

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

12/18/2024 2:21 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amends 462-140-0320 (6) (i) regarding Infectious Equine Anemia (EIA) testing requirements

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 02/06/2025 10:00 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: 01/16/2025

TIME: 11:30 AM - 12:00 PM

OFFICER: Harvey Stein DVM

REMOTE HEARING DETAILS

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

PHONE NUMBER: 503-446-4951

SPECIAL INSTRUCTIONS:

Meeting ID: 276 625 706 574

Passcode: ES3oK3qM

NEED FOR THE RULE(S)

Equine Safety

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

OAR 603-011-1220 Department of Agriculture Import Requirements

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

No Affect

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 and are not affected

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 462-140-0320

RULE SUMMARY: Amends Infectious Equine Anemia (EIA) testing requirements

CHANGES TO RULE:

462-140-0320

Trainer ¶¶

- (1) The trainer shall be responsible for and shall be the absolute insurer of the condition of horses entered in an official workout or race, regardless of the acts of third persons.¶¶
- (a) The trainer is responsible for the presence of any prohibited drug, medication or other substance, including permitted medication in excess of the maximum allowable level, in such horses. A positive test for a prohibited drug, medication or substance, including permitted medication in excess of the maximum allowable level, as reported by a commission approved laboratory, is prima facie evidence of a violation of this rule.¶¶
- (b) If any of the trainer's duties are delegated to other personnel, the trainer remains responsible if those jobs are not properly done.¶¶
- (c) The trainer shall be responsible for the condition and contents of stalls, tack rooms, and other areas which have been assigned to the trainer by the association.¶¶
- (2) No trainer shall practice his/her profession except under the trainer's real and true name.¶¶
- (3) A trainer is responsible for insuring that all employees and owners under his/her supervision, and any other person who assists the trainer in the performance of his/her duties, are properly licensed with the commission and shall report to the commission within 24 hours the discharge or change of any permanent employee.¶¶
- (4) When a trainer is unable to perform the duties required of the trainer for a period of more than 24 hours, the trainer shall promptly notify the stewards and shall recommend another qualified person to assume the responsibilities of the trainer, subject to approval of the stewards. The trainer shall immediately advise the stewards when the regular trainer resumes his/her duties.¶¶
- (5) The trainer shall ensure that all horses under his/her care are in sound racing condition and are eligible under the conditions of the race before entering a horse in any race. If a trainer discovers that an entered horse is ineligible or no longer meets all entry requirements and conditions of the race, or is not in sound racing condition, the trainer shall immediately notify the racing secretary and submit any required form. A horse is not in sound racing condition if it is ill, lame, injured, not properly plated, is blind, or its vision is seriously impaired in both eyes.¶¶
- (6) It shall be the responsibility of the trainer to:¶¶
- (a) Attend their horse in the paddock, saddle and/or supervise the saddling of the horse, unless the permission of the stewards has been given to send another licensed trainer as a substitute.¶¶
- (b) Maintain the assigned stable area in a clean, neat and sanitary condition at all times:¶¶
- (c) Ensure that fire prevention rules are strictly observed in the assigned stable area.¶¶
- (d) Ensure the proper identity, custody, care, health, condition and safety of horses in his/her charge.¶¶
- (e) Disclose the true and entire ownership of each horse in his/her care, custody or control. Any change in ownership shall be reported immediately to, and approved by, the stewards and recorded by the racing secretary.¶¶
- (f) Train all horses owned wholly or in part by him/her which are participating at the meeting.¶¶
- (g) Register with the racing secretary each horse in his/her charge within 24 hours of the arrival on association grounds.¶¶

- (h) Ensure that, at the discretion of the Oregon Racing Commission, upon arrival at a licensed racetrack, each horse in his/her care is accompanied by a valid health certificate which shall be filed with the racing secretary.¶
- (i) ~~When and where required have each horse in his/her care that is racing, or is stabled on association grounds, All equines must have a negative official test for Equine Infectious Anemia (EIA) in accordance with state law and for filing evidence of such conducted within six months prior to entry onto any race track or training track under the jurisdiction of the Oregon Racing Commission. The negative EIA test results shall be filed as evidence with the racing secretary.¶~~
- (j) Use the services of those veterinarians licensed by the Commission to attend horses that are on association grounds.¶
- (k) Promptly report the death of any horse in his/her care on association grounds to the commission veterinarian and to maintain compliance with the rules in governing post-mortem examinations.¶
- (l) Maintain knowledge of medication record and status of all horses in his/her care.¶
- (m) Immediately report to the stewards and the official veterinarian if he/she knows, or has cause to believe, that a horse in his/her custody, care or control has received any prohibited drug or medication.¶
- (n) Represent an owner in making entries and scratches.¶
- (o) Ensure the fitness of a horse to perform creditably at the distance entered.¶
- (p) Ensure that his/her horses are properly shod, bandaged and equipped.¶
- (q) Attend the collection of urine or blood sample from the horse in his/her charge or delegate a licensed representative or the owner of the horse to do so.¶
- (r) Notify horse owners upon the revocation or suspension of his/her trainer's license. Upon application by the owner, the stewards may approve the transfer of such horses to the care of another licensed trainer, and upon such approved transfer, such horses may be entered to race.¶
- (7) No trainer shall remove or permit to be removed from the racecourse any horse under his or her care without written permission of the racing secretary.¶
- (8) The trainer shall see to it that the foal certificate of any horse in his/her care shows if a horse has been nerved, and shall verify that the horse's name is on the list of nerved horses posted by the racing secretary, and shall inform the commission veterinarian of any nerved horses.¶
- (9) No trainer shall employ a jockey for the purpose of preventing the jockey from riding in any race.¶
- (10) Any trainer that accepts the responsibility, either whole or in part, for the care or racing of another trainer's horse or horses may be held equally responsible for any violation of the Oregon rules of racing that occur while in his/her care.

Statutory/Other Authority: ORS 462.270(3)

Statutes/Other Implemented: ORS 462.270