

# **Oregon Racing Commission**



## **Horse Trainer Information Packet**

**Revised 7/2019**

## Table of Contents

### Oregon Administrative Rules – Oregon Racing Commission Chapter 462

1. Definitions – Division 110	Page 3
2. Licensing Procedures – Division 120	Page 10
3. Prohibited Conduct & Hearing Procedures – Division 130	Page 19
4. Duties – Division 140	Page 31
5. Horse Racing Reqs & Procedures – Division 150	Page 34
6. Horse Medication & Misc. Provisions – Division 160	Page 52

If you have questions please contact the Oregon Racing Commission at 971-673-0208

\*For a Complete List of Administrative Rules go to <https://secure.sos.state.or.us>

\*To Review the Oregon Revised Statutes Pertaining to Racing go to  
[https://www.oregonlegislature.gov/bills\\_laws/ors/ors462.html](https://www.oregonlegislature.gov/bills_laws/ors/ors462.html)

\*To Visit the Oregon Racing Commission Website go to [www.oregon.gov/racing](http://www.oregon.gov/racing)

# Oregon Administrative Rules

## DEFINITIONS – DIVISION 110

### **462-110-0010 Racing Definitions**

The following definitions and interpretations shall apply in these rules unless otherwise indicated or text otherwise requires (Words of the masculine gender include the feminine and neuter. Words in the singular include the plural and vice versa.):

- (1) "Added Money": Cash, exclusive of trophy or other award, added by the race meet licensee to stake fees paid by subscribers to form the total purse for a stakes race.
- (2) "Age": The age of a horse is calculated as beginning on the first of January in the year in which the horse is foaled.
- (3) "Allowance": Weights and other conditions of a race.
- (4) "Allowance Race": A race where there are both allowances and penalties, according to the conditions of the race, on monies or races won.
- (5) "Appropriate Horse Registry": For Thoroughbreds, the registry office of the Jockey Club (Lexington, Kentucky); for Quarter Horses, the American Quarter Horse Association (Amarillo, Texas); for Appaloosa horses, the Appaloosa Horse Club, Inc. (Moscow, Idaho); for Paint horses, the American Paint Horse Association (Fort Worth, Texas); for Arabians, the Arabian Horse Registry of America (Denver, Colorado); and for mules, the American Donkey and Mule Society (Lewisville, TX).
- (6) "Authorized User": A person authorized by the Oregon Racing Commission to receive, to decode and to use for legal purposes the encrypted signal of racing events in Oregon.
- (7) "Bleeder": Any horse known to have externally bled from its respiratory tract during a workout or race, and so designated by the commission veterinarian or any horse that has internal bleeding that is observed or verified by the commission veterinarian through endoscopic examination.
- (8) "Bleeder List": A tabulation of bleeders to be maintained by the commission.
- (9) "Blocked": Where there is no feeling in an injured area.
- (10) "Breakage": The odd cents by which the amount payable on each dollar wagered in a pari-mutuel pool exceeds a multiple to ten cents or to five cents in accordance with ORS 462.140.
- (11) "Breeder": The owner of the dam of a horse at the time the horse was foaled. A horse is "bred" at the place of its foaling.
- (12) "Carded": Scheduled and placed on the daily racing program.
- (13) "Claim Certificate" (Open Claim Certificate): A written document issued by the commission which permits a person to enter a claim for a horse without having a foal certificate in the race office.
- (14) "Claiming Race": A race in which all horses may be claimed and purchased for the amount specified in the conditions for that race by any person meeting the requirements of OAR 462-150-0030(2).

(15) "Combined Pari-Mutuel Pools", "Combined Pools": The pari-mutuel wagers at one or more off-track wagering facilities being contributed into the pari-mutuel pools of an Oregon host race meet licensee.

(16) "Commission": Oregon Racing Commission. Commissioner is a member of the commission.

(17) "Complaint": A written allegation of a violation of these rules or ORS Chapter 462.

(18) "Day" "Race Day" and "Simulcast Day": Any 24 hour period beginning at 12:01 a.m. and ending at midnight. "Racing Day" is a day on which live races are conducted at a race track in Oregon. "Calendar Days" are those consecutive days counted irrespective of number of racing days. "Simulcast Day" is a day that races from an out-of-state track are being simulcast into a track in Oregon on a day that there are no live races being run at the Oregon track. Simulcast days may only occur on days that fall within the period of time for which a race meet license has been granted by the commission. Unless otherwise specified, use of the word "day" shall mean a calendar day. In calculating the average daily handle for race meets, any race day in which some of the day's races are canceled due to natural occurrences, as determined by the commission, will be counted as a partial race day in the same proportion as the number of races actually run by the number of races carded to be run in the day's racing program.

(19) "Decoder": A device and/or means to convert encrypted audiovisual signals and/or data into a form recognizable as the original content of the signals.

(20) "Derby": A race exclusively for 3-year-olds, except for Arabians which is for 4-year-olds.

(21) "Designated Races": Stake and handicap races so designated by the stewards prior to the first day of the race meet.

(22) "Disqualification": An order of the stewards or commission revising the order of finish of a race.

(23) "Divided Race": A race in which there are so many entries that it is made into two separate races. A race becomes a divided race when it is announced by the racing secretary that he/she is dividing the race.

(24) "Drug": As defined in ORS 462.010(5).

(25) "Eligible": A horse which meets the conditions of the race.

(26) "Encryption", "Encrypted", "Encoded": The scrambling or other manipulation of the audiovisual signals to mask the original video content of the signal and so cause such signals to be indecipherable and unrecognizable to any person receiving such signal without using a decoder.

(27) "Engagement": The obligation of a jockey or horse to participate in a race.

(28) "Equipment": As applied to a horse, it includes the whip, blinkers, tongue restraint, muzzle, hood, nose band, bit, shadow role, martingale, breast plate, bandages in excess of six inches in length, boots, tail tie, plates and other items as approved by the Oregon Racing Commission.

(29) "Exotic Wager": Any single wager where three or more separate wagering interests are required to be selected.

(30) "Foal Certificate" or "Registration Papers": A document issued by the appropriate horse registry used for the identification and proof of ownership of the horse.

- (31) "Forfeit Money": Money due by a licensee because of error, fault, neglect of duty, or penalty imposed by order of the stewards.
- (32) "Free Handicap": A race in which no liability for entrance money is incurred.
- (33) "Futurity": A race for 2-year-olds, except Arabians which is for 3-year-olds, in which nominations are made a considerable time before the running of the race, often before the entered horse is born.
- (34) "Handicap": A race in which the weights to be carried by the horses are assigned by the racing secretary or handicapper for the purpose of equalizing the chances of winning for all horses entered.
- (35) "Horse": Any horse (including and designated as a mare, filly, stallion, colt, ridgling, or gelding) registered for racing under the jurisdiction of the commission and which requires a jockey to race.
- (36) "Host", "Host Association", "Host Track": The race track licensee conducting a licensed race meet when it is authorized by the Oregon Racing Commission to simulcast racing programs.
- (37) "Hub": A multi-jurisdictional simulcasting and interactive wagering totalizator hub is a business that, through a qualified subscriber based service, conducts pari-mutuel wagering on the races that it simulcasts and other races that it carries in its wagering menu.
- (38) "Ineligible": A horse or person not qualified under these rules or the conditions of a race to participate in a specified racing activity.
- (39) "In Today Horse": Any horse which has an opportunity to run in a race and enters again on the next day that entries are taken.
- (40) "Inquiry":
- (a) Action initiated by the board of stewards involving determination as to whether or not a foul has occurred during the running of a race.
  - (b) Investigation by the board of stewards of a violation or as a result of objection, to determine if a violation occurred.
- (41) "Intrastate Wagering": Pari-mutuel wagering at an off-track wagering facility on Oregon racing events being run at an Oregon host race meet licensee.
- (42) "Invitational Handicap": A handicap race for which the racing secretary has selected the contestants and assigned the weights.
- (43) "Licensee": Any person or entity holding a currently valid Oregon Racing Commission license to engage in racing or related regulated activities.
- (44) "Lessee": A person who holds a contract for the racing of a horse in the person's (lessee's) name.
- (45) "Lessor": A person who owns a horse and who leases part or all of it to another person.
- (46) "Maiden": A horse which at the time of starting has never won a race on the flat in any country on a recognized track. A maiden which has been disqualified after finishing first is still a maiden.

(47) "Match Race": A private sweepstakes between two or more horses which are the property of different owners. If prior to the running of the race any of the horses entered in the match dies or if any owner dies, the match is void. It remains a match even if money or another award is added to the stakes.

(48) "Maturity": A stakes race for four-year-olds, or four years old or older, except Arabians which is for five-year-olds, or five years old or older.

(49) "Month": A calendar month.

(50) "Mule": The offspring of a male donkey and a female horse. Mules shall race under the same rules as horses, unless otherwise directed by the Board of Stewards.

(51) "Nerve": To cut or remove a portion of a nerve, usually in a horse's leg, to decrease sensation.

(a) "Digital Neurectomy (Heel Nerve)": An operation performed on the digital nerve between the fetlock and the foot.

(b) "Volar Neurectomy (High Nerved)": An operation performed on the volar nerve that lies between the bottom of the knee and the fetlock joint.

(52) "Nomination": The naming of a horse for a stakes race in advance of the race.

(53) "Nominator": The person or persons who nominate a horse.

(54) "Non-starter": A horse that was not in the starting gate when the stall doors open when the starter dispatches the horses, or in the opinion of the stewards, was prevented from receiving a fair start. The stewards may determine any horse to be a non-starter if in their opinion to do so would protect the best interest of racing.

(55) "Objection":

(a) Action initiated by the owner, trainer, or jockey of a horse, claiming foul against another horse or jockey in a race.

(b) Action, initiated by licensee, to the stewards challenging the eligibility of an entered horse, or interpretation of a rule or policy.

(56) "Off-Track Enclosure", "Enclosure-Public": All areas of the off-track wagering facility.

(57) "Off-Track Wagering": Pari-mutuel wagering conducted on a race at a location other than the racecourse where the race is actually held.

(58) "Off-Track Wagering Facility", "Intrastate Wagering Facility", "Extended Wagering Facility": The physical premises, including parking areas, structures and equipment utilized by a race meet licensee for the conduct of pari-mutuel wagering on racing events being run elsewhere. (59) "Oregon Bred": A horse which was foaled in Oregon.

(60) "Original Post Time": For the purposes of medication administration, the "original" post time shall be the advertised post time provided to a commission veterinarian by the association and posted by a commission veterinarian or designee in the race office.

(61) "Out-of-State Wagering": Acceptance of wagers by a race meet licensee authorized by ORS 462.062 or 462.067 on a race or races run outside of the State of Oregon.

(62) "Overnight Race": A race for which entries close 96 hours or less before the time set for the first race of the day on which the race is to be run, and to which no fees are contributed by horsemen.

(63) "Paddock": The paddock is the confined area where horses are assembled for saddling prior to a race.

(64) "Penalty": Depending upon the context:

(a) The excess of weight a horse must carry in a race because of the race's conditions; or

(b) The fining or suspension of a licensee by the stewards or the governing body having jurisdiction over the race meet.

(65) "Person": Unless the context clearly shows otherwise, person as used in these rules includes individuals, partnerships, corporations, political subdivisions and municipal corporations.

(66) "Post": The starting point of a race.

(67) "Post Position": The starting position assigned to a horse at the time the race is drawn.

(68) "Prize": The combined total of any cash, premium, trophy, and object of value awarded to the owners of horses according to the order of finish in a race.

(69) "Produce Race": A race made of the progeny of certain nominated stallions.

(70) "Purse": The gross cash portion of the prize for which a race is run.

(71) "Purse Race": A race for money or any other prize to which the owners of the horses entered do not contribute.

(72) "Race": An official contest among racing animals for purse or other prize at any recognized race meet and in the presence of the officials of the track as defined by ORS 462.010(10).

(73) "Race Meet Licensee": A person, partnership, corporation, or any other body conducting a licensed race meeting in Oregon.

(74) "Racecourse": The entire area licensed to the race meet licensee, as defined in ORS 462.010(11).

(75) "Racing Officials":

(a) Commission officials include the presiding state steward, deputy state steward, commission veterinarians, photofinish operator, commission chief investigator, commission investigators, supervisor of licensing and pari-mutuels, commission auditors and any other commission employee designated by the commission or the executive director.

(b) Race meet licensee officials include the race meet general manager, assistant general manager, association steward, director of racing, racing secretary, paddock judge, patrol judge, jockey room supervisor, placing judges, identifier, starter, clocker, clerk of scales, stall superintendent, track superintendent, paymaster of purses, mutuel manager, assistant mutuel manager, odds maker, outriders,

plate inspector, chief of security, TRPB agent and any other person designated by the commission or the executive director.

(76) "Recognized Race Meet": Any race meet which is under the jurisdiction of an official racing commission or other official racing body.

(77) "Recognized Track": A track on which official results are published in the Daily Racing Form, Equibase or other racing publication approved by the commission.

(78) "Restricted Area": Includes, but is not limited to, the office of the racing secretary, stable area enclosure, paddock area, the room occupied by the stewards, photofinish operator, video camera and control system, announcer, the pari-mutuel work areas, totalizator computer room, jockey room and weighing area, test barn area, and any other area designated as "RESTRICTED" by the commission.

(79) "Revocation": The withdrawal of license privileges for all licenses held unless stated otherwise within the order. Revocations also include denial of access to all areas of the racecourse and all off-track wagering sites in Oregon and all other areas under the jurisdiction of the commission unless otherwise stated in the order. An individual who has had his/her license privileges revoked will remain revoked until such time the commission takes official action to reinstate the license.

(80) "Ruled Off": The act of barring a person or horse from the grounds of a race meet licensee and denying all racing and other privileges.

(81) "Rundown": A bandage on a horse's leg not exceeding six inches in height.

(82) "Runner": As used in many places; designates a horse.

(83) "Scratch": The act of withdrawing an entered horse from a race.

(84) "Scratch Time": The time established and posted by the racing secretary after which no horses may be scratched, except by the stewards, or, when authorized, by the commission veterinarian or the starter.

(85) "Sending Track": The race track from which a simulcast emanates for interstate wagering.

(86) "Simulcast", "Simulcasting":

(a) Live audiovisual electronic signals emanating from a licensed race meeting and transmitted simultaneously with the running of the racing events at that meeting, and includes the transmission of pari-mutuel wagering odds, amounts wagered and payoff on such events, and other racing programming relating to the race animals or participants, or

(b) Such other form of electronic signals of animal racing as is approved by the commission.

(87) "Simulcast Operator": A person with a contract with the host race meet licensee, and authorized by the Oregon Racing Commission to operate a simulcast wagering system.

(88) "Simulcast Service Supplier": A person engaged in providing service, supplies or equipment necessary to the operation of intrastate or out-of-state simulcast wagering for use by the host race meet licensee, authorized user, including pari-mutuel wagering terminals, television receivers and related equipment.

(89) "Stable": A place to house horses.

- (a) "Trainer Stable": One or more stalls assigned to a trainer.
- (b) "Stable Name": An assumed name licensed to one or more owners.
- (c) "Trainers Stable Name": Used for trainers advertising.
- (90) "Stakes Race": A race to which nominators of the entries contribute to a purse, to which money or any other award may be added. No overnight race shall be deemed a stakes race.
- (91) "Starter": A horse which is in the starting gate when the stall doors open in front of it at the time the starter dispatches the horses. The stewards may, in their discretion, determine a horse to be a nonstarter.
- (92) "Starter Allowance Race": An allowance race that includes the condition that a horse must have previously started for a specified claiming price. If a horse has been claimed, it is not eligible to enter a starter allowance race for the price at which it was claimed until it has started in a claiming race in which the claiming price does not exceed the price at which it was claimed.
- (93) "Starter Race": A race based upon a horse having previously started for a specified claiming price.
- (94) "Stewards": The persons employed or approved by the commission who are responsible for the proper conduct of a race meet. The terms stewards and board of stewards are used interchangeably.
- (95) "Subscription": The act of nominating a horse to a stakes race.
- (96) "Substitute Race": A race which replaces a race already carded, but abandoned because of insufficient entries or too many scratches.
- (97) "Suspension": The withdrawal of license privileges for a period of time. Suspensions also include denial of access to all areas of the racecourse and all off-track wagering sites in Oregon and all other areas under the jurisdiction of the commission unless otherwise stated in the order.
- (98) "Sweepstakes": Same as "stakes race".
- (99) "Unauthorized Area": Includes the stewards' stand, test barn, jockeys' room, scale room, and mutuel work areas.
- (100) "Wagering Interest": A single horse, or more than one horse joined as a "mutuel entry" or joined in the "mutuel field", on which a single pari-mutuel wager may be placed.
- (101) "Weigh In": The presentation of a jockey to the clerk of scales for weighing after a race.
- (102) "Weigh Out": The presentation of a jockey to the clerk of scales for weighing prior to a race.
- (103) "Workout": A training exercise of a horse where the horse is asked for speed over a specific distance.

**Statutory/Other Authority:** ORS 462.270(3)

**Statutes/Other Implemented:** ORS 462.270

## LICENSING PROCEDURES – DIVISION 120

### **462-120-0010 Who Must Be Licensed**

ORS 462.020 states: Licensing required for race meets, persons participating in race meets and public training tracks; licensees to observe rules and orders.

(1) No person shall hold any race meet without having first obtained and having in full force and effect a license therefore issued by the commission.

(2) No trainer, jockey, apprentice jockey, horse owner, exercise rider, agent, authorized agent, jockey's agent, stable foreman, groom, valet, veterinarian, horseshoer, steward, stable watchman, starter, timer or other person acting as a participant or official at any race meet, including all employees of the pari-mutuel department, owners and mutuel managers of off-track establishments, employees of multi-jurisdictional simulcasting and interactive wagering totalizator hubs, who work within the State of Oregon, shall participate in race meets without having first obtained and having in full force and effect a license issued by the commission, pursuant to such rules as the commission shall make. The commission by rule may require other employees of a race meet licensee who are engaged in or performing duties at the race course to obtain a license issued by the commission prior to engaging or performing such duties. The commission by rule may also require persons, including corporations, who are not employees of a race meet licensee, but who are authorized to do business at the race course, to obtain a license issued by the commission prior to conducting such business.

(3) No person shall operate a public training track without having first obtained and having in full force and effect a license issued by the commission.

(4) The commission may require each licensee to be fingerprinted and photographed as part of the licensing procedure.

(5) Each person holding a license under this chapter shall comply with all rules and orders of the commission.

(6) Notwithstanding the requirements of subsection (2) of this section, the commission, upon receipt of a written application for a license on forms provided by the commission, may in its sound discretion issue a temporary license valid for a period not to exceed 10 days pending final approval or disapproval of the written application for a license.

**Statutory/Other Authority:** ORS 462.250

**Statutes/Other Implemented:** ORS 462.020

### **462-120-0020 Search; Warrant/Warrantless**

(1) Any person who applies for or is issued a license by the commission and any person who enters a restricted area is deemed to have given consent to a warrantless search by commission investigators or stewards of the person's personal property (including clothing worn and items carried by the person), the person's vehicle and any premises which the person occupies while the person or the property is in any place under the jurisdiction of the commission, subject to the following:

(a) The investigators or stewards may search during times that the race meet is licensed to conduct racing and for 30 days prior to the beginning and 30 days after the end of the race meet.

(b) The investigators or stewards may search when they have a reasonable suspicion that the person possesses stolen property, a prohibited or injectable drug or medication, controlled substance, unauthorized hypodermic instrument, needle or syringe, unauthorized mechanical or electrical devices, unauthorized equipment, contraband (including illegal gambling paraphernalia), weapon or other evidence of a violation of racing statute or administrative rules.

(c) Notwithstanding the provisions of subsection (b), the investigators may perform a periodic inspection of the jockey room, including the assigned space of any jockey. The investigators may also periodically use a metal detector to inspect each jockey for contraband prior to leaving the jockey area for the saddling paddock. These inspections may be conducted without prior notice.

(d) If the subject of the search is not an applicant for a license or licensed by the commission, the search may be conducted only if the person was given oral or written notice of this rule upon entering the restricted area, or if the person is a trespasser onto the restricted area.

(e) If the search concerns the person or the property of a licensee who is represented by an association pertaining to racing and recognized by the Oregon Racing Commission, the person will be informed that they have the right to have an association representative to witness the search, if one is available at that time or within 15 minutes of the time that the search is requested by the investigator or steward. If the licensee is not informed of the right, it will not invalidate the search. If the representative is not immediately available, the subject of the search must be under the observation of the investigator or steward until the representative arrives or fails to arrive in the prescribed time.

(f) Failure of any person to consent to a search in accordance with this rule will subject the person to appropriate discipline, including, if the person is a licensee, suspension and ruling-off by the stewards, and possible revocation by the commission, or will subject the person to ejection and/or exclusion from places under the jurisdiction of the commission if an applicant or other unlicensed person. All persons to be searched shall be advised that failure to permit a search may result in revocation of their license (if a licensee) or exclusion from restricted premises (if not licensed).

(g) Nothing in this rule prohibits the application for and the execution of an administrative or criminal search warrant if appropriate under the circumstances.

(2) Any person in custody or control of any materials described in subsection (1)(b) of this rule shall immediately surrender those materials to an investigator upon request. Every race meet licensee and all officials and employees thereof shall give every possible aid and assistance to any department, bureau, division, officer, agent, inspector, or other person connected with the United States government or with the State of Oregon or other political subdivision who may be investigating or prosecuting any person suspected of possessing any drug, narcotic, stimulant, depressant, or local anesthetic, hypodermic syringes, hypodermic needles, or any electrical, mechanical, or other device which, in the opinion of the stewards, is of such character as could affect the racing condition of a horse in a race. Upon the specific request of the individual being searched, a split sample of any suspected prohibited drug or medication, or controlled substance, or other material suspected of containing any of them shall be obtained unless there is insufficient specimen for a split sample. Any materials surrendered to an investigator pursuant to this rule will be returned, subject to amounts needed for analysis, if it is later found that the material was lawfully possessed.

**Statutory/Other Authority:** ORS 462.250

**Statutes/Other Implemented:** ORS 462.450

### **462-120-0030 Minimum Work Age**

(1) Minimum Work Age Requirements. No person under 15 years of age shall be employed on a racecourse during a licensed race meet. However, a licensed parent or legal guardian may be permitted

to employ his or her child around the stable area if the child is 14 years of age or older and licensed for the category.

(2) Any applicant for a license or any licensee under the age of 18 must show evidence of active participation in a certified education program within the last five months, have a high school diploma or have a plan acceptable to the stewards.

(3) Exercise riders and pony riders must be at least 15 years of age.

(4) Jockeys and apprentice jockeys must be at least 16 years of age.

(5) Assistant trainers must be at least 17 years of age.

(6) Trainers and racing officials must be at least 18 years of age.

**Statutory/Other Authority:** ORS 462.250

**Statutes/Other Implemented:** ORS 462.250

#### **462-120-0040 Types of Licenses**

(1) Every person, in order to obtain and maintain his/her qualifications for any license held by him/her, shall attest to the knowledge of the rules and statutes, including all amendments.

(2) Licenses are personal in nature and expire upon the death of the licensee, and therefore are void and without effect as a pre-requisite for the entry of a horse.

(3)(a) When the decedent was the sole owner the only mechanism by which the horse(s) may be entered or run before the property rights in those horses have been fully and completely transferred through legacy, intestate succession or authorized sale, is as follows: upon presentation of letter of administration or letters testamentary issued by a court of competent jurisdiction, or small estate affidavit, the person named in the letter or affidavit shall be licensed as an authorized agent of the estate of the decedent and allowed to enter the horse(s) formerly owned by the decedent, subject to any limitations imposed by the court.

(b) When the decedent was the owner in part, the Board of Stewards may allow the horse(s) to be entered and raced by the survivors provided any decedent's share of monies earned are held pending legal transfer through legacy, intestate succession or authorized sale. In order for this to be considered, the Board of Stewards must be presented with a letter of administration or letters testamentary issued by a court of competent jurisdiction, or small estate affidavit, the person named in the letter or affidavit shall be licensed as an authorized agent of the estate of the decedent and allowed to enter the horse(s) formerly owned by the decedent, subject to any limitations imposed by the court.

(4) Each person described below must have a valid license issued by the commission before participating in or beginning employment at a licensed race meet:

(a) A race meet license is required of any person or corporation who conducts pari-mutuel racing.

(b) A horse owner's license is required of every person who is shown as an owner or lessee on the horse's registration papers or foal certificate, of every person who has a right to receive any share of a purse of a horse racing in Oregon, of any lessor of any horse racing in Oregon if that person receives any share of the purses won by the leased horse(s), and of every person who owns or operates a stable which races horses in a licensed race meet in Oregon, and any person who has a right to receive any part of a stable owner's share of a purse of a horse racing in Oregon. However, a licensed employee of a

stable may receive, as part of the employee's compensation, a percentage of the stable's earnings without having a horse owner's license and without being shown on the registration papers.

(A) The trainer representing an owner may file a temporary license application on behalf of the owner by signing the application and paying the applicable license fees. The temporary license shall be terminated if the applicant's fingerprints, completed application(s), and such other documentation as may be required for license are not submitted to the Commission within 30 days following the date of issuance of the license. In the event of termination of a temporary license, the occupational license fee shall be forfeited. Termination of a temporary license is without prejudice to the applicant unless the Commission finds that the applicant has made a material misrepresentation or false statement to the Commission to obtain a license privilege. No more than one temporary license shall be issued to an applicant without that applicant first submitting to the Commission such fingerprints and completed applications as required under this article.

(B) The stable owner must disclose the employees' percentage to the commission in writing prior to any payment to the employees. A spouse of an owner does not need to be licensed unless the spouse's name appears on the horse's registration papers or foal certificate. No person is eligible for a horse owner's license unless the person has an officially documented ownership interest in a racehorse unless otherwise approved by the stewards.

(c) An owner's license/prospective owner's license with valid claim certificate is required of any person wishing to claim a horse if they do not have an eligible race horse with its registration papers on file in the race office.

(d) A stable/assumed name owner's license is required if the name appears as an owner on the registration papers of any animal racing in Oregon.

(e) A trainer's license is required of persons employed by a racing animal owner or stable to condition and care for racing animals racing in Oregon.

(f) An assistant trainer's license is required of persons who assist trainers.

(g) Applicants for a horse trainer's license or assistant horse trainer's license may be required to pass a written examination given by the board of stewards and a commission veterinarian to demonstrate they have the knowledge and ability to handle the duties of their position. Any person who has not been licensed as trainer or assistant trainer in Oregon may be required to submit to a practical exam given by a commission representative and/or a representative of the recognized horsemen's association for the breed with which the applicant wishes to work. The stewards shall consider any recommendation received from the commission representative or the horsemen's association representative. Applicants for a trainer's license must have held a license in a backside license category for a period of at least two years and must have the recommendation of at least 3 trainers currently licensed by the commission prior to being granted a trainer's license. Applicants for an assistant trainer's license must have been licensed in a backside license category for a period of at least one year prior to being granted an assistant trainer's license.

(h) A jockey license or apprentice jockey license is required of any person who rides a horse in a race. However, when there is doubt as to a jockey's experience or ability, the stewards may require an applicant for a jockey license or apprentice jockey license to demonstrate the ability to control a horse and to ride in two or more races before a license is issued. Also, the starter may require applicants to satisfactorily demonstrate their ability to control horses out of the gate. Notwithstanding OAR 462-120-0060 the temporary license may be for a period longer than 10 days in order for the stewards to evaluate the applicant's skill. All jockeys must pass physical examinations once a year. A physical examination must include but is not limited to a vision test and urine and/or blood tests. The stewards may require that any jockey be reexamined and may refuse to allow any jockey to ride until he/she successfully completes

such examination. A physical card or physician's release will be seen as initial proof of such examination; however, the stewards may require additional information on the examination.

(i) An exercise rider license is required of any persons, other than licensed jockeys or apprentice jockeys, who exercise or work out horses. The stewards may require evidence of competency.

(A) Except as otherwise provided under this rule, an applicant for a provisional exercise rider license shall provide evidence that an Oregon licensed trainer employs him or her by submitting a notarized Provisional Exercise Rider Agreement. The notary acknowledgement is not necessary if the Agreement is signed before a Commission employee. The form shall be available at Commission licensing offices at live race meetings, and at Commission headquarters offices.

(B) A licensed provisional exercise rider shall:

(i) Not enter the track without the permission of the outrider and, unless the outrider states otherwise, shall be accompanied by the mounted trainer/ employer or the trainer's assistant trainer while on the track.

(ii) While on the track wear a helmet cover and vest cover of a distinctive color as determined by the outrider.

(C) A provisional exercise rider may apply for license as exercise rider 60 calendar days after the date of issue of his or her provisional exercise rider license.

(i) At the time of application for license as exercise rider, the provisional exercise rider shall submit a recommendation card that has been signed by the outrider, the starter and a steward. The recommendation card is available at Commission licensing offices at live race meetings, and Commission headquarter offices. By signing the recommendation card the outrider, the starter and the steward certify that the applicant has:

(a) Been observed riding one or more horses on the racetrack to the extent necessary for the outrider and starter to determine if the applicant has demonstrated an ability to safely navigate and respond to track conditions and knowledge of starting gate procedures.

(b) Complete and pass a written examination prescribed by the Commission and administered by its agents. A score of 80 percent shall constitute a passing grade on the written examination.

(D) An applicant who fails to adequately demonstrate horsemanship or who fails the written examination may reapply for a license as exercise rider after a period of at least 90 days.

(j) A pony rider license is required of any person who, while on horseback, leads horses to and from the stable area and paddock, or from the paddock to the starting gate. The stewards may require evidence of competency.

(k) A horseshoer license is required of any person who performs the usual services of a horseshoer on a racecourse. Farriers who have not been previously licensed by the commission must submit an application accompanied by the written recommendation of three trainers who are licensed by the commission, recommendation of the track plater or have a certificate of completion from an approved Farrier school. The recommendations must include a statement that the trainer knows the farrier to be qualified to be licensed as a farrier. All farriers not previously licensed by any racing jurisdiction may be subject to examination as directed by the stewards, prior to licensing.

(l) A groom's license is required of any person not licensed as an assistant trainer who works for a trainer. A groom, upon discontinued employment by a trainer, must surrender their license to security or commission licensing personnel within 10 days, to be returned when employed during the license period. A groom's license is not a freelance license.

(m) A public training track owner's license is required of every person who owns or manages a public training track.

(n) A veterinarian license is required of any veterinarian licensed by the Oregon Veterinary Medical Examining Board who performs veterinary services on a racecourse. A current copy of that license must be on file with the commission licensing office.

(o) A valet/assistant starter license is required of any person who assists or attends jockeys in the jockey room or saddling paddock, or assists the starter at the starting gate.

(p) Each owner, officer, director, all employees of the race meet licensee employed at a racecourse and its contractees must be licensed by the Oregon Racing Commission except:

(A) Contractees who perform most of their principal functions away from the racecourse such as certified accountants, attorneys, insurance brokers, advertising agents and other similar contractors.

(B) Other contractors or individuals designated by the commission.

(q) A vendor's license is required of any person, other than a veterinarian licensed by the Oregon Racing Commission, who solicits the sale of goods or services (used to feed, care for, or equip racing animals) to racing animal owners, stable owners or trainers on a racecourse.

(r) An authorized agent's license is required of authorized agents.

(A) A licensed owner may register an authorized agent by filing an application to register an authorized agent with the commission and by paying the fee set by the commission. No person shall be registered as an authorized agent who is ineligible for a license. An authorized agent may act for the registering owner as set forth in the application form. No authorized agent may sign on behalf of any owner the certificate of registration for any racing animal in the absence of a valid power of attorney authorizing such signature.

(B) No authorized agent may perform any duties until such person is licensed and has filed with the commission a current written instrument signed by the principal before a notary public or before an employee of the commission. The instrument must clearly set forth the powers given to the authorized agent. Any power to collect money from the race meet licensee must be expressly stated in the written instrument. Upon licensing, each authorized agent must file a copy of the written instrument with the paymaster of purses.

(C) Any changes in the powers delegated by the principal to the authorized agent must be made in writing, witnessed, and filed with the commission and the paymaster of purses.

(D) Unless due to expiration of the license or term agreement set forth in the written instrument, any revocation by the principal of the authorized agent's authority must be made in writing, witnessed, and filed with the commission and the paymaster of purses.

(s) A jockey agent's license is required of any person who makes engagements for or manages a jockey.

(t) A racing official license is required of anyone performing the duties of any racing official position.

(A) Racing officials shall be listed by name and racing official position on the race meet licensee application and approved by the commission. After the initial approval of race officials, any change in the position held by a racing official from one category to another must be approved by the stewards or commission.

(B) A racing official may work as an assistant starter or valet without obtaining additional licenses, provided it doesn't interfere with the official duties of the racing official. However, assistant starters and valets must be licensed as a racing official to perform the functions of a racing official.

(5) Working members of the media who are not employed by a race meet licensee do not need to be licensed in order to enter restricted areas. However, they must display a current valid "press" badge at all times when in a restricted area. Prior approval must be obtained from the stewards or office of the race meet licensee during non-race time, and they must be escorted by a race meet licensee representative while in the restricted area.

**Statutory/Other Authority:** ORS 462.250

**Statutes/Other Implemented:** ORS 462.020

### **462-120-0070 Stable Names**

(1) The commission will not license a stable name if the Association of Racing Commissioners International (ARCI) registry shows that someone else has already registered that stable name or a name which is so similar that it could mislead the public, if the stable name is the real name of any horse owner, or the stable name is determined by the stewards to be detrimental to the best interests of racing.

(2) No owner may race under a stable name unless the stable is licensed by the commission. A person may own or have an interest in horses which race out of different stables so long as all ownership interests are disclosed in writing to the commission and the race office. A person may not use his or her real name if the person has a licensed stable name and wholly owns the horses in the stable.

(3) When applying for a stable name license, the applicant must disclose the identities of all persons having an interest in the stable.

(4) In order to change the name of a stable, without changing the ownership interest of the stable, a person must apply for a new stable name license.

(5) If a partnership with a written agreement is involved in the ownership of a stable, the partnership agreement must be in compliance with the rules covering partnerships.

(6) If a corporation is involved in the ownership of a stable, the corporation must be in compliance with the rules covering corporations.

(7) The stable name shall be carried on the official program.

(8) No individual participating as a trainer or assistant trainer at a race meet may have any interest in a stable or stable name at the same race meet except that for which he or she is the trainer or assistant trainer except with permission of the stewards (such as difference in breeds).

(9) The commission may refuse to license any stable whose name is misleading to the public or unbecoming to the sport.

**Statutory/Other Authority:** ORS 462.250

**Statutes/Other Implemented:** ORS 462.020

## **462-120-0090 Assumed Names**

(1) The commission will not license an assumed name if the Association of Racing Commissioners International (ARCI) registry shows that someone else has already registered that name or a name which is so similar that it could mislead the public, if the name is the real name of any racing animal owner, or the name is determined by the stewards to be detrimental to the best interests of racing.

(2) No owner may race under an assumed name unless the name is licensed by the commission. A person may own or have an interest in racing animals which race out of different stables so long as all ownership interests are disclosed in writing to the commission and the race office. A person may not use his or her real name if the person has a licensed stable/assumed name and wholly owns the horses in the stable.

(3) When applying for an assumed name license, the applicant must disclose the identities of all persons having an interest in the assumed name.

(4) In order to change the assumed name, without changing the ownership interest of the name, a person must apply for a new assumed name license.

(5) If a partnership with a written agreement is involved in the ownership of an assumed name the rules covering partnerships must be complied with.

(6) If a corporation is involved in the ownership of an assumed name, the rules covering corporations must be complied with.

(7) The assumed name shall be carried on the official program.

(8) No individual participating as a trainer or assistant trainer at a horse race meet may have any interest in a stable or assumed name at the same race meet except that for which he or she is the trainer or assistant trainer except with permission of the stewards (such as difference in breeds).

**Statutory/Other Authority:** ORS 462.250

**Statutes/Other Implemented:** ORS 462.020

## **462-120-0110 When License Valid; Restricted Areas; Use and Display of License**

(1) When License May Be Used. Licensees shall use their license to enter a restricted area only when necessary to perform duties as a participant in a race meet. Any licensee who is employed by or is an authorized agent for a racing animal owner, stable owner, trainer or race meet licensee, shall promptly surrender their license to the commission upon termination of their employment or agent relationship. The commission shall keep the license until the license expires or until the licensee is again employed as a participant in a race meet.

(2) Restricted Area, Unauthorized Area. No one may enter a restricted area without a displayed current license issued by the commission, except commission members or employees, media representatives, and guests displaying a guest pass duly issued by the commission. No person (including licensee) may enter an unauthorized area without a proper credential or license or permission of the stewards. Guests must be accompanied by security personnel, a commission employee or representative, or a

representative of the race meet licensee. For stable area only: Owners, trainers, association officials, racing officials, and commission personnel may register guests at the entrance to the stable. Any other licensee wishing to register guests at the entrance must meet the criteria of a guest pass system developed by the race meet licensee and approved by the executive director of the commission. The licensed participant is responsible for the actions of the guest and must accompany the guest around the area.

(3) Possession and Display of License. Licensees who enter a racecourse must carry their license with them at all times and must show the license to any racing official upon request. Licensees who enter any restricted area shall at all times have displayed on their person, with photo visible, their commission license. All guests in a restricted area shall display their guest pass at all times. Guests are not permitted to perform work functions.

(4) Protection of License. Licensees must take all reasonable precautions to safeguard their license, to prevent the license from being lost, misplaced or stolen. No licensee shall allow any other person to use the licensee's license for any purpose whatsoever. Licenses are not transferable.

(5) Possession of a license does not guarantee the right of the license holder to employment at or participation in a race meet or to be within the enclosure. A licensee must have a business purpose to be within any restricted area on a racecourse.

**Statutory/Other Authority:** ORS 462.270(3)

**Statutes/Other Implemented:** ORS 462.020

#### **462-120-0120 Additional Grounds for Refusing a License**

In addition to the specific licensing criteria listed in ORS 462.075:

(1) An application by a corporation may be denied if any officer, director, or stockholder could be denied a license.

(2) An application by a partnership may be denied if any general or limited partner could be denied a license.

(3) The commission may refuse to license or may suspend the license of anyone who accumulates unpaid obligations, or defaults in obligations, or otherwise displays financial irresponsibility in connection with the feeding, care, maintenance, training, equipment, and racing of racing animals. Financial irresponsibility as used in this rule means the debtor obligation has been reduced to judgment and remains unsatisfied, or the licensee does not dispute the obligations and the obligations remain unpaid.

(4) A license application may be denied for any reason which could constitute grounds for suspension or revocation. A license may be suspended and/or revoked if it is determined, through means of a due process, that the applicant could have been refused a license if the true facts were known at the time the license was issued or commits an act subsequent to being licensed that would disqualify the licensee from holding that license.

(5) A licensee of the Oregon Racing Commission must report any criminal charges (either misdemeanor or felony) against the licensee to any staff member of the Oregon Racing Commission as soon as possible after the event occurs; but no later than 72-hours after the charges are filed. Failure to comply may result in an immediate license suspension and further disciplinary action as determined appropriate by the Commission Stewards.

## PROHIBITED CONDUCT AND HEARING PROCEDURES – DIVISION 130

### **462-130-0010 Prohibited Conduct; Investigations; Discipline**

(1) No person (including licensees) shall:

(a) Incite, encourage, instruct, assist, or cause or attempt to cause another person to engage in any violation of ORS Chapter 462 or any rule of the commission, or to commit any prohibited act in relation to racing in another racing jurisdiction.

(b) Offer or accept any form of compensation for cashing a pari-mutuel ticket for another.

(c) Direct any personally offensive language, inappropriate gesture or sign, profanity, obscenity, or abusive epithets toward any racing official or employee of the commission at any place under the jurisdiction of the racing commission.

(d) Take any action upon a racecourse that creates or causes a clear and present danger of violence.

(e) Initiate any physical altercation with another person on a racecourse.

(f) Threaten another person with physical harm or probable physical harm.

(g) Refuse to obey reasonable orders or directions of a racing official, security personnel of the race meet licensee or Oregon Racing Commission employees.

(h) Sell or offer to sell tip sheets or any other written, electronic or oral predictions as to the outcome of races at any place under the jurisdiction of the commission unless licensed to do so by the commission.

(i) Gamble, bet, or wager on a racecourse except as authorized by the State of Oregon.

(j) Except for the race meet licensee, solicit any wagers from the public.

(k) Give or offer to give any bribe directly or indirectly, to any licensee, racing official, commission member or employee, or any other person having official duties in relation to any race, racecourse, or racing animal.

(l) Tamper or attempt to tamper with an animal, or apply or aid in applying to an animal or possess on a racecourse any electrical or mechanical device or prohibited medication intended to affect the performance of an animal.

(m) Possess a hypodermic needle or usable injectable syringe on which a needle may be attached on a racecourse, except veterinarians or veterinarian assistants licensed by the Oregon Racing Commission. On a racecourse, veterinarians may use only one-time disposable needles, and shall dispose of them appropriately, according to Oregon Veterinary Medical Examining Board standards. If a person has a medical condition which makes it necessary to have a syringe on the racecourse, that person must request permission of the stewards in writing, furnish a letter from a licensed physician explaining why it is necessary for the person to have a syringe on the racecourse, and must comply with any conditions and restrictions set by the stewards.

(n) Administer, offer to administer, or allow to be administered to any racing animal any prohibited drug or medication, or an unauthorized quantity of an approved drug or medication.

(o) Alter or forge a prescription for medication for a racing animal, or any legal document including but not limited to: a bill of sale, a claim blank, a license application, a treatment form, a registration certificate, ownership registration certificate, lease certificate, a check, or a license application.

(p) Impersonate any racing official, commission member or employee, or any other person having official duties in relation to any race, racecourse, or animal in any manner including forging any of these individuals' names or initials on any document.

(q) Submit or knowingly allow to be submitted to the commission, commission personnel, racing secretary or any racing animal registry, any report or document or application which contains false or misleading information.

(r) Mar or alter any identification mark on a racing animal.

(s) With the exception of commission staff and racing officials in the conduct of official business, use cell phones in the paddock, jockeys' room, test barn enclosure/area and on the racing surface when the area is actively in use.

(t) Smoke inside the test barn/storage area, under the covered portion of the stables, including stalls, tack rooms, shedrow, or in designated "No Smoking" areas.

(u) Use any tobacco products or have food or beverages in the designated testing areas.

(v) Test barn commission staff is permitted to have food or beverages in specified areas only under the following conditions:

(A) Test barn staff is to be free of food residues on their person and to wash their hands prior to testing horses or handling samples.

(B) Food or beverage items that contain prohibited substances are not permitted in the test barn enclosure.

(w) Possess on a racecourse any deadly weapon or firearm, a BB gun, blow gun, pellet gun or similar device, except law enforcement officers, commission officials and security personnel.

(x) While employed by the race meet licensee, racing commission or acting as a racing official, wager at the racecourse where employed or working, while on duty, or ask any other person to place a bet on their behalf. This includes individuals working under contract with the race meet licensee during the racing program and the employees of contractors of the race meet licensee who are working during the racing program.

(y) Allow any person under the age of eighteen (18) years to place or collect a wager. Race meet licensee shall turn over to the proper civil authorities any person who violates this rule, to be punished upon conviction of any such violation, according to law. This rule shall be posted conspicuously at entrance gates and throughout wagering areas. The license of any employee participating in any transaction relative to wagering with persons under the age of eighteen (18) years may be summarily, suspended or revoked.

(z) Move, nominate or enter to race a racing animal on a racecourse except with express permission of the trainer, racing secretary, owner, stall superintendent or the stewards.

(aa) Submit any animal in their charge to cruel or inhumane treatment. Cruel or inhumane treatment includes, but is not limited to:

(A) Inadequate food, shelter and water as defined by typical industry standards for those animals kept in similar climates and conditions;

(B) Neglect in any manner, including adequate veterinary care and attention when necessary;

(C) Conditions which cause the animal unnecessary physical pain or suffering;

(D) Prohibited conduct described in ORS 167.310 to 167.388 in the form the statute provided on the effective date of this rule.

(bb) Commit theft or buy, sell or possess any stolen property, or buy, sell or possess any illegal contraband.

(cc) Illegally influence or conspire, or attempt to influence or conspire, to affect the result of any race or manipulate the odds in which an animal participates.

(dd) Violate any written agreement entered into with the Oregon Racing Commission, the board of stewards or any other commission employee as a result of an order of the commission or stewards.

(ee) Engage in any lewd, obscene, indecent, or inappropriate conduct

(2) No licensee shall:

(a) Enter for official racing, official schooling, start, cause or allow to be entered or start, a racing animal that the licensee knows or should know does not meet all entry requirements.

(b) Come onto a racecourse or participate in a race meet while suspended, excluded or ruled off by the official body of any racing jurisdiction unless otherwise ordered by the board of stewards or the Oregon Racing Commission.

(c) Knowingly harbor or otherwise enable the unlawful presence of any individual who is suspended or revoked by the official body of any racing jurisdiction or excluded by the race meet licensee.

(d) Fail to immediately notify the racing secretary when the licensee discovers that any entry or starting requirement for a racing animal under the licensee's control is not met or is no longer being met.

(e) Allow or cause a scratch to become necessary, which could have been avoided by the exercise of reasonable care.

(f) Fail to request a scratch immediately upon learning that a scratch is necessary.

(g) Solicit, offer or accept any bribe in any form, directly or indirectly, to or from any person, in connection with any race meet in any racing jurisdiction which is a member of Association of Racing Commissioners International (ARCI). A conviction is not required in order to prove a violation of this rule.

(h) Commit any corrupt, fraudulent, or unlawful act on any racecourse or in connection with any race meet in any racing jurisdiction which is a member of ARCI.

(i) Fail to cooperate with commission personnel, officials or security personnel when requested to comply with these statutes and rules relating to racing.

(j) Fail to report to the stewards' office promptly upon request.

- (k) Be intoxicated or under the influence of controlled substances in a restricted area or on duty.
- (l) Lodge a frivolous complaint.
- (m) Knowingly allow an unlicensed person to participate in a race meet if the licensee knows or should know that the person is required to be licensed.
- (n) Fail to properly escort unlicensed individuals after registering them with security personnel as guests.
- (o) Fail to immediately report to the commission the unlicensed participation in a race meet of any person who the licensee knows or should know is required to be licensed.
- (p) Fail to report promptly to a commission representative any possession or use of a prohibited drug, prohibited medication or prohibited paraphernalia.
- (q) Fail to notify the commission in writing of a change of officer, director, stockholder (except for publicly traded corporations), or partner, within 30 days, if the change occurred during a race meet, or prior to the next race meet, if the change occurred after a race meet.
- (r) Ride a horse on the racecourse without properly wearing an approved helmet and vest.
- (s) Retain any prize or purse money which the person has reason to know was paid in error or lost because of disqualification or commission action as a result of an appeal.
- (t) If an owner, assistant trainer, groom or other person having charge, custody or care of a racing animal, fail to protect the racing animal and guard it against the administration of unauthorized drugs or any other illegal conduct.
- (u) Direct, by use of language, gesture or sign, any profanity, obscenity or abusive epithets toward the public at a racecourse.
- (v) Direct any personally offensive language, inappropriate gesture or sign, profanity, obscenity, or abusive epithets toward any person while in view of the public.
- (w) Allow anyone other than participating jockey, authorized racing officials, representatives of the commission, licensed valets and authorized licensed vendors in the jockey room between two hours before post time for the first race of the day and one hour after the last race without consent of the stewards for each time of entry.
- (x) Other than a licensed jockey agent, make engagements for a jockey. A jockey may make his/her own engagements if not represented by a jockey agent.
- (y) Engage in any dishonest conduct on a racecourse.
- (z) Engage in any unprofessional conduct on a racecourse.
- (aa) Willfully and deliberately fail or refuse to pay any monies when due for any service, supplies or fees connected with their operations as a licensee; nor shall a licensee falsely deny any such amount due or the validity of the complaint thereof with the purpose of hindering or delaying the payment of the debt or defrauding the person to whom the indebtedness is due.

(bb) Write, issue, make or present any check in payment for any license fee, fine, nomination or entry fee or other fees, or for any service or supplies when such licensee knows or should reasonably know that the said check will be refused for payment by the bank upon which it is written, or that the account upon which the check is written does not contain sufficient funds for payment of the said check, or that the check is a stop payment check or is written on a closed account or a nonexistent account. The fact that such a check is returned to the payee by the bank as refused, constitutes a rebuttable presumption for a finding of financial irresponsibility.

(cc) Except in cases deemed appropriate by the board of stewards, no person shall enter the stalls, shed row, tack rooms, feed sheds or the immediate adjacent area of the locations, unless the person has prior approval of the trainer to whom the locations are assigned by the association. This rule does not apply to racing officials, investigators of the commission, security officers, employees or agents of the association who are on duty, law enforcement or fire protection officers, or employees, agents or representatives of the trainer to whom the locations are assigned.

### (3) Substance Abuse:

(a) Alcohol Consumption: No licensee may have present within his/her system an amount of alcohol which would constitute being intoxicated, defined as .08% blood alcohol content or greater, while in a restricted area. No jockey, apprentice jockey, valet, assistant starter, pony person, exercise person, or racing official may have present within his/her system an amount of alcohol which would constitute being impaired, defined as .02% or greater blood alcohol content, while responsible for performing their official duties.

(A) Any licensee may be required to take a breath alcohol test prior to their participation in racing events.

(B) Acting with reasonable suspicion, the stewards, or a designated Racing Commission representative, may direct any licensee to submit to a breathalyzer test to determine blood alcohol content.

(C) Refusal to take a breath test will be considered as positive evidence of a violation of subsection (3)(a).

### (D) Sanctions for Alcohol Violations

(i) Penalties for a first offense may result in a fine and/or a suspension up to 15 days. The licensee may be required to present an evaluation by a certified rehabilitation program approved in advance by the commission. If the evaluation determines treatment is needed, the licensee shall provide documented proof of completion or current enrollment in an appropriate certified rehabilitation program prior to reinstatement.

(ii) Penalties for a second offense may result in a fine and suspension up to 30 days. The licensee may be required to present an evaluation by a certified rehabilitation program approved in advance by the commission. If the evaluation determines treatment is needed, the licensee shall provide documented proof of completion or current enrollment in an appropriate certified rehabilitation program prior to reinstatement.

(iii) Penalties for third and subsequent offenses shall result in a fine and suspension for no less than 90 days. The licensee shall be required to present an evaluation by a certified rehabilitation program approved in advance by the commission. If the evaluation determines treatment is needed, the licensee shall provide documented proof of completion or current enrollment in an appropriate certified rehabilitation program prior to reinstatement.

(iv) A history of substance abuse violations other than alcohol may be considered as aggravating circumstances when considering penalties for alcohol abuse, and may result in penalties greater than those listed in these rules.

(b) Drugs/Controlled Substances: No licensee within any place under the jurisdiction of the racing commission shall have in the licensee's body any controlled substance or drug listed in Schedules I through V of 21 USC Section 812 except for a drug which was obtained or taken pursuant to a valid legal written prescription or order from a licensed physician acting in the course of the physician's professional conduct and which is produced by the licensee upon request.

(A) Acting with reasonable suspicion, the stewards, or a designated racing commission representative, may direct any licensee observed in a restricted area or any racing official acting in their capacity to submit to drug testing for analysis. When so directed, said licensee shall submit to such examination. If the result of the test indicates the presence of a controlled substance as delineated above, or if the person refuses to be tested, either for reasonable suspicion or under random testing criteria, or if the specimen was adulterated as reported by the official testing laboratory, the person may be fined and/or suspended as described in this rule. If the laboratory determines that the sample is dilute, the licensee being tested shall be required to submit another urine sample. To ensure the sample will not be dilute, the licensee will be required to report for testing at a specified time and remain until the sample is acquired.

(B) Controlled Substance Testing Expense: Except for split samples, laboratory analysis will be performed at the racing commission's expense, unless pursuant to a prior order of the stewards or commission reinstating the licensee, or the person produced an adulterated specimen, in which case retesting may be performed only after the person pays the cost of the first test to the commission.

#### (C) Sanctions for Controlled Substance Violations

(i) A licensee's first violation may in a fine and/or suspension. If suspended, reinstatement shall not occur until the licensee has been evaluated by, and a current written report is received from, a drug counselor certified by the State of Oregon and who is approved in advance by the commission or stewards. If the report states that treatment is required, reinstatement shall not occur until the licensee presents documented proof of current enrollment in or completion of an appropriate certified rehabilitation program approved in advance by the commission. Reinstatement is also subject to licensee producing at licensee's expense, a negative test from a laboratory approved in advance by the commission, and the licensee agreeing in writing to submit urine specimens at the request of the stewards, or designated racing commission representative, for not less than five years, or until no longer licensed. Any failure to comply with the certified counselor's and/or stewards' instructions may result in immediate suspension.

(ii) A licensee's second violation within five years of the first violation shall result in an indefinite suspension and reinstatement shall not occur until the licensee completes all of the contingencies listed above in subsection (i).

(iii) A licensee's third violation within seven years of the second violation shall result in a suspension of up to 365 days and may include referral to the commission for consideration of exclusion and/or revocation of the license.

(iv) A history of alcohol abuse violations may be considered as aggravating circumstances when considering penalties for drug abuse violations and may result in penalties greater than those listed in these rules.

#### (D) Prescription Medication:

(i) Any licensee who has obtained a medical prescription for any drug listed in Schedules I through V of 21 USC Section 812 may be required to furnish the Commission or the stewards written documentation

from the issuing physician that the use of the prescribed drug will not impede the licensee from performing the duties for which they are licensed or threaten the safety or welfare of others or a racing animal.

(ii) If, in the opinion of the board of stewards, the use of any lawfully prescribed drug listed in Schedules I through V of 21 USC Section 812 would or could pose a threat to the health, safety or welfare of the licensee, others or a racing animal, the board of stewards, after having an appropriate hearing, can bar the licensee from entering a restricted area of any racecourse or their handling of any race animal subject to appeal.

(E) Knowledge of a person's voluntary and active participation in an approved rehabilitation program will not constitute grounds for "reasonable suspicion" under this rule.

(4) Any licensee who violates any provision of ORS Chapter 462 or any rule adopted there under is subject to further discipline by the board of stewards, up to the limits imposed by law, and also is subject to further discipline by the racing commission, including suspension, revocation, civil penalties, exclusion, probation, and such other discipline as may be appropriate in the case. Whenever a licensee is suspended, the stewards have the commission's authority to also exclude him or her. Any non-licensee who, in the opinion of the stewards, acts in a manner detrimental to racing may be subject to exclusion.

(5) When grounds exist for suspension of a license, the stewards or commission may also impose other appropriate sanctions including, but not limited to, forfeiture of purse, return of prizes, ruling off, or forbidding entry of racing animals.

(6) When a license is suspended, it may be suspended for all categories licensed, including reciprocity suspensions.

(7) Ejection. The race meet licensee may eject any person from the race course for any reasons and in any manner that is not contrary to law. The race meet licensee shall notify the commission within 24 hours of any ejection or arrest occurring on the racecourse, including the details thereof.

(8) All licensees shall report any known irregularities or wrong doings by any person immediately to a commission employee and cooperate in subsequent investigations.

**Statutory/Other Authority:** ORS 462.270(3)

**Statutes/Other Implemented:** ORS 462.270

### **462-130-0020 Reciprocity Suspension**

The board of stewards or the commission may suspend, prior to any hearing, the license of any person whose license is currently suspended or revoked by an official body of another state or country for violation of the racing laws or regulations of that jurisdiction. However, at the time the board of stewards or commission issues a suspension order, the licensee shall be promptly notified of the right to contest the suspension and request a hearing under ORS 183 (the Oregon Administrative Procedures Act) before an administrative law judge and subsequent commission consideration of the proposed order regarding the matter.

**Statutory/Other Authority:** ORS 462.270(3)

**Statutes/Other Implemented:** ORS 462.270

### **462-130-0030 Informal Stewards' Hearing**

The board of stewards, at their discretion, may hold an informal hearing with a licensee and any other appropriate persons in order to discuss an alleged or apparent violation of the statutes or rules of racing by the licensee. Oral notice to the licensee is sufficient to commence an informal hearing. After the hearing, no sanction or penalty may be imposed by the stewards, except those involving riding infractions, unless all affected parties agree to it.

**Statutory/Other Authority:** ORS 462.270(3)

**Statutes/Other Implemented:** ORS 462.405

### **462-130-0040 Formal Stewards' Hearing**

(1) If the board of stewards has reason to believe that a violation has occurred, they may hold a formal hearing after providing written notice to the licensee. The written notice shall:

- (a) Cite the statutes or rules which were allegedly violated.
- (b) Briefly describe the time, place, and nature of the alleged violation(s).
- (c) Identify the type of penalty or sanction which may be imposed.
- (d) Specify the time and place of the hearing, at least three calendar days after service of the notice excluding Saturdays, Sundays, and legal holidays, unless all parties agree to an earlier time.
- (e) State that the licensee may be represented by an attorney licensed to practice in the state of Oregon.
- (f) Be personally served within the timeline set forth in OAR 462-130-0040(1)(d) or mailed by first class mail to the current address on file for the licensee at least ten days prior to the hearing. (2) If given the option by the board of stewards, the licensee may waive the right to a formal stewards' hearing by signing a waiver agreeing to the penalty or sanctions listed on the waiver. By signing the waiver the licensee waives the right to appeal the penalty to the commission, as provided by OAR 462-130-0050.

(3) If the licensee does not sign a written waiver, the board of stewards shall hold a formal hearing. At least two stewards shall be present. The fact finding portion of the hearing shall be open. The state steward or designee shall preside, and within reason, shall allow all available evidence to be presented, without regard for technical rules of procedure or rules of evidence. All witnesses must testify under oath. The hearing may be recorded. After hearing the evidence and any closing statements, the stewards may deliberate in private before making a decision. Unless the charges are dismissed, the decision shall be put in the form of a written order either finding the licensee guilty of a violation or referring the case for a formal commission hearing or a combination thereof. If the licensee is found guilty of a violation, the order shall:

- (a) Identify the licensee by name and license classification.
- (b) Identify the specific statutes or rules violated.
- (c) Set forth the findings of fact which establish the violation(s).
- (d) Indicate the penalty or sanctions to be imposed, and when they are to go into effect.

(e) Inform the licensee of the right to appeal to the commission and to request a stay pending appeal as provided in OAR 462-130-0050.

(4) Notification to the licensee of a written order, for the purpose of this rule, will include efforts to contact the licensee by commission staff using the information supplied by the licensee on his/her license application. Thereafter, copies shall be sent to the commission and posted in a designated area at the racecourse for a period of two racing days. Fines must be paid within ten calendar days of the effective date of the order. Failure to pay a fine within the time limit described by this rule may result in a suspension of up to 30 days after the fine is paid in full.

(5) The licensee may still appeal the matter to the commission for a formal commission hearing, and for good cause may request that the commission executive director stay the stewards' penalty pending the commission hearing. The executive director has discretion whether or not to grant the stay.

(6) Any licensee who fails to appear before the stewards after having been given notice by the stewards, a racing official, or an investigator of the commission, in accordance with these rules or by any ruling or order which has been issued and published directing such appearance, may be suspended and the case may be referred to the commission. Failure to appear in response to such order shall be a separate cause for disciplinary action.

**Statutory/Other Authority:** ORS 462.270(3)

**Statutes/Other Implemented:** ORS 462.405

#### **462-130-0050 Appeal to the Commission; Stay Pending Appeal**

(1) Any person who is the subject of any stewards' order or ruling, other than those involving a decision concerning a disqualification in a race due to a foul or riding infraction, may request a hearing under ORS 183 (the Oregon Administrative Procedures Act) before an administrative law judge and subsequent commission consideration of the proposed order regarding the matter, other than as to the extent of disqualification for a foul in a race. The appeal must be in writing and filed with the commission offices at the Portland State Office Building, 800 NE Oregon Street, Suite 310, Portland, Oregon 97232, within ten days from the date the order or ruling is served, unless a different time is expressly specified. The filing date will be the postmark date on the envelope or other credible documentation of the date the appeal was sent to the commission. The appeal must be signed by the appealing party and shall set forth clearly and concisely the following information:

(a) The order, ruling, or decision to be reviewed and the date thereof.

(b) The specific acts or failure to act which gave cause to the appeal and the dates thereof.

(c) The reasons for the appeal.

(d) The address to which any notices from the commission may be mailed to the appealing party.

(2) An appeal from an order or ruling of the stewards to the commission shall not affect such decision until the appeal has been acted upon by the commission, unless otherwise ordered by the commission or by a court of competent jurisdiction.

(3) At the time a licensee submits a written appeal to the commission, the licensee may request in writing that the commission stay the effective date of any penalty or sanction imposed by the stewards. The request should state any good cause that supports the request. The executive director or commissioner in the absence of the executive director may, in his/her discretion, grant the stay for good cause shown.

(4) An appeal may not be withdrawn except with the approval of the executive director.

(5) Appeals to the commission shall be heard within 90 days from the date the appeal request is received in the commission's main office, unless a continuance is requested by the licensee or the assistant attorney general and approved by the executive director or the hearings officer.

**Statutory/Other Authority:** ORS 462.270(3)

**Statutes/Other Implemented:** ORS 462.405

### **462-130-0060 Commission Hearing**

The commission may initiate a formal hearing on its own motion, or shall have a formal hearing held as a result of receipt of an appeal as provided in OAR 462-130-0050 or upon referral from the stewards. Commission hearings shall be conducted by an administrative law judge from the Office of Administrative Hearings under ORS 183 (the Oregon Administrative Procedures Act). Commission hearings conducted by the Office of Administrative Hearings will be de novo, which means the commission will consider anew all evidence and charges against the licensee. Subject to objections which may be made at the hearing, the commission may incorporate all or part of the stewards' record into its own record. If the commission concludes that a violation occurred, it may order any appropriate penalty or sanction, including but not limited to warning, letter of reprimand, probation, fine, suspension, license revocation, exclusion, or any combination. Final orders of the commission may be appealed to the Oregon Court of Appeals as provided in ORS 183.480.

**Statutory/Other Authority:** ORS 462.270(3)

**Statutes/Other Implemented:** ORS 462.405

### **462-130-0070 License Reinstatement**

(1) Application.

(a) Any person who was licensed by the commission but whose license was revoked, or whose license was surrendered while under investigation or while pending a disciplinary proceeding, and who desires to become relicensed by the commission must make application for reinstatement by:

(A) Completing a license reinstatement form provided by commission staff, along with a completed license application and fee, and

(B) Otherwise complying with this rule.

(b) The application shall contain sufficient information on its face or on accompanying documents so that the commission may make an informed decision regarding:

(A) The applicant's reformation,

(B) The applicant's remorse for the conduct and character deficiencies that caused the disciplinary action,

(C) The applicant's current good moral character,

(D) The applicant's general fitness to engage in the activities required by the type of license, including, without limitation, the licensee's willingness to abide by the statutes, rules, regulations and orders relating to racing in Oregon, and

(E) Whether the applicant's presence in places under the jurisdiction of the commission may be detrimental to the best interests of racing.

(2) Ineligibility. A person will be presumed ineligible for reinstatement of any license if that person's license was revoked or was surrendered while under investigation or pending a disciplinary proceeding, based upon the following allegations:

(a) Fixing or attempting to fix a race on which pari-mutuel gambling was intended to be conducted or attempting to manipulate the odds.

(b) Training any racing animal using a live animal or a dead animal or a part of a live or dead animal as a lure.

(c) Committing animal abuse in the first degree, animal neglect in the first degree, or involvement in animal fighting or in dog fighting, if any such charges are proven by at least a preponderance of the evidence or the person was convicted, plead guilty or entered a no contest plea.

(d) Stealing, extorting or misappropriating money from any source under the direct control of or owned by the commission, or from a race track's money room or extension thereof, or from any race meet account held in trust for another or from any nonprofit organization whose purpose is to benefit members of the racing industry or racing animals.

(e) Committing any misdemeanor or felony person crime if directed against a person who is a commissioner, commission legal counsel, an employee of the commission, or an agent of the commission, racing official or employee of the race meet licensee engaged in that capacity.

(3) Procedure.

(a) An application for reinstatement of license shall not be accepted by commission staff for at least two years after the license has been revoked or surrendered unless a different time period is specified by the commission at the time of the revocation or surrender.

(b) The application shall be filed in the commission office and reviewed and investigated by commission staff. Except for good cause shown, no less than 90 days after receipt of the application, the board of stewards shall make a recommendation to the commission concerning the applicant's compliance with these rules and whether or not the applicant appears to have met the criteria for reinstatement.

(c) If the board of stewards recommends reinstatement, the application shall be forwarded to the commission for consideration. If the commission denies the application, it shall comply with ORS 183.435.

(d) The commission will require a greater quantum of evidence to support reinstatement of a license after revocation (or surrender while under investigation or pending a disciplinary process) than is required of initial applicants or for issuance of licenses under other circumstances. The applicant for reinstatement shall have the burden of proving by clear and convincing evidence that the applicant meets the criteria required by this rule and also has the burden of producing evidence in support of the applicant's position. If the applicant produces evidence which meets the burden of proof, and it is not overcome by evidence to the contrary, then the applicant will be reinstated, however, nothing in this rule precludes the commission from issuing a license with conditions attached.

(e) The commission may impose such conditions as, in its judgment, will tend to prevent a reoccurrence of a situation similar to the applicant's prior problem. The reinstated license may be subject to such conditions for a reasonable period of time considering all the circumstances. If the applicant obeys all laws, rules and the conditions of licensure for the prescribed period of time, the license will be restored fully without conditions. The order granting a conditional license may state that breach of any of the conditions will result in loss of license without the right to a prior hearing.

(f) If the board of stewards does not recommend reinstatement, the applicant shall be notified of this recommendation in writing. Applicant has the right to request a hearing under ORS 183 before an administrative law judge and subsequent commission consideration of the adverse recommendation. The appeal must be in writing and filed with the commission offices at Portland State Office Building, 800 NE Oregon Street, Suite 310, Portland, Oregon 97232, within ten days from the effective date of the board of stewards' recommendation. The appeal must be signed by the appealing party and shall set forth clearly and concisely the following information:

(A) The recommendation to be reviewed and the date thereof.

(B) The reason for the appeal.

(C) The address to which any notices from the commission may be mailed to the appealing party.

(4) Criteria. The following factors must be proven to the commission by clear and convincing evidence in favor of the applicant in order to support reinstatement of license:

(a) Applicant has reformed and is now possessed of good moral character. Applicant may meet this burden by proving that applicant is a person who possesses the sense of ethical responsibility and the maturity of character to withstand the many temptations which the applicant will confront in and around the race course and other sites under the jurisdiction of the commission. Stronger proof of good character is required to reinstate a license where a character flaw was earlier established in the case or investigation against the applicant.

(b) Applicant must identify the character flaw which led to the conduct which resulted in the revocation or surrender of license. Applicant must prove that the character flaw no longer exists or is under control by applicant; i.e., applicant is reformed with respect to the particular flaw.

(c) Applicant must present evidence that his or her presence at places under the jurisdiction of the commission will not be detrimental to the best interests of racing. Many of the other criteria, if met, will tend to prove this factor, but other evidence may be required. If the applicant has performed activities for the public good or for the good of members of the racing community during the time that applicant was not licensed, that is some evidence that applicant's presence may not be detrimental to the best interests of racing.

(d) Applicant acknowledges wrongdoing, has taken responsibility for his or her misconduct, and shows sincere remorse for that misconduct. Evidence that demonstrates that the applicant has not made excuses, has not blamed others and has not criticized the administrative process and the courts and has cooperated in the investigation which led to the revocation or surrender is the type of evidence that shows acknowledgement of wrongdoing and misconduct; but this list is not exclusive. Evidence of remorse is more subjective and the demeanor of the applicant and any oral testimony or written references of other witnesses generally will be relevant.

(e) If applicable in the particular case, resolution of substance abuse problems, personal financial problems and medical, mental and emotional problems which did or may have contributed to the revocation or surrender. Applicant must show general fitness to perform the functions required by the particular licensed position without substantially altering the nature of the job.

(f) Willingness to pay restitution to those who were injured or victimized by applicant's prior conduct resulting in the disciplinary action, as well as other similar conduct for which applicant is responsible. This criterion is best met by paying restitution that equitably should be paid.

(g) Willingness to comply with the statutes, rules, regulations and orders relating to racing in Oregon.

**Statutory/Other Authority:** ORS 462.270(3)  
**Statutes/Other Implemented:** ORS 462.075

## DUTIES – DIVISION 140

### **462-140-0010 Authorized Agent**

An authorized agent may act for the registering owner as set forth in the application form. No authorized agent may sign on behalf of any owner the certificate of registration for any racing animal in the absence of a valid power of attorney authorizing such signature.

**Statutory/Other Authority:** ORS 462.270(3)  
**Statutes/Other Implemented:** ORS 462.270

### **462-140-0320 Duties of 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, test for Equine Infectious Anemia (EIA) in accordance with state law and for filing evidence of such negative test results 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

#### **462-140-0030 Duties of Assistant Trainer**

Assistant trainers have the same duties as trainers, and may be held equally responsible with the regular trainer as the absolute ensurer of the condition of racing animals in their care.

**Statutory/Other Authority:** ORS 462.270(3)

**Statutes/Other Implemented:** ORS 462.270

#### **462-140-0360 Pony Rider and Exercise Rider**

(1) All exercise and pony riders shall wear a safety helmet and safety vest of the type approved by the commission when working, exercising, or ponying horses. The chinstrap of the helmet must be securely fastened.

(2) No device other than authorized riding equipment may be used for any workout.

(3) Pony riders are required to present a neat and clean appearance and conduct themselves in an orderly manner, and are prohibited from holding conversations with the public or from holding any unnecessary conversations with one another enroute to the starting gate. Smoking is not allowed during the post parade.

(4) Pony riders may not wager on the results of any race in which they perform official duties.

(5) No pony which is leading a horse in the post parade shall obstruct the public's view of the horse it is leading, except with permission of the stewards.

(6) Pony and exercise riders may provide assistance to a trainer in the paddock.

**Statutory/Other Authority:** ORS 462.270(3)  
**Statutes/Other Implemented:** ORS 462.270

#### **462-140-0380 Groom**

- (1) A groom assists the trainer or assistant trainer in the care of a racehorse.
- (2) A groom may assist the trainer or assistant trainer in the paddock.
- (3) A groom may be the trainer's or assistant trainer's authorized representative in the test barn.
- (4) A groom must be employed and on a trainer's list of employees.

**Statutory/Other Authority:** ORS 462.270(3)  
**Statutes/Other Implemented:** ORS 462.270

### HORSE RACING REQUIREMENTS AND PROCEDURES – DIVISION 150

#### **462-150-0010 Workouts; Exercise; Schooling**

- (1) An official workout must be under the supervision of the clocker. The galloping or ponying of horses for exercise, and unofficial schooling out of the gate, are not official workouts.
- (2) Before a horse has an official workout, the trainer shall ensure that the clocker is notified and the horse is properly identified. Mandatory schooling must be under the supervision of the appropriate racing official, who must keep a record of the results of the schooling. Official workouts must be timed and recorded. Official workouts may be accepted from other training tracks if the track and clocker are approved and licensed by the commission.
- (3) Official workouts may be accepted from a race meet or licensed public training track in another state if reported by a licensed clocker of the other state to the licensed clocker in Oregon or reported in the Daily Racing Form, or other approved publications.
- (4) No devices other than authorized riding equipment may be used for any workout, and no horse shall be worked out while under the influence of a prohibited drug or an unauthorized quantity of a permitted drug. The levels of permitted medications for workouts are the same as for race days. The stewards or commission veterinarian may require any horse to be tested for drugs after a workout.
- (5)(a) A Thoroughbred horse that has never run in a recognized race must have a minimum of two official workouts within 30 days before being eligible to start in an official race. Any Thoroughbred horse that has not run in a recognized race in the 30 days prior to the race in which it is sought to be entered must have at least one official workout within the previous 30 days before being eligible to race in an official race.  
  
(b) A Quarter Horse, Appaloosa, Paint, Arabian or mule that has never run in a recognized race must have a minimum of two official workouts within 45 days before being eligible to start in an official race. Any Quarter Horse, Appaloosa, Paint, Arabian or mule that has not run in a recognized race in the 45 days prior to the race in which it is sought to be entered must have at least one official work within the previous 45 days before being eligible to start in an official race. (c) The first time a horse or mule races around a turn it must have not less than 1 work around the turn within the past 45 days.
- (6) No horse may be worked out during pari-mutuel racing hours without prior permission from the paddock judge and the stewards.

(7) Before accepting the entry of any horse, the stewards may require the horse to have additional official workouts. Also the stewards or the commission veterinarian may, for good cause, order a horse to be worked at a specific distance and effort.

(8) No workout other than an official workout which has been recorded by a licensed clocker shall be submitted for publication in the Daily Racing Form, Equibase or other approved publications.

**Statutory/Other Authority:** ORS 462.270(3)

**Statutes/Other Implemented:** ORS 462.270

### **462-150-0020 Change of Ownership; Change of Trainer**

(1) Any horse being registered into the race office must have the current ownership recorded on the foal certificate prior to being accepted by the race office.

(2) After a horse has been registered with the racing secretary, it may not be transferred (unless claimed during the race meet) without permission of the stewards. A notarized bill of sale from the registered owner may be required before the stewards will give permission for the change of ownership, unless a commission official witnesses the signing of the bill of sale. The share of a part owner of any horse may not be sold or assigned without the consent of the other owners. The commission and/or stewards may declare a horse ineligible to race if the ownership or control of the horse is in question. Ownership changes may be made after entry at the discretion of the Board of Stewards, however, no horse may start in a race without the proper and current owner(s) listed on the foal certificate.

(3) An owner who wishes to change a trainer must notify the racing secretary, obtain a change of trainer form, fill out the form completely and have it signed by the stewards. Upon receipt of the completed and signed form by the racing secretary, the former trainer shall not be given any further access to the horse's papers. No trainer change shall be made after the horse is entered into a race.

(4) If an owner has horses with more than one trainer at a race meet the owner must notify the race office and the stewards prior to the horses being entered into a race.

**Statutory/Other Authority:** ORS 462.270(3)

**Statutes/Other Implemented:** ORS 462.270

### **462-150-0030 Claiming Rules**

(1) The primary purpose of claiming races is the classification of horses. No person shall enter or allow to be entered in a claiming race a horse against which any mortgage, bill of sale or lien of any kind is held, unless the written consent of the mortgagor, the holder of the bill of sale or the lien claimant has been filed with the racing secretary.

(2) In claiming races, any horse is subject to claim for the entered price by any owner licensed by the commission and in good standing who has at least one eligible horse registered with the racing secretary of a race meet in Oregon, or by any licensed owner with a valid claim certificate. Any other person who wishes to claim a horse must complete a prospective horse owner's application form, and the completed form must be approved by the board of stewards or the commission. After the board of stewards or the commission has approved the prospective horse owner's application a claim certificate may be issued. A claim certificate shall become void on the date of a successful claim.

(3) A claim may be made by an authorized agent, but only for the account of those for whom he or she is licensed as an authorized agent by the commission. A trainer's license is not an authorized agent's license.

(4) No person shall claim or cause to be claimed, directly or indirectly, a horse in which the person has an ownership interest.

(5) A person may claim more than one horse from any one race. An authorized agent may submit claims for more than one owner in any one race, but may not submit more than one claim for any one horse. When a trainer's stable consists of more than one owner, each owner may submit a claim in any one race, but no two or more shall submit a claim for any one horse or all such claims shall be void. No person will be eligible to claim another owner's horse from his/her own trainer's stable. "Person" includes any corporation, partnership, stable name or other legal entity.

(6) The claiming price of each horse in a claiming race shall be printed on the official program, and all claims shall be for the designated amount. However, if there is a printer's error in the official program, the claiming price designated on the official entry form shall govern. Submission of a claim in excess of the official claiming price shall not void the claim.

(7) All claims shall be made in writing by the prospective owner or authorized agent on forms and in the envelopes furnished by the race meet licensee and approved by the commission. Forms and envelopes must be filled out completely and must accurately identify the claim, and be properly signed. If two or more owners are claiming the horse together as Owner #1 "and" Owner #2 "and" Owner #3, all owners must sign the claim form otherwise, the claim will be void. If two or more owners are claiming the horse together as Owner #1 "or" Owner #2 "or" Owner #3, any one or all of the owners may sign the claim form.

(8) All claim forms shall be deposited in the claiming box at least 15 minutes before the established post time of each race. After the claim is deposited the claimant shall have no access to the claim form or the envelope.

(9) No money or its equivalent shall be put in the claiming box. For a claim to be valid, the claimant must have a credit balance of not less than the amount of the claim in the claimant's account with the race meet licensee's paymaster of purses.

(10) Claims are irrevocable unless fraud or deception is involved. The claimant former owner and/or authorized agent shall have 48 hours from the start of the race from which the horse was claimed to file a protest.

**(11) Title to a claimed horse shall be vested in the successful claimant from the time the horse is a starter; and the funds transferred to the account of the previous owner, with said funds immediately available for future claiming transactions.**

**(a) The stewards shall void the claim and return the horse to the original owner if:**

**(A) The horse suffers a fatality during the running of the race or dies or is euthanized before leaving the track; or**

**(B) The commission veterinarian determines the horse will be placed on the Veterinarian's List as bled, unsound, or lame before the horse is released to the successful claimant.**

**(b)The stewards shall not void the claim if, prior to the race in which the horse is claimed, the claimant indicates on the claim form that he or she elects to claim the horse regardless of whether the commission veterinarian determines the horse will be placed on the Veterinarian's List as bled, unsound, or lame.**

(12) A claimed horse shall run in the interest and for the account of the owner from whom it is claimed.

(13) Claims which are not in keeping with these rules shall be void. The stewards may at any time require any person filing a claim to attest in writing that the person is claiming in accordance with these rules. The stewards shall be the judges of the validity of all claims.

(14) A claim shall represent a bona fide offer by the claimant to buy at the claiming price. Claiming owners are bound by claims made by their authorized agent. By entering a horse in a claiming race, all owners agree to sell at the designated claiming price if the stewards determine there is a valid claim.

(15) Any horse that has been claimed may be directed by the board of stewards to be taken to the test barn by the prior owner or their representative for delivery to the claimant or representative. The claimant or representative shall accompany the claimed horse to the test barn, however, the care and custody of the horse shall be the responsibility of the original owner or representative until the post race samples have been taken. If a claimed horse is not directed to the test barn, the original owner or their representative shall accompany the horse to the paddock for delivery to the claimant or their representative unless otherwise instructed by the stewards. Written authorization for any claim must be signed by a steward, the clerk of scales, or claims clerk and delivered to the original owner or representative.

(16) No person shall refuse to deliver to a valid claimant a horse claimed out of a claiming race. A horse that has been validly claimed shall be disqualified until delivery is made to the claimant.

(17) If more than one valid claim is filed for the same horse, the title to the horse shall be determined by lot in the paddock under the supervision of one or more of the stewards or claims clerk.

(18) No horse claimed in a claiming race shall be sold or have ownership in said horse transferred, wholly or in part, to anyone within 30 days after the date it was claimed, except in another claiming race.

(19) No claimed horse shall remain in or return to the same trainer's stable or under the care or management of the owner or trainer from whom the horse was claimed for the 30 days.

(20) In claiming races, engagements follow the horse unless the conditions of the race specifically state to the contrary.

(21) No person shall offer or enter into an agreement to claim or not to claim or attempt to prevent another person from claiming, any horse in a claiming race. No person shall attempt to prevent anyone from running a horse in any claiming race. No owner or trainer shall make any agreement with another owner or trainer or jockey for the protection of each other's horses in a claiming race, or refuse to race to prevent a claim.

(22) Should any stable name be eliminated by sale or removal from the racecourse, the right to claim is void without a valid claim certificate. When a stable name has been eliminated by claiming, the affected owner shall have the right to claim during the next 30 calendar days at the same continuous race meet in this state, even though all or a portion of the next 30 calendar days may take place in the following year.

(23) No official or employee of a race meet licensee shall give any information as to the filing of claims until after the race has been run.

(24) When a claimed horse goes to the test barn, a representative of both the former owner and the new owner shall accompany the horse to the test barn. The claiming of any horse in a race shall not diminish or limit the liability or responsibility of the former owner and trainer for compliance with the statutes and rules of horse racing as to the claimed horse.

(25) The foal certificate of a claimed horse must remain in the custody of the racing secretary until the new owner removes the horse from the racecourse. No registration papers on a claimed horse may be removed from the racing secretary's office for 48 hours after the race.

(26) No person shall enter a mare in any claiming race when the mare is pregnant, unless prior to the time of entry the owner shall have deposited with the racing secretary a signed agreement whereby the owner, at the time of entry, shall provide to the successful claimant without cost, protest or fee of any kind, a valid stallion service certificate covering the breeding of the mare. A successful claimant of a mare in a claiming race may file with the commission a petition for rescission of the claim within forty-five (45) days exclusive of the day of claim if the claimant finds that the claimed mare is pregnant and the agreement to provide a stallion service certificate has not been deposited as required by this section.

(27) If, in a claiming race, a horse is scratched after scratch time or is declared a non-starter, any claim or claims for the horse will be void. The stewards may require the horse to run back at the same price in the horse's next start.

(28) Notwithstanding any designation of sex or age appearing in the racing program or in any racing publication, the claimant of a horse shall be solely responsible for the determination of the sex or age of any horse claimed.

**Statutory/Other Authority:** ORS 462.270(3)

**Statutes/Other Implemented:** ORS 462.270

#### **462-150-0040 Entering for Official Racing; Subscriptions**

(1) Before a horse is eligible to race, it must be properly entered into that race by the horse's licensed owner (unless the horse is leased), lessee, trainer or authorized agent, unless authorized by the stewards for good cause. Telephone entries will be accepted if the person entering the horse is properly identified.

(2) No alteration shall be made in any entry after close of entries, but an error may be corrected. Any correction of an entry must be approved by a steward.

(3) No horse may be entered for more than one race on a single day.

(4) No trainer may enter or start more than two horses in a purse race or overnight race, but may enter more than two horses in a stakes race or high weighted race. Provided, however, in a divided overnight race, a trainer may enter 2 horses in each division. When making a double entry under the same ownership or if the trainer has an ownership interest in either horse, the owner or trainer must express a preference. When a preference system is used, two horses under the same ownership may not start to the exclusion of a single entry except in the case of an "In Today Horse" or a maiden in a winner's race.

(5) Entries shall be closed at an advertised time, and no entry will be accepted after that time. The racing secretary may postpone the closing of entries for overnight races. If there is an error in carding a race before entries are drawn, the race may be canceled or opened for more entries.

(6) A jockey must be named by the owner or trainer at the time of the entry. At the draw, if a jockey has been named on more than one horse, a preference call must be declared at that time. If the jockey originally named to ride a horse is not available due to the preference call at the draw, the owner or trainer must name another rider, at the draw or prior to scratch time, if such scratch time is provided; otherwise, the stewards may name a rider and that person shall ride the horse.

(7) No horse may be entered to start unless:

(a) It has been properly registered with the appropriate horse registry. If a horse's name is changed, its new name must be registered with the appropriate horse registry and both its old and new names must be given in every entry list until it has run three races. Both names must be printed on the official program for those three races.

(b) The foal certificate is on file in the office of the racing secretary. The stewards may waive this requirement for horses shipped in from a race track recognized by the Daily Racing Form if the horse is properly identified. However if waived, the foal certificate must be on file with the racing secretary one hour prior to first post of the day, if a photocopy or a facsimile copy of the foal certificate and any epistaxis certificate is on file with the racing secretary by scratch time. In stakes races only, a horse shall be allowed to start without the foal certificate on file, provided that a photocopy or facsimile copy of the foal certificate is on file with the racing secretary, which copy has been forwarded from the race office of a recognized race track which has the original foal certificate on file. The copy of the foal certificate must show the true ownership of the horse.

(c) All ownerships in the horse, except a trainer's percentage of its winnings, are on file with the racing secretary. All changes in ownership after initial entry must be filed with the racing secretary before a horse may start.

(d) It is clearly identified on the entry form by its age, name, color, sex, and names of its sire and dam. If its dam was covered by more than one stallion, the names of all of them must be given in order of service.

(e) It has been clearly tattooed on the upper lip. The stewards may waive this requirement if the horse has been identified by the tattoo technician, and arrangements have been made to tattoo the horse prior to the race. Tattooing must be done by a person authorized to identify the horse by the appropriate horse registry. Arabians using freeze brands in lieu of tattoos may be entered to race with no freeze brand provided they are branded prior to the race.

(f) It has been fully identified from its papers, and is entered in the name of its true owner(s).

(g) It is in the care of a trainer licensed in Oregon. The stewards may waive this requirement for trainers who were previously licensed in Oregon or are currently licensed in another jurisdiction. However, if waived, the trainer must obtain a trainer's license before the horse(s) may start.

(h) It has had the required number of official races and/or workouts, including working from the gate and first time starters being gate approved. The stewards may require additional official workouts if they believe they are necessary to enable the public to make a reasonable assessment of the horse's capabilities, or to ensure that the horse will perform satisfactorily.

(i) It meets the conditions of the race.

(j) It is in sound racing condition.

(k) If leased, a copy of the lease shall be filed, on a prescribed form, with the commission, lessee, lessor, horseman's bookkeeper, Stewards and a copy attached to the foal certificate.

(8) A horse is ineligible to be entered or to start if:

(a) Any of its recent workouts have not been recorded by the clocker, including the correct time.

(b) It is on the stewards' list, veterinarian's list, bleeder's list, starter's list, or paddock judge's list.

(c) Any owner or trainer of the horse has been ruled off the racecourse or is under suspension by the commission, unless the horse is transferred, sold, or its lease agreements abandoned, with approval of the stewards. If a trainer is suspended, any horse owned or trained by the suspended person will be ineligible during the period of the suspension if the horse is transferred to that person's spouse or a person living at the same residence.

(d) The horse has been placed on the veterinarian's list, or bleeder's list, and has not been removed from the list by a commission veterinarian. The commission veterinarian may require saliva, urine, or blood samples, and may require a satisfactory workout, before giving approval.

(e) It has been blocked, nerved or otherwise drugged to desensitize any nerves except in the case of heel nerved, (posterior digital neurectomy) below the fetlock, in only one leg and on approval of a commission veterinarian.

(9) Entrance Fees and Subscriptions:

(a) The entrance to a race shall be free, unless otherwise stipulated in the conditions of the race. If the conditions required an entrance fee, the fee must accompany the entry, unless waived by the race meet licensee. Payment of entry fees shall be in cash, certified check, or money order.

(b) Entrance and nomination fees may not be refunded, even if the horse dies, is scratched, or fails to start. Entrance fees shall be refunded if the horse is prevented from starting the race through failure of the starting gate to open or if the gate in front of the horse opened late, and the stewards declare the horse to be a non-starter.

(c) Nomination to or entry of a horse in a stakes race cannot be withdrawn after the close of entries. Any subscriber to a stakes race may transfer or withdraw the subscription prior to closing. Joint subscriptions and entries may be made by any one of the joint owners of a horse, and each owner shall be jointly and severally liable for all payments due. Death of a horse, or a mistake in its entry when the horse is eligible, does not release the subscriber or transferee from liability for all stakes due. Death of the original subscriber or nominator to a stakes race shall not render void any subscription, entry or right of entry. All rights, privileges, and obligations shall attach to the successor owner, including the legal representatives of the decedent. When a horse is sold or claimed, stake engagements for the horse shall be transferred automatically with the horse to its new owner, except that if the horse is transferred to a person whose license is suspended or who is otherwise ineligible to race or enter the horse, then the subscription shall be void as of the date of the transfer notwithstanding OAR 462-150-0030(25).

**Statutory/Other Authority:** ORS 462.270(3)

**Statutes/Other Implemented:** ORS 462.270

#### **462-150-0050 Forming the Race; Weights, Penalties, and Allowances; Scratches**

(1) The racing secretary, in conjunction with the race meet licensee, shall set the conditions of all races. For each racing day, the racing secretary shall use every reasonable effort to card the number of Thoroughbred, Quarter Horse, Appaloosa, Paint, Arabian, and mule races listed in the license application and approved by the commission. Also, for each racing day the racing secretary shall card one race which is limited to Oregon-bred Thoroughbred horses. If there are not enough available horses of that class on any day, the race may be replaced with the approval of the stewards. If the race is reopened to allow other horses to enter, preference at the draw shall be given to the Oregon-bred Thoroughbred horses, including preference extending to an Oregon-bred maiden over a non Oregon-bred winner. If feasible, an Oregon-bred Thoroughbred race which does not fill shall be carried over to a subsequent

day's racing program. The stewards shall report to the commission the reasons for the cancellation of an Oregon-bred Thoroughbred race.

(2) After entries have closed, the racing secretary shall compile a list of the entries without delay and post the list in a conspicuous place.

(3) In determining the number of horses that can be drawn into a race the width of the track shall be at least the total of 10 feet for the first horse plus 5 feet for each additional horse.

(4) If the number of entries in any race exceeds the number of horses that will be allowed to start, the starters for the race shall be determined by lot when not determined by an advertised preference system. Persons who made the entry shall be given an opportunity to attend the drawing for starting positions. Post positions shall be determined by lot. A steward or designated representative shall be present at the draw.

(5) If the number of entries in any one race is sufficient to reasonably assure that two separate races will fill from those entries, the racing secretary may divide the race. If an overnight race is divided and a trainer has entered two horses in the race, the horses will be placed in separate divisions of the race for the draw. They will be drawn in the separate divisions of the race with both horses retaining their preferences.

(6) If any race is canceled because of insufficient entries, the racing secretary may divide an overnight race. The overnight race is subject to the same conditions, with entries in each race drawn by lot when not determined by an advertised preference system. In cases where a trainer has entered two or more horses in a divided race, those races will be handled as outlined in OAR 462-150-0050(5).

(7) When a scratch time is provided, a list of horses not to exceed four may be drawn from the overflow entries and listed as eligible to start if any horse which was originally carded is scratched. When an originally carded horse is scratched, horses from the "Also Eligible" list shall fill the race in the order in which they were originally drawn. The owner or trainer of any horse on the "Also Eligible" list which is drawn into a race must notify the racing secretary not later than scratch time if he or she does not intend the horse to start. Any "Also Eligible" horse which does not start when drawn into a race shall forfeit all preferences.

(8) In all races, horses which fill a race from the "Also Eligible" list shall take the outside post positions in the order that they are drawn from the original draw. In all races run on the straight-away, except Thoroughbred races, an "Also Eligible" horse shall take the post position of the horse which was scratched.

(9) Unless a preference system is used, the racing secretary shall keep a list of all horses excluded from races because of too many entries, and those horses shall have preference in the next race in accordance with a system established by the racing secretary. This list shall be known as the "Preferred List".

(10) When a horse on the "Preferred List" is entered in a subsequent race, a claim of preference must be made at the time of entry and noted on the entry form, or the preference will be lost and the horse will be removed from the list.

(11) If a race overfills, any "In Today Horse" which has been entered shall be given no preference. A horse on the "Also Eligible" list shall not be considered an "In Today Horse" until it has actually been given a position in a race.

(12) In all races that have filled over the number of starters and "Also Eligible", an "In Today Horse" shall receive no future preference if it is drawn in as an "Also Eligible". A maiden horse shall have preference over an "In Today Horse" but not over the second choice of an entry to the exclusion of a winner. The second choice of an entry or an "In Today Horse" on the race's "Also Eligible" list shall have no preference over any other "Also Eligible" horses. A horse on the "Also Eligible" list that is scratched will receive no preference, regardless of any scratches in the race itself. This horse shall not be considered an "In Today Horse".

(13) If through error an "In Today Horse" or a horse lacking preference is drawn into a race that has overfilled, the horse shall be scratched if the error is discovered before scratch time, enabling another horse to be drawn into the race. No horse having started any race shall be deemed ineligible because of the error.

(14) In high weighted races, high weights will have preference to the draw. In all races determined by time trials, the fastest times shall have preference to the draw.

(15) No race which has closed shall be canceled except by the stewards.

(16) Weights, Penalties, and Allowances:

(a) Fillies two years old shall have an allowance of three pounds, except in handicaps and races where the conditions expressly state to the contrary. Fillies and mares three years old and older shall have an allowance of five pounds between January 1 and August 31, and three pounds between September 1 and December 31.

(b) To be eligible for weight allowances they must be claimed at the entry. Except sex allowances, which are mandatory, all other allowances are optional. Failure to claim any allowance, except for sex allowance, is not a cause for disqualification. No sex allowances will be given in straight-away races.

(c) A horse shall start with only the allowance to which it is entitled at the time of starting, regardless of its allowance at the time of entry. Horses incurring penalties for a race shall not be entitled to any of the weight allowances for that race. Penalties are mandatory.

(d) Horses not entitled to the first allowance in a race shall not be entitled to the second, and so on. Penalties and allowances are not cumulative unless specified in the conditions of the race.

(e) No horse shall incur a weight penalty for a placement from which it is disqualified, but a horse winning through a disqualification of another horse shall incur the weight penalties of that placement. No placement of a horse moved up shall make that horse ineligible for a race which has already been run.

(f) The racing secretary shall append to the weight for every handicap, the hour and day in which winners will be liable to a penalty. No alteration shall be made after publication except for erroneous omissions of the name or weight of a horse duly entered. In that case, the racing secretary may correct the omission with permission of the stewards.

(g) In all overnight races of four (4) furlongs or over, except handicaps, apprentice jockey weight allowances may be claimed per OAR 462-140-0350(5).

(h) In all overnight races, except handicaps, the minimum weight, subject to sex and apprentice allowances, shall be 112 pounds for Thoroughbreds, 116 pounds for Quarter Horses, and for all other breeds of horses shall be as designated by the commission.

(i) The racing secretary shall publish in the condition book the criteria for eligibility for horses running at the meet.

(j) Winnings shall include all money won for first place finishes up to the time appointed for the start, shall apply to all races in any country, and shall include walkover or forfeit money. The value of any prize not of money or not paid in money shall not be included. Winnings during the year shall be computed from January 1 of that year. The earnings of a winning horse shall be computed on the value to the winner. The winner of certain sum shall mean the winner of single race of that value unless otherwise expressed in the conditions.

(k) The following rules shall apply to Quarter Horse, Appaloosa, Arabian and Paint racing:

(A) In straight-away races no weight allowances will be given for sex or apprentice jockeys, whereas in races run around a turn, the same allowances for sex which are granted in Thoroughbred races will be in effect.

(B) Horses which gain a position in a race from the "Also Eligible List" shall take the outside post positions in order that they are drawn from the "Also Eligibles", except in the case of races run on the straight-away, in which case, the "Also Eligible" shall take the post position of the horse declared out or scratched.

(C) The respective breed's chart book shall be the official chart for each breed's horse racing.

(17) Scratches:

(a) Scratches from stakes races will close 60 minutes before post time for the first race. If a scratch time is provided, scratches from all other races must be made prior to the "scratch time" designated by the racing secretary. The field may be scratched down to the number as stated in the condition book by the racing secretary. If the field has already been scratched down to the minimum number, the scratch will not be allowed except for medical reasons verified by the commission veterinarian, or as approved by the stewards. If more than one horse is competing for the last available non-medical scratch, the right to scratch shall be determined by lot. "Also Eligibles" shall have the same scratch privileges as regularly carded horses.

(b) If any of a horse's owners is not properly licensed it shall be scratched by the board of stewards 15 minutes prior to post of the race.

(c) No horse may be scratched until the owner, trainer, or authorized agent has notified the racing secretary in writing prior to scratch time, except for medical reasons discovered after scratch time and approved by the commission veterinarian. If a horse is stabled off the racecourse a valid request to scratch the horse may be accepted from the trainer by telephone if the trainer provides his or her Oregon Racing Commission license number for identification purposes. A scratch made by telephone must be confirmed in writing if required by the stewards. If the scratch is for medical or physical reasons, the trainer must submit a letter from a licensed veterinarian within 72 hours explaining the reason and necessity for the scratch.

(d) The stewards may scratch any horse from a race when it appears that there has been a violation of the rules of horse racing. Any racing official who has knowledge of a violation must report it immediately to the stewards.

(e) The commission veterinarian may scratch a horse at any time for reasons as per OAR 462-140-0070(4).

**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) Riding Crops: Each jockey in a race shall carry a riding crop as part of his or her equipment. The board of stewards may, for good cause, grant permission not to carry and use a riding crop. Riding crops and blinkers may be used on two-year-olds and all other first-time starters if schooled before the starter with that equipment and approved by the starter before the time of entry.

(A) 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:

(i) Maximum weight of eight ounces;

- (ii) Maximum length, including flap of 30 inches;
  - (iii) Minimum diameter of the shaft of one-half inch; and
  - (iv) 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.
- (B) The flap is the only allowable attachment to the shaft and must meet these specifications:
- (i) Length beyond the end of the shaft a maximum of one inch;
  - (ii) Width a minimum of 0.8 inch and a maximum of 1.6 inches;
  - (iii) No reinforcements or additions beyond the end of the shaft;
  - (iv) No binding within seven inches of the end of the shaft; and
  - (v) Shock absorbing characteristics similar to those on the contact area of the shaft.
- (d) 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.
- (e) 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.
- (f) 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.

(g) 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.

(h) 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.

(i) 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.

(j) 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 4 mm.

(k) 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

### **462-150-0070 Post Parade; Start; Race**

(1) All horses shall parade from paddock to post carrying their respective weights and, to the extent feasible, shall pass the stewards' stand in numerical order. Any horse failing to do so without good cause may be disqualified by the stewards. After passing the stand once, horses may break formation and canter, warm up, or go as they please to the post.

(2) Jockeys shall remain on their mounts whenever reasonably possible. In case of an emergency, the stewards or the starter may permit all jockeys to dismount and all horses to be attended during the delay.

(3) The post parade shall last no more than 12 minutes, unless approved by the stewards. When the horses have reached the post, they shall be started without unnecessary delay.

(4) A jockey shall exert every effort to ride his/her horse to the finish in the best and fastest run of which the horse is capable. No jockey shall ease up or coast to a finish, without adequate cause, even if the horse has no apparent chance to win prize money.

(5) In a straight-away race, every horse must maintain position as nearly as possible in the lane in which it starts. Every horse in the race is entitled to racing room. A horse which drifts out of its lane or lugs in or out, and interferes with, or impedes another horse in a manner which, in the opinion of the board of stewards, could have affected the outcome of the race, may be disqualified by the stewards.

(6) In a race run around a turn, a horse that is in the clear may be taken to any part of the track. However, a horse which weaves back and forth in front of another horse and/or drifts out of its lane, lugs in or out, and interferes with or impedes another horse in a manner which, in the opinion of the board of stewards, could have affected the outcome of the race, may be disqualified by the stewards.

(7) Jockeys shall make every effort to prevent their horse from lugging in or out in a manner which interferes with another horse.

(8) Jockeys shall make every effort to prevent their horse from weaving back and forth in front of another horse.

(9) Jockeys shall not ride in such a manner as to endanger another horse or jockey.

(10) Jockeys must be in full control of their horse before applying the riding crop. No jockey shall use the riding crop more than is reasonably necessary under the circumstances. No jockey carrying a riding crop during a race shall fail to use the riding crop in a manner consistent with using his/her best efforts to win.

(a) Jockeys are prohibited from using the riding crop on a horse:

(A) On or about the head,

(B) During the post parade except when necessary to control the horse, or

(C) Excessively or brutally.

(b) An announcement shall be made over the public address system in all races where a jockey will not ride with a riding crop.

(11) No jockey shall willfully strike or touch another jockey or another jockey's horse or equipment.

(12) Jockeys shall not unnecessarily cause or allow their horse to shorten its stride. Jockeys shall ride out their horse in every race.

(13) If a horse leaves the designated racing surface after leaving the paddock and prior to the finish of the race, it may be scratched or disqualified.

**Statutory/Other Authority:** ORS 462.270(3)

**Statutes/Other Implemented:** ORS 462.270

#### **462-150-0080 Order of Finish; Weighing In; Objections and Disqualification**

(1) The winner of a race shall be the horse whose nose first reaches the finish line with the jockey aboard, unless the horse is disqualified by the stewards for ineligibility or other good cause. The decision of the board of stewards as to the order of finish shall be final.

(2) When two or more horses reach the finish line at the same time, or the photofinish photographs do not clearly establish which of the horses reached the finish line first, the stewards may declare a dead heat. When horses run a dead heat, all money and prizes to which the horses would have been entitled if it were not a dead heat shall be divided equally among them. When a dead heat is for first place, each horse finishing first in the dead heat shall be deemed a winner, and shall be liable as a winner for any penalty which attaches to the winning of the race, but only in the amount of winnings actually received.

(3) If the dividing owners cannot agree as to which of them is to have a cup or other prize which cannot be divided, the question shall be determined by lot in the presence of one or more of the stewards.

(4) The time recorded for the first horse to cross the finish line with the jockey aboard shall be the official time of the race.

(5) If there is a mechanical failure of the gate, and horses are allowed leave at irregular intervals instead of all horses leaving at one time, the stewards shall decide whether the race is official or whether to declare "no race", and which horses, if any, will be deemed non-starters. In the event of a mechanical failure, interference during the running of the race which affects the majority of the horses in such race, or any other unusual circumstance or situation that the stewards determine resulted in an unfair race for the majority of the horses in the race, the stewards may declare the race as "no race." When, in the opinion of

the stewards, a race cannot be conducted in accordance with the rules and regulations of the commission, they shall cancel and call off such race. Any wagers on such races called off, canceled or declared as "no race" shall be refunded, and no purse, prize or stakes shall be awarded. A race shall be canceled if no horse finishes the race.

(6) Weighing In, Unsaddling:

(a) Weigh In. Upon completion of a race each jockey shall ride promptly to the winners circle and dismount. He/she shall then present himself/herself to the clerk of scales to be weighed in. If a jockey is prevented from riding his/her mount to the winner's circle because of accident or illness either to himself/herself or his/her horse he/she may walk or be carried to the scales unless excused by the stewards.

(b) Unsaddling. Each jockey upon completion of a race must return to the winners circle and must unsaddle his/her own horse, unless excused by the stewards.

(c) Removing Horse's Equipment. No person except the valet-attendant for each mount is permitted to assist the jockey in removing the horse's equipment that is included in the jockey's weight, unless the stewards permit otherwise. To weigh in each jockey shall carry to the scales all pieces of equipment with which he/she weighed out. Thereafter he/she may hand the equipment to the valet-attendant.

(d) Under Weight. When any horse places first, second, third or fourth in a race, and thereafter the horse's jockey is weighed in short by more than two pounds of the weight of which he/she was weighed out, his/her mount may be disqualified and all purse monies forfeited.

(e) Over Weight. No jockey may be weighed in more than two pounds over his/her declared weight but consideration shall be given for excess weight caused by rain or mud.

(f) If a jockey does not present himself or herself to be weighed in, is guilty of any fraudulent practice with respect to weight or weighing, or if unless the jockey or horse is ill, injured, or disabled, the jockey dismounts before reaching the scales or dismounts without permission, or if the jockey touches (except accidentally) any person or thing other than the jockey's own equipment before weighing, the clerk of scales shall report it to the stewards, and the stewards may disqualify the horse and place it last, and the jockey and any other licensee involved may be fined or suspended.

(7) Objections, Inquiries and Disqualifications:

(a) Objections which can be made prior to a race must be made to the stewards in writing, must be signed by the objector, and must be filed with the stewards prior to post time. No objection based upon the distance of a race shall be made after the start of the race.

(b) Objections based upon an occurrence during the running of a race must be made before the order of finish has been declared "official". Objections as to what occurs in a race with respect to the performance of a horse or jockey must be made by the owner, trainer, or jockey of the horse which is aggrieved. However, the stewards may take any appropriate action even if no formal objection is made.

(c) Permission of the stewards is necessary before an objection may be withdrawn.

(d) The stewards may disqualify any horse which is the subject of fraudulent or corrupt practices, or any horse whose jockey has committed a violation of the rules of horse racing. A horse which interferes with, impedes or intimidates another horse may be disqualified by the stewards unless the impeded horse or jockey was partly at fault or the interference was wholly caused by some other horse or jockey.

(e) If a horse which has won or been placed in a race is disqualified after a valid objection or otherwise, the stewards shall declare a new order of finish as, in their sole discretion, they deem just.

(f) The stewards must decide every objection properly filed which pertains to a race. In cases of fraud or willful deception, the time limitations for filing objections shall not apply.

(g) If a horse is disqualified, any other horse in the race owned wholly or in part by the same interest or trained by the same trainer may also be disqualified.

(h) Pending a decision on an objection/inquiry, any prize which the horse subject to the objection/inquiry may have won, and any money held by the race meet licensee as the price of a horse claimed in the race (if involved in the determination of the objection/inquiry) shall be withheld until the objection/inquiry is determined.

**Statutory/Other Authority:** ORS 462.270(3)

**Statutes/Other Implemented:** ORS 462.270

### **462-150-0090 Purses; Claims Against Horse; Jockey Fees**

(1) All stakes fees paid toward a stakes race shall be allocated to the winner unless otherwise provided by the conditions for the race.

(2) Whenever the board of stewards has reasonable grounds to believe that any violation of the statutes or rules of racing has occurred, it may order that a purse not be released. Otherwise, all portions of purse money shall be made available to the winners promptly following the release of purses by a designated representative of the commission.

(3) If a horse raced while it was not eligible, the board of stewards may order forfeiture of any person's share of an undistributed purse.

(4) No percentage of a purse may be deducted by the race meet licensee for itself or another person except as provided by law or by written agreement with the person to whom such winnings are payable.

(5) Jockey Fees:

(a) In the event an owner or trainer elects to remove a jockey from his/her mount at a reasonable time designated by the stewards after the draw, the stewards may require a double 'jock mount' to be paid. The fee to be paid for the double jock mount may be equal to that earned by the jockey who rode the horse or a losing fee to be determined by the stewards.

(b) A jockey's fees shall be considered earned from the time the jockey weighs out for that race. The fee shall not be considered earned if the jockey voluntarily does not finish the race, except where injury to the horse or rider is involved.

(c) All jockey fees shall be deposited in advance of the races for that day, unless guaranteed by the race meet licensee.

(d) Jockeys involved in a dead heat shall divide equally the sum total of the fees which they would have received individually had one beaten the other or others. The owners of the horses involved shall pay equal shares of the jockeys' fees.

**Statutory/Other Authority:** ORS 462.270(3)  
**Statutes/Other Implemented:** ORS 462.270

#### **462-150-0100 Use and Distribution of Breakage Monies**

(1) Each race meet licensee conducting a race meet shall maintain a separate account in which each horsemen's association's share of the breakage shall be placed. The breakage shall be accumulated on a weekly basis, Monday through Sunday. The account shall be subject to audit by the commission. The race meet licensee, except small fair race meet licensees, shall make a weekly report as to all such breakage money calculated, received, deposited, and paid. Small fair race meet licensees shall remit the breakage to the appropriate horsemen's associations upon notification from the commission.

(2) Oregon-bred Thoroughbreds shall share in the breakage money resulting from breakage derived from Thoroughbred races and similarly the other breeds shall share in the money derived from the breakage of their respective races. The race meet licensee shall remit to each Oregon association of horsemen, recognized by the commission as representing that breed of horse, their proportionate share of any breakage monies accumulated during the meet, seven (7) days following the end of each weekly period.

(3) All expenditures of monies derived from breakage are subject to prior approval of the commission. Each recognized horsemen's association shall submit a schedule of such expenditures annually to the commission for its approval.

(4) For computation of breakage distribution from received interstate wagering, see OAR 462-200-0440.

**Statutory/Other Authority:** ORS 462.270(3)  
**Statutes/Other Implemented:** ORS 462.140

#### **462-150-0110 Use and Distribution of Purse Supplements for Owners of Oregon-Bred Horses**

(1) A race meet licensee designated in subsection (2) of ORS 462.057 shall maintain and deposit in a separate account from all other funds the Oregon-bred purse supplements authorized by 462.057(1)(c)(B)(C)(D). A race meet licensee subject to 462.062 shall maintain and deposit in a separate account from all other funds three-quarters of one percent of the gross mutuel wagering on all races for purse supplements to owners of Oregon-bred horses. The race meet licensee shall accumulate the Oregon-bred purse supplement monies on a weekly basis Monday through Sunday. These accounts shall be subject to audit by the commission. No disbursements shall be made from these accounts except as provided in subsection (2).

(2) Each breed shall share in the Oregon-bred purse supplements derived from that breed's races only. The race meet licensee shall remit to the accounts of the appropriate breeders organizations (or division of the organization) their proportionate share of any Oregon-bred purse supplement monies within five (5) business days following the end of the weekly period in which they were accumulated. The accounts shall be subject to audit by the commission.

(3) Each Oregon breeders association shall distribute all Oregon-bred purse supplement monies to respective owners of the Oregon-bred horses within 75 days after the close of the race meet or continuous race meet. Subject to prior approval of the commission, each horsemen's association may use a portion of the Oregon-bred purse supplements for operating expenses. Any request for operating expenses from the Oregon-bred purse supplements must be approved by the commission prior to payment of the Oregon-bred purse supplements.

(4) Sections (1), (2) and (3) of this rule are applicable only at race meets or continuous race meets where the average daily gross mutuel wagering during the preceding fiscal year exceeded \$150,000.

**Statutory/Other Authority:** ORS 462.057

**Statutes/Other Implemented:** ORS 462.057 & 462.130

## HORSE MEDICATION AND MISCELLANEOUS PROVISIONS – DIVISION 160

### **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.

**Statutory/Other Authority:** ORS 462.270(3)

**Statutes/Other Implemented:** ORS 462.270 & 462.415

## **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 10 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

### **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.

(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 hours but not less than four 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 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) Betamethasone - 10 pg/ml

(B) Butorphanol - 2 ng/ml

(C) Cetirizine - 6 ng/ml

(D) Cimetidine - 400 ng/ml

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

(F) Dantrolene - 100 pg/ml

(G) Detomidine - 1 ng/ml

(H) Dexamethasone - 5 pg/ml

(I) Diclofenac - 5 ng/ml

(J) DMSO - 10 mcg/ml

(K) 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 (Equipoise® 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, 5 $\alpha$ -oestrane-3 $\beta$ ,17 $\alpha$ -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

## **462-160-0140 Testing**

(1) Reporting to the Test Barn:

(a) The board of stewards or a commission veterinarian may require any horse to be tested for drugs prior to removal from any list, after any race or workout, or whenever they have a reasonable suspicion that an illegal drug or excessive quantity of an authorized drug has been used in a 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 a racecourse or that was on a 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/her representative until after the post race test has been taken.

## (2) Sample Collection:

(a) Sample collection shall be done 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 to 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 in the case of a compromised primary 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 may request a 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. The request for referee testing must be made in writing, in person or by telephone. Payment for the 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/her license application.

(c) The trainer requesting testing of a split sample shall be responsible for the cost of shipping and testing. Failure of the trainer or 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, the commission shall confirm the split sample laboratory's willingness to provide the testing requested and arrangements for payment satisfactory to the split sample laboratory;

(d) The package containing the split sample shall be transported in a 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 a horse's specimen to any representative of the horse. All expenses for a confirmation test, including but not limited to transportation, analysis and personal testimony from the reference laboratory shall be borne by the horse's representative. A copy of all written material received by the laboratory which conducted the confirmation analysis shall be forwarded to the horse's representative. The commission or stewards may use the written material as evidence at any hearing.

(4) Laboratory Minimum Standards: Laboratories conducting either primary or split race day 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 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 documenting a sample or following 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 rules. Non-interfering level shall be considered to be anything less than 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. Within a reasonable time after receipt of the lab results and 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, who was responsible for the horse's condition;

(c) If a horse on race day 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 with trace levels of therapeutic medications as determined by the commission as authorized by 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, 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