

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
A Statement of Need and Fiscal Impact accompanies this form

FILED
4-13-16 12:23 PM
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Oregon Racing Commission
Agency and Division
Karen Parkman
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Oregon Racing Commission, 800 NE Oregon St., Suite 310, Portland, OR 97232
Address

462
Administrative Rules Chapter Number
(971) 673-0208
Telephone

RULE CAPTION

Prohibit use of Clenbuterol in American Quarter Horses at all race tracks in Oregon.
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Hearing Date	Time	Location	Hearings Officer
5-19-16	11:30 a.m.	PSOB 800 NE Oregon St. Portland, OR 97080 Room 1A	Charles Williamson

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:
N/A

AMEND:
462-160-0130 (11)

REPEAL:
N/A

RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.
N/A

AMEND AND RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.
N/A

Statutory Authority:
ORS 462-270 (3) & ORS 462-725

Other Authority:
N/A

Statutes Implemented:
ORS 462-270 (3) & ORS 462-725

RULE SUMMARY

Amends current rule to prohibit the use of Clenbuterol in American Quarter Horses at all race tracks in Oregon.

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.

05-19-2016 11:30 a.m.
Last Day (m/d/yyyy) and Time
for public comment

Karen Parkman
Rules Coordinator Name

karen.parkman@state.or.us
Email Address

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

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Agency and Division

Administrative Rules Chapter Number

Prohibit use of Clenbuterol in American Quarter Horses at all race tracks in Oregon.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

462-160-0130 (11)

Statutory Authority:

ORS 462-270 (3) & ORS 462-725

Other Authority:

N/A

Statutes Implemented:

ORS 462-270 (3) & ORS 462-725

Need for the Rule(s):

American Quarter Horse Association has banned Clenbuterole due to concerns of safety and welfare of horse and rider.

Documents Relied Upon, and where they are available:

Oregon Racing Commission (ORC) meeting minutes dated January 21, 2016. (document can be viewed on agency website, public comment section) and stakeholder rule amendment request document submitted February 17, 2016 by OQHRA, OHBPA, Oregon Racing Inc. (PM) available for review in the Administrative Office of the ORC located at 800 NE Oregon St. Portland, OR 97232.

Fiscal and Economic Impact:

None

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

None

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

None

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

No additional costs or record keeping required.

c. Equipment, supplies, labor and increased administration required for compliance:

None

How were small businesses involved in the development of this rule?

No need for small business involvement rule does not affect small businesses. Industry stakeholders developed rule amendment.

Administrative Rule Advisory Committee consulted?: No

If not, why?:

Rule amendment brought forward and submitted by industry stakeholders who serve as advisory committee members.

05-19-2016 11:30 a.m.

Karen Parkman

karen.parkman@state.or.us

Last Day (m/d/yyyy) and Time
for public comment

Printed Name

Email Address

Proposed Amendment to OAR 462-160-0130 (11) Clenbuterol

462-160-0130

Medications and Prohibited Substances

(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.

b. Notwithstanding (11) a, the use of Clenbuterol, albuterol, zilpateral, ractopamine or any analogues in American Quarter Horses racing at recognized race tracks in Oregon is prohibited. All Quarter horses entering an official race will be subject to testing by any biologic method including but not limited to hair, blood and urine. Hair test will be performed by a laboratory recognized by the Commission as having demonstrated the capability to perform hair tests.