulatory: Licensing, Rules and Statutes, FAQ, Public Records, Legislative Bills 4. ADW/Mutuels and Reports 5. Medication/Safety 6. News 7. Tribal Information 8. Historical <p>Staff Training – SharePoint 2016 Identify internal resources by Summer 2024. Internal quarterly reviews on progress and future actions.</p>

462-210-0040

Operation of an Account

(1) The licensee must submit a plan of operation for all new or modified funding sources, technologies, and/or reporting, including a plan of implementation and audit plan, to the Oregon Racing Commission for possible approval.

~~(12)~~ The account wagering center may refuse deposits to an account for what it deems good and sufficient reason.

~~(23)~~ The account wagering center may suspend any account or close any account at any time provided that when an account is closed, the account wagering center shall, within five business days, return to the account holder all monies then on deposit by sending a check to the principal residence address as listed on the application.

~~(34)~~ Credits to an account after the initial establishment of the account may be made as follows:

(a) Deposits to an account by an account holder shall be made in the following forms:

(A) Cash deposit made at an approved outlet, or other deposit mechanisms as approved by the commission; or

(B) Check, money order or negotiable order of withdrawal given or sent to an account wagering center; or

(C) Charges made to an account holder's credit card or debit card upon the direct and personal instruction of the account holder, which may be given by telephone to the account wagering center by the account holder if the use of the card has been approved by the account wagering center; or

(D) Transfer by means of an electronic funds transfer from a monetary account controlled by an account holder to his/her account, said account holder to be liable for any charges imposed by the transmitting or receiving entity with such charges to be deducted from the account.

(E) Funds so deposited will be made available for wagering use in accordance with financial institution funds availability schedules.

(b) Credit for winnings from wagers placed with funds in an account and credit for account wagers on entries that are scratched shall be posted to the account by the account wagering center.

(c) For fees for service or other transaction-related charges by the race meet licensee and/or agent of the race meet licensee.

~~(45)~~ Debits to an account shall be made as follows:

(a) Upon receipt by the account wagering center of an account wager, the account wagering center shall debit the account in the amount of the wager; or

(b) For fees for service or other transaction-related charges by the race meet licensee and/or agent of the race meet licensee; or

(c) An account wagering center may authorize a withdrawal from an account when one of the following exists:

(A) The account holder of an account appears personally at the account wagering center and provides the following:

(i) Proper identification;

(ii) The correct secure personal identification code; and

(iii) A properly completed and signed withdrawal slip.

(B) The account holder sends to the account wagering center a properly completed and signed withdrawal slip. Upon receipt of a properly completed and signed withdrawal slip, and if there are sufficient funds in the account to cover the withdrawal, the account wagering center shall, within five business days of its receipt, send a check to the account holder. The check shall be payable to the holder of the account and in the amount of the requested withdrawal. If funds are not sufficient to cover the withdrawal, the account holder will be notified in writing and those funds in the account will be withdrawn and sent to the account holder within the five-day time period. Electronic funds transfers may be used for withdrawals in lieu of a check at the discretion of the account holder and the account wagering center subject to the same conditions described for electronic funds transfer credits described in subsection (3)(a)(D) of this rule.

(d) The race meet licensee and/or the agent of the race meet licensee may close accounts in which there has been no activity for at least six (6) months, returning funds remaining therein to the account holder at his/her principal residence address.

(e) In the event an account holder is deceased, funds accrued in the account shall be released to the decedent's legal representative upon receipt of a copy of a valid death certificate, tax releases or waivers, probate court authorizations or other documents required by applicable laws.

~~(56)~~ The account wagering center shall not accept wagers from an account holder in an amount in excess of the account balance.

~~(67)~~ Checks, money orders and other negotiable instruments shall be posted to the credit of the account holder in accordance with financial institution funds availability schedules.

~~(78)~~ Monies deposited with the account wagering center for account wagering shall not bear any interest to the account holder.

~~(89)~~ Account wagers shall be accepted during such time and on such days in such manner as designated by the commission.

~~(910)~~ Notwithstanding any other rules, the managing employee of the account wagering center may at any time declare the account wagering center closed for receiving wagers on any pari-mutuel pool, race, group of races, or closed for all wagering. Anytime the account wagering center is closed during normal wagering hours by the managing employee a written report must be filed with the commission within forty-eight (48) hours.

~~(1011)~~ The account wagering center has the right at any time and for what it deems good and sufficient reason to refuse to accept all or part of any wager.

~~(1112)~~ Accounts are for the personal use of the account holder. The account holder is responsible for maintaining the secrecy of the account number and secure personal identification code. Except where the account wagering center or its employees or agents act without good faith or fail to exercise ordinary care, the account wagering center shall not be responsible for any loss arising from the use by any other person or persons of an account holder's account. The account holder must immediately notify the account wagering center of a breach of the account's security.

~~(1213)~~ Payment on winning pari-mutuel wagers and credits for account wagers on entries which are scratched shall be posted to the credit of the account holder as soon as practicable after the race is declared official.

~~(1314)~~ Upon request by an account holder the account wagering center shall provide on an annual basis, at no cost, a written statement of an individual's account activity. Unless written notice to the contrary is received by the account wagering center within fourteen (14) days of the date that any statement is sent to an account holder, the statement will be deemed accepted as correct.

~~(1415)~~ The principal residence address provided in writing by the account holder at the time of application is deemed to be the proper address for the purposes of mailing checks, statements of account, account withdrawals, notices, or other appropriate correspondence. The mailing of checks or other correspondence to the address given by the account holder shall be at the sole risk of the account holder.

~~(1516)~~ No employee or agent of the account wagering center shall divulge any confidential information related to the placing of any wager or any confidential information related to the operation of the account wagering center, except to the account holder as required by these rules, the commission, and as otherwise required by state or federal law, or the rules of racing of this state.

Statutory/Other Authority: ORS 462.270(3) & 462.700

Statutes/Other Implemented: ORS 462.142

Reason for rule: Clarifies requirements for changing funding types.

FIS: No

Hearing: No

Proposed Rule

OAR 462-160—0150 Post Mortem Examination/Necropsies

(1) All racehorses that die or are euthanized on racetracks or the grounds where racing is conducted under the jurisdiction of the Oregon Racing Commission's (ORC) shall have a post-mortem examination (necropsy) performed by a board-certified veterinarian pathologist at an appropriate facility.

(2) After consultation with the State Veterinarian, if it is determined to not be reasonably feasible to transport the racehorse to a board-certified pathologist, the Executive Director may authorize a post-mortem examination/necropsy which will be conducted by the ORC Veterinarian on site.

(3) The Oregon Racing Commission will reimburse the racetrack for reasonable costs of transportation and will pay for costs of the necropsy.

(4) Relationships and contact information shall be included in the necropsy standard operating procedure.

(5) Any Veterinarian performing a necropsy shall not be an Attending Veterinarian of the affected Horse.

Reason for the rule:

Necropsies are currently not outlined in rules.

Hearing needed: No

FIS: No

Statutory/Other Authority: ORS 462.270(3)

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 462
OREGON RACING COMMISSION

FILED

01/23/2024 1:21 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amends 462-150-0060 to provide clarity and updates to plate requirements.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 03/21/2024 12:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Karen Parkman
503-853-5927
karen.parkman@orc.oregon.gov

PO Box 366
Gresham, OR 97030

Filed By:
Karen Parkman
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 03/21/2024

TIME: 11:30 AM - 12:00 PM

OFFICER: Quinn Berry

HEARING LOCATION

ADDRESS: Via Zoom, PO Box 366, Gresham, OR 97030

SPECIAL INSTRUCTIONS:

Via ZOOM

REMOTE MEETING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-853-5927

SPECIAL INSTRUCTIONS:

<https://us06web.zoom.us/j/84487004176?pwd=gjY9sguTABioamhB65uaXSqgeqGadb.1>

Meeting ID: 844 8700 4176

Passcode: 1qUYsa

NEED FOR THE RULE(S)

Provides for updated plate requirements to be consistent with other jurisdictions.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Rules of other jurisdictions. Stored electronically with the agency.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

Amendment will not affect racial equity.

FISCAL AND ECONOMIC IMPACT:

None

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

None

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved. Not needed.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

Not needed. Medication and safety committee recommendation.

AMEND: 462-150-0060

RULE SUMMARY: Amendment clarifies and updates plate requirements.

CHANGES TO RULE:

462-150-0060

Weighing Out; Equipment; Paddock Procedures ¶¶

- (1) All jockeys in a race must be weighed out by the clerk of scales prior to going to the paddock for that race.¶¶
- (2) If overweight is in excess of the weight the horse is to carry, the jockey shall declare the amount of overweight to the clerk of scales at least one hour before post time of the first race of the day, and the clerk of scales shall have the overweight announced immediately.¶¶
- (3) Seven pounds is the maximum overweight any horse may carry unless waived by the board of stewards.¶¶
- (4) A jockey's weight shall include the running equipment for the mount, including saddle with attachments and clothing, but shall not include the riding crop, helmet, safety vest or the horse's bridle.¶¶
- (5) The trainer shall be responsible for the weight assigned to be carried by the horse. If the jockey scheduled to ride the horse is more than two pounds overweight, the jockey may be replaced by the owner or trainer without any liability for a mount fee to the overweight jockey if replaced with a rider of less weight.¶¶
- (6) No jockey shall be weighed out for any race unless the jockey's fee for a losing mount in the race has been deposited or guaranteed to the paymaster of purses. Failure to deposit or guarantee the fee for the engaged jockey may result in an involuntary scratch of the horse the jockey was to ride.¶¶
- (7) The only attendants who will be permitted to assist jockeys in weighing out are valets.¶¶
- (8) Equipment:¶¶
 - (a) Helmets: Any licensee mounted on a horse or stable pony on association grounds must wear a properly secured safety helmet at all times. The licensee is responsible for providing sufficient evidence that his/her helmet meets one of the following safety standards: American Society for Testing and Materials (ASTM 1163); UK Standards (EN-1384 and PAS-015; or, Australian/New Zealand Standard (AS/NZ 3838).¶¶
 - (b) Safety Vests: A safety vest, approved for use by the commission, must be worn at all times on association grounds when racing, parading or warming up a horse prior to racing; or jogging or exercising a horse at any time.¶¶
 - (c) All riding crops are subject to inspection and approval by the stewards and the clerk of scales. Riding crops shall have a shaft and a flap and will be allowed in flat racing including training, only as follows. ¶¶
 - (A) Maximum weight of eight ounces; ¶¶
 - (B) Maximum length, including flap of 30 inches¶¶
 - (C) Minimum diameter of the shaft of three-eighths inch; and ¶¶

- (D) Shaft contact area must be smooth, with no protrusions or raised surface, and covered by shock absorbing material that gives a compression factor of at least one-millimeter throughout its circumference. ¶
- (d) The flap is the only allowable attachment to the shaft and must meet these specifications: ¶
- (A) Length beyond the end of the shaft a maximum of one inch; ¶
- (B) Width a minimum of 0.8 inch and a maximum of 1.6 inches; ¶
- (C) No reinforcements or additions beyond the end of the shaft; ¶
- (D) No binding within seven inches of the end of the shaft; and ¶
- (E) Shock absorbing characteristics similar to those the contact area of the shaft. ¶
- (e) Permission to use or discontinue the use of a tongue restraint must be obtained from the paddock judge. Material to be used as a tongue restraint may not be furnished by anyone other than the trainer of the horse. Only the trainer or assistant trainer shall be permitted to tie the tongue or replace or repair a tongue restraint, except at the starting gate under the supervision of the commission veterinarian. ¶
- (f) Any change in equipment from that which a horse carried in its previous race must be approved by the paddock judge. Any change shall be announced or posted for public information. "Rundowns" are not considered to be equipment. All bandages in excess of 6 inches in length shall be considered part of the horse's equipment. Permission for a horse to add blinkers, screens, or goggles to his equipment or discontinue the use of them must be made prior to entry with approval from the starter and noted on the entry form. ¶
- (g) The Cornell Collar[®], a throat support device which research indicates can assist those horses believed to suffer intermittent displacement of the soft palate during running, may be used in horse racing subject to the following conditions: ¶
- (A) Prior to a horse being entered to race for the first time with the Cornell Collar[®] in Oregon, the trainer must: ¶
- (i) Submit a letter from a commission licensed veterinarian who has performed an endoscopic throat examination of that horse, certifying that the use of the Cornell Collar[®] is justified and appropriate; and ¶
- (ii) Have the horse, with the Cornell Collar[®] properly in place, perform one official work in the presence of a commission veterinarian. ¶
- (B) A horse that has previously raced in Oregon or another jurisdiction with the Cornell Collar[®] may enter to race with the Cornell Collar[®]. ¶
- (C) Any trainer of a horse that races with a Cornell Collar[®] must consult with an commission licensed veterinarian to become educated and proficient in the appropriate use and placement of the throat support device. ¶
- (D) The use of the Cornell Collar[®] must be declared at the time of entry of the first race (or any change thereafter) a horse races with the Cornell Collar[®]. ¶
- (E) Once a horse races with the Cornell Collar[®]; the use of the device must be continued in each subsequent race unless the trainer submits a letter from a licensed veterinarian to the commission veterinarian stating that the collar is no longer appropriate for the horse. It is at the Commission Veterinarian's discretion to allow a horse to again race with a Cornell Collar[®] once it has been deemed that it is no longer appropriate. ¶
- (F) Only the original Vet-Aire[®] Cornell Collar[®] is approved for use. Any other throat support device must be approved for use by the Oregon Racing Commission veterinarian. ¶
- (G) The commission veterinarian may check for proper placement of the Cornell Collar[®] in the paddock and/or post parade. ¶
- (h) Every horse in a race shall have a head number which shall be attached in the junction of the brow band, and the head piece of the bridle, unless waived by the stewards for good cause. This number shall correspond to the saddle cloth number of the horse as shown on the program. ¶
- (i) Racing silks, caps, and saddle towels shall be the following color, unless a change is approved by the stewards: ¶
- (A) No. 1 - Red with White; ¶
- (B) No. 1A - Red with White Bands; ¶
- (C) No. 2 - White with Black; ¶
- (D) No. 2B - White with Black Bands; ¶
- (E) No. 3 - Blue with White; ¶
- (F) No. 4 - Yellow with Black; ¶
- (G) No. 5 - Green with White; ¶
- (H) No. 6 - Black with Yellow; ¶
- (I) No. 7 - Orange with Black; ¶
- (J) No. 8 - Pink with Black; ¶
- (K) No. 9 - Turquoise with Black; ¶
- (L) No. 10 - Purple with White; ¶
- (M) No. 11 - Gray with Red Stripes; ¶
- (N) No. 12 - Lime with Black. ¶
- (j) All jockeys must wear white color pants in any race on which pari-mutuel wagering is conducted, unless otherwise approved by the board of stewards. ¶

(k) ~~R~~Quarter horse distances (yards vs furlongs) racing plates must be of a type and design approved by the board of stewards and the commission veterinarian. Front toe grabs shall not exceed 42 mm.¶

(l) For thoroughbred distances (furlongs vs yards), except for full rims 2 millimeters or less from the ground surface of the Horseshoe, traction devices are prohibited on forelimb and hindlimb horseshoes during racing and training on dirt or synthetic racing tracks. Traction devices include but are not limited to rims, toe grabs, bends, jar calks and stickers.¶

(m) No training devices, such as iron halters, shall be used to approve a horse from the gate, to be schooled from the Starter's List, to get removed from the Paddock List, to work for time, to be removed from the Stewards' List or used during the running of a race.¶

(9) Paddock: Horses must be in the paddock at least 15 minutes before scheduled post time unless otherwise authorized by the stewards. Every horse must be saddled in the paddock by, or supervised by, the horse's trainer or assistant trainer as shown in the program unless expressly authorized by the stewards, in which case a licensed trainer or assistant trainer approved by the stewards may saddle the horse.

Statutory/Other Authority: ORS 462.270(3)

Statutes/Other Implemented: ORS 462.270

462-150-0060

Weighing Out; Equipment; Paddock Procedures

- (1) All jockeys in a race must be weighed out by the clerk of scales prior to going to the paddock for that race.
- (2) If overweight is in excess of the weight the horse is to carry, the jockey shall declare the amount of overweight to the clerk of scales at least one hour before post time of the first race of the day, and the clerk of scales shall have the overweight announced immediately.
- (3) Seven pounds is the maximum overweight any horse may carry unless waived by the board of stewards.
- (4) A jockey's weight shall include the running equipment for the mount, including saddle with attachments and clothing, but shall not include the riding crop, helmet, safety vest or the horse's bridle.
- (5) The trainer shall be responsible for the weight assigned to be carried by the horse. If the jockey scheduled to ride the horse is more than two pounds overweight, the jockey may be replaced by the owner or trainer without any liability for a mount fee to the overweight jockey if replaced with a rider of less weight.
- (6) No jockey shall be weighed out for any race unless the jockey's fee for a losing mount in the race has been deposited or guaranteed to the paymaster of purses. Failure to deposit or guarantee the fee for the engaged jockey may result in an involuntary scratch of the horse the jockey was to ride.
- (7) The only attendants who will be permitted to assist jockeys in weighing out are valets.
- (8) Equipment:
 - (a) Helmets: Any licensee mounted on a horse or stable pony on association grounds must wear a properly secured safety helmet at all times. The licensee is responsible for providing sufficient evidence that his/her helmet meets one of the following safety standards: American Society for Testing and Materials (ASTM 1163); UK Standards (EN-1384 and PAS-015; or, Australian/New Zealand Standard (AS/NZ 3838).
 - (b) Safety Vests: A safety vest, approved for use by the commission, must be worn at all times on association grounds when racing, parading or warming up a horse prior to racing; or jogging or exercising a horse at any time.
 - (c) All riding crops are subject to inspection and approval by the stewards and the clerk of scales. Riding crops shall have a shaft and a flap and will be allowed in flat racing including training, only as follows.
 - (A) Maximum weight of eight ounces;
 - (B) Maximum length, including flap of 30 inches
 - (C) Minimum diameter of the shaft of three-eighths inch; and
 - (D) Shaft contact area must be smooth, with no protrusions or raised surface, and covered by shock absorbing material that gives a compression factor of at least one-millimeter throughout its circumference.

(d) The flap is the only allowable attachment to the shaft and must meet these specifications:

(A) Length beyond the end of the shaft a maximum of one inch;

(B) Width a minimum of 0.8 inch and a maximum of 1.6 inches;

(C) No reinforcements or additions beyond the end of the shaft;

(D) No binding within seven inches of the end of the shaft; and

(E) Shock absorbing characteristics similar to those the contact area of the shaft.

(e) Permission to use or discontinue the use of a tongue restraint must be obtained from the paddock judge. Material to be used as a tongue restraint may not be furnished by anyone other than the trainer of the horse. Only the trainer or assistant trainer shall be permitted to tie the tongue or replace or repair a tongue restraint, except at the starting gate under the supervision of the commission veterinarian.

(f) Any change in equipment from that which a horse carried in its previous race must be approved by the paddock judge. Any change shall be announced or posted for public information. "Rundowns" are not considered to be equipment. All bandages in excess of 6 inches in length shall be considered part of the horse's equipment. Permission for a horse to add blinkers, screens, or goggles to his equipment or discontinue the use of them must be made prior to entry with approval from the starter and noted on the entry form.

(g) The Cornell Collar[®], a throat support device which research indicates can assist those horses believed to suffer intermittent displacement of the soft palate during running, may be used in horse racing subject to the following conditions:

(A) Prior to a horse being entered to race for the first time with the Cornell Collar[®] in Oregon, the trainer must:

(i) Submit a letter from a commission licensed veterinarian who has performed an endoscopic throat examination of that horse, certifying that the use of the Cornell Collar[®] is justified and appropriate; and

(ii) Have the horse, with the Cornell Collar[®] properly in place, perform one official work in the presence of a commission veterinarian.

(B) A horse that has previously raced in Oregon or another jurisdiction with the Cornell Collar[®] may enter to race with the Cornell Collar[®].

(C) Any trainer of a horse that races with a Cornell Collar[®] must consult with an commission licensed veterinarian to become educated and proficient in the appropriate use and placement of the throat support device.

(D) The use of the Cornell Collar[®] must be declared at the time of entry of the first race (or any change thereafter) a horse races with the Cornell Collar[®].

(E) Once a horse races with the Cornell Collar[®]; the use of the device must be continued in each subsequent race unless the trainer submits a letter from a licensed veterinarian to the commission veterinarian stating that the collar is no longer appropriate for the horse. It is at the Commission

Veterinarian's discretion to allow a horse to again race with a Cornell Collar® once it has been deemed that it is no longer appropriate.

(F) Only the original Vet-Aire™ Cornell Collar® is approved for use. Any other throat support device must be approved for use by the Oregon Racing Commission veterinarian.

(G) The commission veterinarian may check for proper placement of the Cornell Collar® in the paddock and/or post parade.

(h) Every horse in a race shall have a head number which shall be attached in the junction of the brow band, and the head piece of the bridle, unless waived by the stewards for good cause. This number shall correspond to the saddle cloth number of the horse as shown on the program.

(i) Racing silks, caps, and saddle towels shall be the following color, unless a change is approved by the stewards:

(A) No. 1 — Red with White;

(B) No. 1A — Red with White Bands;

(C) No. 2 — White with Black;

(D) No. 2B — White with Black Bands;

(E) No. 3 — Blue with White;

(F) No. 4 — Yellow with Black;

(G) No. 5 — Green with White;

(H) No. 6 — Black with Yellow;

(I) No. 7 — Orange with Black;

(J) No. 8 — Pink with Black;

(K) No. 9 — Turquoise with Black;

(L) No. 10 — Purple with White;

(M) No. 11 — Gray with Red Stripes;

(N) No. 12 — Lime with Black.

(j) All jockeys must wear white color pants in any race on which pari-mutuel wagering is conducted, unless otherwise approved by the board of stewards.

~~(k) Quarter horse distances (yards vs furlongs) r~~Racing plates must be of a type and design approved by the board of stewards and the commission veterinarian. Front toe grabs shall not exceed 24 mm.

~~(l) For thoroughbred distances (furlongs vs yards), except for full rims 2 millimeters or less from the ground surface of the Horseshoe, traction devices are prohibited on forelimb and hindlimb horseshoes during racing and training on dirt or synthetic racing tracks. Traction devices include but are not limited to rims, toe grabs, bends, jar calks and stickers.~~

Racing plates must be of a type and design approved by the board of stewards and the commission veterinarian. No traction devices are allowed on the forelimbs other than mud nails and toe grabs measuring 2mm or less. Toe grabs on the hindlimbs shall not exceed 4mm. Traction devices include but are not limited to bends, jar calks and stickers.

(I) No training devices, such as iron halters, shall be used to approve a horse from the gate, to be schooled from the Starter's List, to get removed from the Paddock List, to work for time, to be removed from the Stewards' List or used during the running of a race.

(9) Paddock: Horses must be in the paddock at least 15 minutes before scheduled post time unless otherwise authorized by the stewards. Every horse must be saddled in the paddock by, or supervised by, the horse's trainer or assistant trainer as shown in the program unless expressly authorized by the stewards, in which case a licensed trainer or assistant trainer approved by the stewards may saddle the horse.

Statutory/Other Authority: ORS 462.270(3)

Statutes/Other Implemented: ORS 462.270

Reason for rule: Clarifies and updates plate requirements.

Fiscal impact: None

Hearing: Yes

Blue is the update language during comment period.

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 462
OREGON RACING COMMISSION

FILED

01/23/2024 12:49 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amendment provides additional safety measures at starting gate. Prohibits tail wrapping.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 03/21/2024 11:30 AM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Karen Parkman
503-853-5927
karen.parkman@orc.oregon.gov

PO Box 366
Gresham, OR 97030

Filed By:
Karen Parkman
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 03/21/2024

TIME: 11:00 AM - 11:30 AM

OFFICER: Quinn Berry

HEARING LOCATION

ADDRESS: Via ZOOM, PO Box 366, Gresham, OR 97030

SPECIAL INSTRUCTIONS:

Zoom

REMOTE MEETING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-853-5927

SPECIAL INSTRUCTIONS:

Join Zoom Meeting

<https://us06web.zoom.us/j/87892492745?pwd=2dIHdMWjLWbiYXPHLbadlDJkzOXVRZ.1>

Meeting ID: 878 9249 2745

Passcode: 3mTs4z

NEED FOR THE RULE(S)

Provides additional rules for starting gate safety.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Testimony of experts. Information relied upon is electronically stored with the agency.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

Will not affect racial equity.

FISCAL AND ECONOMIC IMPACT:

None

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

None

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved. No need.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

Not needed

AMEND: 462-140-0250

RULE SUMMARY: Amends rule to add additional safety measure with handling of horses at the starting gate. Prohibits tail wrapping.

CHANGES TO RULE:

462-140-0250

Starter ¶¶

- (1) The starter is responsible for the horses from the moment they enter the designated racing surface from the paddock until dispatched from the starting gate, and may scratch a horse for good cause. The starter shall immediately notify the stewards of any scratch.¶¶
- (2) The starter shall give order to secure a fair start. If a horse is prevented from obtaining a fair start or a gate malfunctions, the starter shall immediately notify the stewards who will notify the mutuel department.¶¶
- (3) The starter shall supervise the schooling of horses which are first time starters or horses which require further schooling out of the gate. If a horse is unmanageable at the starting gate or refuses to break properly, the starter may disqualify the horse from starting again by placing the horse on the starter's list until the horse has had satisfactory schooling. The starter shall notify the racing secretary in writing when horses are placed on or removed from the starter's list. The starter shall also notify the racing secretary in writing of the names of each horse that has been schooled sufficiently to participate in a race and its approved equipment. The starter shall establish and publish schooling procedures.¶¶
- (4) The starter may appoint assistants, must verify that they are licensed by the commission, and shall assign their positions at the starting gate. The positions of the assistant starters shall be changed daily by the starter, but without notice to them until the horses have appeared on the track for the first race.¶¶
- (5) No starter or assistant starter shall wager, directly or indirectly, on any race in which they perform official duties.¶¶
- (6) The starter shall ensure that the starting gate is functioning properly at least three days before the beginning of the race meet, and shall make sure the gate is properly maintained throughout the race meet. The starter shall ensure all assistants are properly trained in the safe and appropriate handling of horses including but not limited to; leading, packing, heading, and tailing procedures. They shall also ensure the use of tailing bars for wrapping tails (if equipped) is strictly prohibited.¶¶
- (7) Horses shall take their positions in the starting gate in post position order (beginning at the inside rail) unless the starter has reasonable cause to alter the order of loading.¶¶
- (8) No person shall give to any starter or assistant starter, nor shall any starter or assistant starter receive, money,

or other compensation, gratuity or reward, in connection with the running of any race or races; except such compensation as salaries received from race meet licensees.

Statutory/Other Authority: ORS 462.270(3)

Statutes/Other Implemented: ORS 462.270

462-140-0250

Starter

- (1) The starter is responsible for the horses from the moment they enter the designated racing surface from the paddock until dispatched from the starting gate, and may scratch a horse for good cause. The starter shall immediately notify the stewards of any scratch.
- (2) The starter shall give order to secure a fair start. If a horse is prevented from obtaining a fair start or a gate malfunctions, the starter shall immediately notify the stewards who will notify the mutual department.
- (3) The starter shall supervise the schooling of horses which are first time starters or horses which require further schooling out of the gate. If a horse is unmanageable at the starting gate or refuses to break properly, the starter may disqualify the horse from starting again by placing the horse on the starter's list until the horse has had satisfactory schooling. The starter shall notify the racing secretary in writing when horses are placed on or removed from the starter's list. The starter shall also notify the racing secretary in writing of the names of each horse that has been schooled sufficiently to participate in a race and its approved equipment. The starter shall establish and publish schooling procedures.
- (4) The starter may appoint assistants, must verify that they are licensed by the commission, and shall assign their positions at the starting gate. The positions of the assistant starters shall be changed daily by the starter, but without notice to them until the horses have appeared on the track for the first race.
- (5) No starter or assistant starter shall wager, directly or indirectly, on any race in which they perform official duties.
- (6) The starter shall ensure that the starting gate is functioning properly at least three days before the beginning of the race meet and shall make sure the gate is properly maintained throughout the race meet. ~~The starter shall ensure all assistants are properly trained in the safe and appropriate handling of horses including but not limited to; leading, packing, heading, and tailing procedures. They shall also ensure the use of tailing bars for wrapping tails (if equipped) is strictly prohibited.~~
The starter shall ensure all assistants are properly trained in the safe and appropriate handling of horses including but not limited to; leading, packing, heading, and tailing procedures. They shall also ensure the use of tailing bars (if equipped) or other apparatus for wrapping tails greater than 90 degrees is strictly prohibited.
- (7) Horses shall take their positions in the starting gate in post position order (beginning at the inside rail) unless the starter has reasonable cause to alter the order of loading.
- (8) No person shall give to any starter or assistant starter, nor shall any starter or assistant starter receive, money, or other compensation, gratuity or reward, in connection with the running of any race or races; except such compensation as salaries received from race meet licensees.

Statutory/Other Authority: ORS 462.270(3)

Statutes/Other Implemented: ORS 462.270

Reason for rule: Provides additional rules for starting gate.

Fiscal impact: None

Hearing needed: Yes

Blue text is the new language submitted during comment period.

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 462
OREGON RACING COMMISSION

FILED

01/23/2024 1:45 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amends rule 462-160-0110 to be inline with neighboring jurisdictions.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 03/21/2024 10:45 AM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Karen Parkman
503-853-5927
karen.parkman@orc.oregon.gov

PO Box 366
Gresham, OR 97030

Filed By:
Karen Parkman
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 03/21/2024

TIME: 10:30 AM - 10:45 AM

OFFICER: Quinn Berry

HEARING LOCATION

ADDRESS: Via ZOOM, PO Box 366, Gresham, OR 97030

SPECIAL INSTRUCTIONS:

Via ZOOM

REMOTE MEETING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-853-5927

SPECIAL INSTRUCTIONS:

Join Zoom Meeting

<https://us06web.zoom.us/j/88626303891?pwd=HRicTuUzOyI9GU0e1RgcEzf3JjliHH.1>

Meeting ID: 886 2630 3891

Passcode: 7FDdK2

NEED FOR THE RULE(S)

Provides for consistency with neighboring jurisdictions.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Rules of neighboring jurisdictions. Stored electronically in the agency.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

Amendment does not affect racial equity.

FISCAL AND ECONOMIC IMPACT:

None

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

None

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved. Not needed.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

Medication and safety committee was consulted.

AMEND: 462-160-0110

RULE SUMMARY: Amends rule 462-160-0010 to be inline with neighboring jurisdictions.

CHANGES TO RULE:

462-160-0110

Veterinary Practices ¶

(1) Veterinarians under Authority of Commission Veterinarians:¶

(a) Veterinarians licensed by the commission and practicing at any location under the jurisdiction of the commission are under the authority of commission veterinarians and the stewards:¶

(b) The commission veterinarian(s) shall recommend to the stewards or the commission the discipline that may be imposed upon a veterinarian who violates the rules.¶

(2) Treatment Restrictions:¶

(a) Except as otherwise provided by this subsection, no person other than a veterinarian licensed to practice veterinary medicine in this jurisdiction and licensed by the commission may administer, via injection, topical application, inhalant, per os or per rectum, a prescription or controlled medication, drug, chemical or other substance (including any medication, drug, chemical or other substance by injection) to a horse at any location under the jurisdiction of the commission;¶

(b) This subsection does not apply to the administration of the following substances except in approved quantitative levels, if any, present in race day samples or as they may interfere with race day testing:¶

(A) A recognized non-injectable nutritional supplement or other substance approved by a commission veterinarian;¶

(B) A non-injectable substance on the direction or by prescription of a licensed veterinarian; or¶

(C) A non-injectable non-prescription medication or substance.¶

(c) No person shall possess a hypodermic needle, syringe or injectable of any kind on association grounds, unless otherwise approved by the commission. At any location under the jurisdiction of the commission, veterinarians may use only one-time disposable needles, and shall dispose of them in a manner approved by the commission. If a person has a medical condition which makes it necessary to have a syringe at any location under the jurisdiction of the commission, that person may request permission of the stewards and/or the commission in writing, furnish a letter from a licensed physician explaining why it is necessary for the person to possess a syringe, and must comply with any conditions and restrictions set by the stewards and/or the commission;¶

(d) Veterinarians shall not treat an entered horse within the 24 hours prior to the original post time in which the

horse is entered except for the administration of furosemide under the guidelines set forth in OAR 462-160-0130(5) unless approved by a commission veterinarian and if so treated, that horse shall be scratched from racing on that day.¶

(e) Any horse entered for racing must be present on the grounds 5-hours prior to the post time of the race they are entered in unless that horse is not entered to race with furosemide in which case that horse must be on the grounds no later than one hour prior to the post time of the race for which the horse is entered.¶

(3) Veterinarians' Reports:¶

(a) Every veterinarian who treats a racehorse at any location under the jurisdiction of the commission shall, in writing on the Medication Report Form prescribed by the commission, report to a commission veterinarian or other commission designee at the racetrack where the horse is entered to run or as otherwise specified by the commission, the name of the horse treated, any medication, drug, substance, or procedure administered or prescribed, the name of the trainer of the horse, the date and time of treatment and any other information requested by a commission veterinarian;¶

(b) The Medication Report Form shall be signed by the practicing veterinarian;¶

(c) The Medication Report Form must be filed by the treating veterinarian within 48-hours of any treatments in section (a) and not later than post time of the race for which the horse is entered. Any such report is confidential and its content shall not be disclosed except in the course of an investigation of a possible violation of these rules or in a proceeding before the stewards or the commission, or to the trainer or owner of record at the time of treatment;¶

(d) A timely and accurate filing of a Medication Report Form that is consistent with the analytical results of a positive test may be used as a mitigating factor in determining the nature and extent, if any, of a rules violation.¶

(4) Veterinary Licenses. Any veterinarian licensed by the Oregon Racing Commission to practice veterinary medicine on a racecourse shall be prohibited from concurrently holding any other license at any location under the jurisdiction of the commission unless otherwise approved by the board of stewards.¶

(5) The stewards in consultation with a commission veterinarian may adjust the medication administration time to accommodate a significantly delayed post time.¶

(6) Intra-articular injections are prohibited on race day, within 14 days prior to post time, and within seven days prior to any timed and reported workout.

Statutory/Other Authority: ORS 462.270(3)

Statutes/Other Implemented: ORS 462.270, 462.415

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SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK
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800 SUMMER STREET NE
SALEM, OR 97310
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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 462
OREGON RACING COMMISSION

FILED

01/23/2024 2:45 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amends 462-160-0120 extends minimum days to 30 following shockwave or radial wave therapy.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 03/21/2024 12:30 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Karen Parkman
503-853-5927
karen.parkman@orc.oregon.gov

PO Box 366
Gresham, OR 97030

Filed By:
Karen Parkman
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 03/21/2024

TIME: 12:10 PM - 12:30 PM

OFFICER: Quinn Berry

HEARING LOCATION

ADDRESS: Via ZOOM, PO Box 366, Gresham, OR 97030

SPECIAL INSTRUCTIONS:

Via ZOOM

REMOTE MEETING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-853-5927

SPECIAL INSTRUCTIONS:

Join Zoom Meeting

<https://us06web.zoom.us/j/84487004176?pwd=gjY9sguTABioamhB65uaXSqgeqGaDb.1>

Meeting ID: 844 8700 4176

Passcode: 1qUYsa

NEED FOR THE RULE(S)

Amends 462-160-0120 to extend minimum number of days to 30 following shockwave or radial wave therapy treatment. Brings Oregon into alignment with HISA, California and Washington.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Expert opinion and rules of HISA, California and Washington. Documents are electronically stored in the agency.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

Racial equity will not be affected.

FISCAL AND ECONOMIC IMPACT:

None

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

None

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small business were not involved. Not needed.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

Safety and medication committee consulted.

AMEND: 462-160-0120

RULE SUMMARY: Provides amendment to 462-160-0120 (3) (a) from 10 days to 30 days for shock wave treatment to bring in a alignment with HISA, California and Washington.

CHANGES TO RULE:

462-160-0120

Prohibited Practices ¶¶

The following are considered prohibited practices:¶¶

(1) The possession or use of a drug, substance, or medication on the premises of a facility under the jurisdiction of the commission that has not been approved by the United States Food and Drug Administration (FDA) for any use in (human or animal) is forbidden without prior permission of the commission or its designee.¶¶

(2) The possession and/or use of blood doping agents, including but not limited to those listed below, on the premises of a facility under the jurisdiction of the commission is forbidden:¶¶

(a) Erythropoietin;¶¶

(b) Darbepoetin;¶¶

(c) Oxyglobin[®]; and¶¶

(d) Hemopure[®].¶¶

(3) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy shall not be permitted unless the following conditions are met:¶¶

(a) Any treated horse shall not be permitted to race for a minimum of ~~1~~30 days following treatment;¶¶

(b) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines shall be limited to veterinarians licensed to practice by the commission;¶¶

(c) Any Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines on the association grounds must be registered with and approved by the commission or its designee before use; and¶¶

(d) All Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy treatments must be reported to a commission veterinarian on the prescribed form not later than the time prescribed by the commission veterinarians.¶¶

(4) The use of a nasogastric tube (a tube longer than six inches) for the administration of any substance within 24-hours prior to the original post time of the race in which the horse is entered is prohibited without the prior permission of a commission veterinarian.¶¶

- (5) No medication may be taken into a stall where a horse is stabled unless it is intended for use on that horse.¶
- (6) An animal may not participate in any race if the animal has been administered any drug that is prohibited by the commission less than 24 hours before the original post time for the race in which the horse is entered.
- Statutory/Other Authority: ORS 462.270(3)
- Statutes/Other Implemented: ORS 462.270, 462.415

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 462
OREGON RACING COMMISSION

FILED

01/23/2024 3:26 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amends OAR 462-220-0020 to provide language for updated location technology

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 03/21/2024 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

CONTACT: Karen Parkman
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PO Box 366
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Filed By:
Karen Parkman
Rules Coordinator

NEED FOR THE RULE(S)

Amendment provides for updated technology to better identify where wagers are coming from.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Information Technology. Documents are electronically stored in the agency.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

Proposed rule amendment will not affect racial equity.

FISCAL AND ECONOMIC IMPACT:

None

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

None

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

All advanced deposit wagering companies were involved and are the only businesses affected by the proposed rule.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 462-220-0020

RULE SUMMARY: Amendment of 462-220-002 provides for implementation of updated technology to be used for location.

CHANGES TO RULE:

462-220-0020

Account Wagering Rules Apply ¶¶

(1) The account wagering rules as set-forth in OAR 462-210-0010 through 462-210-0040 shall apply to the establishing and to the operation of an account for residents of the state of Oregon by the hub operator or its agents unless expressly noted otherwise in these rules.¶¶

(2) Notwithstanding OAR 462-210-0030(5) accounts can be established and operated for people whose principal residence is outside of the State of Oregon including residents of foreign jurisdictions if:¶¶

(a) Wagering on that same type of live racing is lawful in the jurisdiction which is the natural person's principal residence, and/or the hub utilizes geo-location technology that has been approved by the commission and are only accepting wagers in jurisdictions where wagering is legal; and¶¶

(b) The hub complies with the provisions of the Interstate Horseracing Act, 15 U.S.C. § 3001 to 3007.¶¶

(3) Notwithstanding OAR 462-210-0040(16) there will be no surcharge charged on any wager being processed through the hub for non-Oregon residents.¶¶

(4) Nothing in OAR 462-210-0020(4) prohibits the making and/or acceptance of wagers over a closed-loop subscriber based system.¶¶

(5) Requirements for the establishment and operation of accounts for individuals whose principle residence is outside of the state of Oregon shall be set forth in the operation plan as stated in OAR 462-220-0030(3).

Statutory/Other Authority: ORS 462.270(3), 462.725

Statutes/Other Implemented: ORS 462.725

462-220-0020

Account Wagering Rules Apply

(1) The account wagering rules as set forth in OAR 462-210-0010 through 462-210-0040 shall apply to the establishing and to the operation of an account for residents of the state of Oregon by the hub operator or its agents unless expressly noted otherwise in these rules.

(2) Notwithstanding OAR 462-210-0030(5) accounts can be established and operated for people whose principal residence is outside of the State of Oregon including residents of foreign jurisdictions if:

(a) Wagering on that same type of live racing is lawful in the jurisdiction which is the natural person's principal residence, and/or the hub utilizes ~~geo-location~~ technology or methodology that has been approved by the commission, that confirms wagers are placed from jurisdictions where wagering is legal; and

(b) The hub complies with the provisions of the Interstate Horseracing Act, 15 U.S.C. § 3001 to 3007.

(3) Notwithstanding OAR 462-210-0040(16) there will be no surcharge charged on any wager being processed through the hub for non-Oregon residents.

(4) Nothing in OAR 462-210-0020(4) prohibits the making and/or acceptance of wagers over a closed-loop subscriber-based system.

(5) Requirements for the establishment and operation of accounts for individuals whose principle residence is outside of the state of Oregon shall be set forth in the operation plan as stated in OAR 462-220-0030(3).

Statutory/Other Authority: ORS 462.270(3) & 462.725

Statutes/Other Implemented: ORS 462.725

Reason for rule: Updated technology may now be used for location.

Fiscal impact: None

Hearing: None

Blue text is new language during public comment.

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SECRETARY OF STATE

CHERYL MYERS
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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 462
OREGON RACING COMMISSION

FILED

01/23/2024 9:46 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amends OAR 462-160-0140 to provide updated clear language regarding testing

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 03/21/2024 10:30 AM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Karen Parkman
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PO Box 366
Gresham, OR 97030

Filed By:
Karen Parkman
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 03/21/2024

TIME: 10:00 AM - 10:30 AM

OFFICER: Quinn Berry

IN-PERSON HEARING DETAILS

ADDRESS: Via ZOOM, PO Box 366, Gresham, OR 97030

SPECIAL INSTRUCTIONS:

Via ZOOM

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-853-5927

SPECIAL INSTRUCTIONS:

Join Zoom Meeting

<https://us06web.zoom.us/j/82834015361?pwd=zcA32XmHzEb7Sk49gr7clxSJoBpE6X.1>

Meeting ID: 828 3401 5361

Passcode: 6u60Lr

NEED FOR THE RULE(S)

Update testing and lab sample language

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Medication and safety committee. Documents electronically stored in the agency.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

No affect on racial equity

FISCAL AND ECONOMIC IMPACT:

none

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

none

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small business were not involved. not necessary.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

Medication and safety committee consulted

AMEND: 462-160-0140

RULE SUMMARY: Amendment provides updated language for clarification.

CHANGES TO RULE:

462-160-0140

Testing ¶¶

(1) Reporting to the Test Barn:¶¶

(a) The board of stewards or a commission veterinarian may require that any horse to be tested for drugs prior to its removal from any list, after any race or workout, or whenever they have a board of stewards or a commission veterinarian has reasonable suspicion to believe that an illegal drug or excessive quantity of an authorized drug has been used in a any horse;¶¶

(b) The official winning horse and any other horse ordered by the commission and/or the stewards shall be taken to the test barn to have ~~a~~ blood and urine samples taken at the direction of a commission veterinarian. The horse(s) ordered to the test barn shall be identified by a readily identifiable tag or ribbon attached to the bridle;¶¶

(c) Random or extra testing may be required by the stewards or the commission veterinarian at any time on any horse on association grounds;¶¶

(d) Unless otherwise directed by the stewards or a commission veterinarian, a horse that is selected for testing must be taken directly to the test barn;¶¶

(e) A track security guard shall monitor access to the test barn area during hours posted by a commission veterinarian. All persons who wish to enter the test barn area must be a minimum of 15 years old, be currently licensed by the commission, display their commission identification badge and have a legitimate reason for being in the test barn area;¶¶

(f) Whenever requested by the stewards or a commission veterinarian, any horse on ~~an~~ at the racecourse or that was ~~on a~~ previously on the racecourse, shall be immediately submitted by the horse's owner or trainer to a commission veterinarian or designated representative for examination or testing. If the horse is not on the racecourse, it must be promptly returned to the racecourse. An extension of time may be granted if good cause is given at the time the request is made;¶¶

(g) A claimed horse shall remain in the care and custody of the original trainer or ~~his/~~ their representative until after the post-race test ~~has been taken~~ ing process is complete.¶¶

(2) Sample Collection:¶¶

(a) Sample collection shall be ~~done~~ completed in accordance with these rules and the guidelines and instructions

provided by a commission veterinarian;¶

(b) A commission veterinarian shall determine a minimum sample requirement for the primary testing laboratory;¶

(c) ~~If a urine sample is not obtained within one hour of the time the horse started walking, the commission veterinarian may administer furosemide to the horse. The needle and syringe used for the diuretic shall be labeled and attached to the urine sample container. The quantity of furosemide administered shall be indicated on all portions of the urine sample tag;¶~~

~~(d) Any examination made by a commission veterinarian or test taken by a commission veterinarian or designee may be witnessed by the owner, trainer, or the trainer's designated representative.¶~~

(3) Storage and Shipment of Split Samples:¶

(a) Split samples obtained in accordance with subsection (2) above shall be secured and made available for further testing in accordance with the following procedures:¶

(A) A split sample shall be secured in the test barn under the same manner as the portion of the specimen acquired for shipment to a primary laboratory until such time as specimens are packed and secured for shipment to the primary laboratory. Split samples shall ~~then be transferred~~ be stored to in a freezer and/or refrigerator at a secure location approved by the commission;¶

~~(B) A freezer and/or refrigerator for storage of split samples shall be opened only for depositing or removing split samples, for inventory, or for checking the condition of samples.¶~~

~~(C) Split samples remain the property of the commission and i. In the case of a compromised primary sample, the split sample shall be used as the primary sample.¶~~

(b) A trainer of a horse having been notified by commission staff that a prohibited substance or overage of a permitted medication has been found in ~~a sample~~ the primary sample that was sent to the officail laboratory, may request ~~at~~ the split sample be sent to another laboratory approved by the commission for referee testing. In the case of a compromised primary sample, the remaining portion of the split sample used by the primary laboratory for primary testing may be sent to another laboratory approved by the commission for the referee testing requested by the trainer of the horse. The request for referee testing must be made in writing, in person or by telephone. Payment for the referee testing must be paid in full and be delivered to a designated commission representative not later than 72-hours after the trainer of the horse receives notice of the findings of the primary laboratory. Notification, for the purpose of this rule, will include efforts to contact the trainer by commission staff using the information supplied by the trainer on ~~his~~ their license application.¶

(c) The trainer requesting referee testing of a split sample shall be responsible for the cost of shipping ~~an~~ the sample to the selected laboratory and also for the cot of the requested testing. Failure of the trainer or trainer's designee to appear at the time and place designated by a commission veterinarian or other commission staff shall constitute a waiver of all rights to split sample testing. Prior to shipment of the split sample, the commission shall confirm the split sampleelected receiving laboratory's willingness to provide the testing being requested and arrangements for payment satisfactory to the split sample laboratory; by the trainer or trainer designee and also the acceptability of the payment arrangements made by the trainer or their designee for payment of the requested sample testing.¶

(d) The package containing ~~the~~ any portion of a split sample shall be transported in ~~at~~ the manner prescribed by the commission to the location where custody is transferred to the delivery carrier charged with delivery of the package to the commission-approved laboratory selected by the owner or trainer;¶

(e) The commission will not release any portion of a horse's specimen lit sample to any representative of the horse. All expenses for areferee confirmation testing, including but not limited to transportation, analysis and personal testimony from the reference laboratory shall be borne by the horse's ~~representativ~~ trainer or the trainer's designee. A copy of all written material received by or from the laboratory which conducted the referee confirmation analysis shall be forwarded to the horse's ~~representativ~~ trainer or the trainer's designee. The commission or board of stewards may use the written material as evidence at any hearing.¶

(4) Laboratory Minimum Standards: Laboratories conducting either primary or split ~~race days~~ sample testing or other sample analysis must meet at least the following minimum standards:¶

(a) A testing laboratory must adhere to and comply with any standards set forth and required by the commission;¶

(b) A testing laboratory must have, or have access to, LC/MS instrumentation for screening and/or confirmation purposes;¶

(c) A testing laboratory must be able to meet minimum standards of detection, which is defined as the specific concentration at which a laboratory is expected to detect the presence of a particular drug and/or metabolite or by the adoption of a regulatory threshold.¶

(5) Refusal or Interfering With Sample(s)/Collection:¶

(a) Failure to ~~be present at~~ appear promptly for or refusal to allow the taking of a sample is prohibited;¶

(b) Any act, disturbance or threat to impede, prevent or interfere with the taking of a sample, ORC personnel ~~while's~~ documenting a sample or of the taking of a sample or ORC personnel's following of a commission

veterinarian's guidelines for collection and documentation of a sample is prohibited and shall be reported to the stewards;¶

(c) Any violation of this section shall be deemed an admission of violation of ORS 462.415(b).¶

(6) Substances That Cause Interference with Testing Procedures:¶

(a) If laboratory analysis detects any adulteration or substance in quantities that interfere with routine screening or the true and accurate testing and analysis of any sample taken from an animal, the laboratory shall perform alternate testing procedures to determine if any other prohibited drug(s) are present. If another prohibited or unauthorized drug is found, the sanctions for the use of such drug shall additionally apply;¶

(b) Sulfa drugs. Non-interfering levels of sulfa drugs in urine tests shall not be considered a violation of the prohibited medication statutes of ~~r~~ rules. ~~NA non-interfering level is shall be considered to be anything less the 1 microgram per milliliter of urine.~~¶

(7) Presence of A Prohibited Substance:¶

(a) Laboratory analysis of saliva, urine, blood or other sample taken from a horse on race day which indicates the presence of an unauthorized drug or an excessive quantity of an authorized drug shall be conclusive evidence that the horse contained that drug or quantity of drug on race day;¶

(b) When laboratory analysis confirms the presence of an unauthorized drug, the commission investigators shall immediately conduct a thorough investigation of the incident. and shall write up a detailed report for presentation to the board of stewards. The report should discuss the race, the winning horse, the losing horse(s) placement, post-race testing conditions and results, transport to the official testing laboratory and, if also used, referee testing laboratory, when the mailing was made to the laboratory, when the laboratory reports receiving the package, the condition of the package upon receipt if known, the type of testing used, the results of that testing as stated in the laboratory report along with any other information which may be relevant to the case. Within a reasonable time after receipt of the lab results and the writing of the investigative report, the stewards shall hold or request the commission to hold a hearing to determine if the horse on race day had an unauthorized drug and/or an excessive amount of an authorized drug in its system, ~~and if so,~~ The hearing shall also determine who was responsible for the horse's condition prior to and upon the race day that resulted in the sample testing performed by the laboratory;¶

(c) ~~If a horse on race day,~~ a horse is found in violation of the medication statutes and rules, excluding those statutes and rules governing the use of non-steroidal anti-inflammatory drugs, or also on race day is found with trace levels of therapeutic medications as determined by the commission as ~~authorized by~~ pursuant to ORS 462.415, its owners shall not participate in the purse distribution of that race and the horse shall be disqualified. Those owners shall promptly return any portion of the purse previously distributed to them, together with any trophy. When a horse is disqualified in a race because of this rule, the eligibility of other horses which ran in the race and which have started in a subsequent race before announcement of the disqualification shall not be affected. If the ruling or order disqualifying a horse is appealed to the commission, all horses involved in the race shall participate in future races based upon the original order of finish of the race in question until final disposition of the appeal by the commission.

Statutory/Other Authority: ORS 462.270(3)

Statutes/Other Implemented: ORS 462.270, 462.415