



Oregon Racing Commission  
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**COMMISSION MEETING AGENDA**  
**Thursday May 16, 2024**  
**1:30 p.m.**

The Oregon Racing Commission will meet at **1:30 pm on Thursday, May 16<sup>th</sup>, 2024**. The meeting will be held via Zoom videoconference. You may join the meeting by clicking on the link below, or by calling in. Please be aware if you call in, your phone number will appear as your ID.

Topic: Oregon Racing Commission's Zoom Meeting  
Time: May 16, 2024, 01:30 PM Pacific Time (US and Canada)

Join Meeting: [Zoom Link](#)

If you are unable to access this session through a computer, please dial: 1-253-215-8782  
Meeting ID: 844 0342 4585  
Passcode: 4cjbkS

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

**AGENDA ITEMS**

**ROLL CALL:**

**APPROVALS (need to conduct a vote):**

- 1) Meeting Agenda
- 2) April Minutes

**OLD BUSINESS:**

- 3) Director's Report
- 4) Budget Committee Meeting Report.
- 5) Discussion on addition to current rule in process – 462-160-0130 (8) (b) (B) Albuterol – 1 ng/ml.

**NEW BUSINESS:**

- 6) Discussion and possible approval to begin the rulemaking process for 462-120-0010 – Who Must Be Licensed.
- 7) Discussion and possible adoption of the following rules:
  - a) 462-140-0150 Address change.
  - b) 462-130-0010 Removes contradictory information.
  - c) 462-220-0030 Amends retention schedule.
- 8) Discussion on Jockey Insurance increase.
- 9) Oregon Thoroughbred Owners and Breeders Association (OTOBA) anti-slaughter policy and Offtrack Thoroughbred Scholarship program – Lynnelle Fox Smith.

**PUBLIC COMMENT:**

**EXECUTIVE SESSION (Closed to Public):**

- 10) Pursuant to ORS 192.660(2)(f) for the purpose of discussing proposed Legislative Concepts, information which is exempt from public disclosure.

**CONTESTED CASES:**

None

**CONFIRMATION OF NEXT COMMISSION MEETING:**

The next commission meeting is scheduled for June 20<sup>th</sup>, 2024, at 1:30 P.M. via ZOOM.

**ADJOURNMENT:**

Movement to adjourn.

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



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**Minutes**  
**Oregon Racing Commission**  
**April 18, 2024**

**Meeting Detail**

The Oregon Racing Commission (ORC) met at 1:30 p.m. Thursday, April 18<sup>th</sup>, 2024, in-person in room 1A of the Portland State Office Building and remotely via Zoom videoconference.

**Call to Order and Roll Call**

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

**In Attendance**

**Commissioners:** Margaret Doherty, Quinn Berry, Diego Conde, Scott Beckstead, and Lindsay Fowler.

**Staff:** Executive Director Connie Winn; Kelly Routt, Assistant Attorney General (AAG)

**Excused**

None

**Absent**

None

**Approvals:**

**Meeting Agenda**

**Action:** Approval of the April meeting agenda.

**Moved by:** Commissioner Conde

**Seconded:** Commissioner Fowler

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

## **Meeting Minutes**

**Action:** Approval of the February 2024 meeting agenda

**Moved by:** Commissioner Fowler

**Seconded:** Commissioner Conde

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

**Action:** Approval of the March 2024 meeting minutes.

**Moved by:** Commissioner Conde

**Seconded:** Commissioner Fowler

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

## **OLD BUSINESS:**

### **Executive Director's report**

Director Connie Winn welcomed two new members to the ORC staff. Chris Montecino is the new Chief Investigator. He has a background as a regulatory specialist with the OLCC, in addition to 6 years of US Army service and roles as a loss prevention officer and firefighter. She thanked Investigator Mike Gentile for serving as interim Chief Investigator and ensuring the continued operations of ORC licensing during the recruiting period. Secondly, she welcomed Kayla McClure as the new Test Barn Assistant, who has extensive experience in equine training and management.

Director Winn reported that equine hair testing will be occurring on June 29<sup>th</sup> at Grants Pass Downs for the Crooked River Roundup Challenge.

She reported that going forward, the ORC asks that any proposed agenda items and supporting documentation be submitted to the administrative office by the start of each month, to allow ample time for approvals, material review, and proper distribution of materials. Any submissions received after the deadline will be deferred to the subsequent meeting.

Director Winn reminded all that effective July 1, 2024, the ORC will be transitioning to Microsoft Teams for all communication, including meetings. This will increase integration with current technologies and increase capabilities not currently available. She urges all to become familiar with Teams before the July meeting. A software download link has been provided on the ORC homepage.

### **Advanced Deposit Wagering (ADW) Committee Report**

Commissioner Conde reported that the ADW Committee met earlier that day. This was a check-in meeting to discuss the current state of the ADW industry, which is currently strong. The data on current handles will be posted in the upcoming weeks, but overall data trends show growth.

The total for the calendar year is expected to be approximately \$1.5 billion. There are not any licenses currently up for renewal, the next renewals occur in 2026. The ADW committee is hoping to facilitate an in-person ADW meeting in the fall.

### **Strategic Plan – Continue Review**

This is a continued discussion from last month and review for the commissioners who were not in last month's meeting. Commissioner Beckstead reported that he had read through the Strategic plan and made some notes. Commissioner Berry had not yet read through it. Director Winn reported that Commissioner Beckstead was the chair of the original committee and reviewed the initial proposal.

Director Winn gave a high-level overview of the Strategic Plan, sharing the vision statement, core values, mission, history, equity statement, and goals. She reported that this document has been reviewed by the governor's office and received positive feedback. It started in an internal committee, then opened to all staff, and has since been reviewed by the tribes, other jurisdictions, the industry, and interested parties. One point that came from the industry was a recommendation to add promotion of equine care and retirement to the values.

Commissioner Beckstead commented that he is pleased that the ORC is prioritizing the welfare of the athletes, both human and equine. It is his belief that public perception that equine welfare is subordinate to owner or industry interests poses an existential threat to the future of racing. Therefore, clarifying that this is a top priority of both the agency and the industry is paramount. He has been gratified that every industry and commission member he has spoken to has been genuine in the prioritization of equine welfare.

Chair Doherty stated that she appreciates that the Strategic Plan is one that is practical and doable, which is often an issue with these kinds of documents. She feels that problems the agency has or has had are addressed. She thanked all who worked on it.

Director Winn recommended accepting this Strategic Plan so it can be included in the budget packet.

**Action:** Accept the ORC Strategic Plan.

**Moved by:** Commissioner Fowler

**Seconded:** Commissioner Conde

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

### **NEW BUSINESS:**

**Approve HRA application.**

Rod Lowe presented the HRA application. Director Winn thanked him for the submission and for additional requests for additional information. She stated he did a wonderful job compiling the required information, and that there are only a few pending items because it is too early in the year to have them. Therefore, this is a provisional approval. The pending items are jockey insurance, which is still pending a rate, and proof that the bond is autorenewal, which requires it to cycle through one renewal, and the public liability insurance. The only other thing is that the state license will need to be renewed in May. She recommended provisional approval of the racing license.

Rod Lowe thanked the commission for the opportunity to keep commercial racing alive in Oregon. He stated they would do their best to put on a good meet and continue to promote off-track betting sites.

Commissioner Beckstead asked if this approval was an annual process that would occur again next year. Director Winn responded that was correct, however if the commission wanted to consider a longer period of approval, they could look at changing the current rule. Chair Doherty stated that she felt that was an excellent suggestion and worth bringing up at a later meeting. Rod Lowe stated that race dates and insurance would still need annual review, but the rest stays mostly the same. Director Winn commented that the ADWs go through a similar process and have the option of applying for a 1, 3, or 5 year permit with annual reviews. One pro to that could show an increased sense of stability in the industry. An annual checklist could be created, which would be reviewed by the Director of Mutuals, Dawn Rome, and gone over with Mr. Lowe. She could certainly work on a proposal or rule change if the commission wanted.

**Action:** Provisional approval of the HRA application.

**Moved by:** Commissioner Conde

**Seconded:** Commissioner Fowler

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

Chair Doherty recommended that in the next 3 to 4 months it makes sense to review the application process to save time and streamline the process. Director Winn commented that like the ADW process, any change to any portion of the application would necessitate the submission of a one page explanation of the change of operation and the ORC would need to approve. Rod Lowe thanked the commission.

### **Report on Veterinarian Conference – Dr. Tom Everman, DVM**

Dr. Everman reported he has attended the Racing and Medication Continued Education for Racing Regulatory Veterinarians conference every year for the last 4 years, since joining the commission as the state regulatory veterinarian in 2019. This is the only continued education program that exists that is designed specifically for racing regulatory vets and was first formed in 2001.

Attendance is usually maxed out and is hosted at a different race track every year. This year it was at Santa Anita. It must occur in-person at a racetrack because it includes a stall side hands-on pre-race exam education.

The agenda this year focused on the topics of sudden deaths, postmortem exams, salvage surgery, wearable technology, and intra articular injections. The discussion on sudden deaths focused on what to do if a horse dies suddenly. He thanked Director Winn for making postmortem examinations mandatory for all deaths at the racetracks either at Washington State University or Oregon State University. A flash drive was given to all attendees with a presentation on how to conduct postmortem exams.

The discussion on salvage surgery addressed a possible option for injured racehorses, however surgery is expensive as is recovery and rehabilitation. Most of the horses who receive these surgeries will be unsuitable for any athletic performance, so the cost of retirement care is also a consideration. There was a pony horse at Santa Anita that had received salvage surgery, and it can be a viable option for mares, and occasionally stallions, who have value for breeding. However, it makes less sense for geldings and most stallions if they won't have viable options for off-track careers after recovery.

The discussion on wearable technology reviewed several different options. However, they are not diagnostic and require multiple uses, each of which are expensive. The results are sent to the owner/trainer, not the veterinarians, which may be left in the dark. All these technologies are in the testing phase, and none are ready for diagnostic use. The other consideration with this technology is how it affects handicappers and the betting public, which is currently unknown. Commissioner Fowler asked if these technologies are accurate? She stated that she uses one when exercising her horse which provides her with her a ton of data that is widely inaccurate. Dr. Everman responded that, in his opinion, none of these are ready for prime time, with Stride Safe probably being the furthest along. Commissioner Fowler thanked him for his response. Dr. Everman concluded that at this point the technologies are experimental, and does not feel any would be beneficial for racing in Oregon at this time.

The discussion on intra-articular injections covered polyacrylamide gels, which are a new technology. These gels are a foreign body that stay in the joint space and are not absorbed into the bloodstream, so they cannot be tested for. They require a high level of asepsis, so the risk of infection is a major concern. If contamination leading to infection occurs, the injection cannot be removed. It is being used in other states, but not yet in Oregon. Several products are available on the market but require use by vets who are very careful about sanitation. They are effective in relieving lameness in the joint for up to two years, which is significant. Because they are not detectable it would be difficult to regulate, and care needs to be taken in how it is used in racehorses.

Dr. Everman reported that this year's conference was largely run by HISA, and they hosted several of the discussions. A high percentage of Thoroughbred tracks in the US are now under HISA jurisdiction, and their influence continues to increase.

Dr. Everman stated that one key takeaway he got was preparation, and he has already spoken to Rod Lowe about preparations for Grants Pass Downs with the gate crew. He stated annual training should occur as the gate crew is the first to respond in the case of an emergency on the track. It is not practical to rely on the pony people if a horse is injured, as they have their own horses to take care of and have other duties. Therefore, the gate crew are usually the first on the scene, followed by the track veterinarian to evaluate the horse and make a prognosis. The gate crew will also be trained in how to operate the equine ambulance, so that the horse can be moved off the track as safely and quickly as possible if it cannot move off on its own. Whether the injury is minor or serious, it is important to get the horse out of the public eye. Rod Lowe is also able to operate the ambulance. That said, being prepared before an event occurs is key.

Dr. Everman thanked the commission for their time and the opportunity to meet in person.

### **Discussion and possible adoption of the ORC Slaughter Statement**

Director Winn presented the Slaughter Statement, which was requested by Commissioner Beckstead as part of the strategic planning process. She reported that if the commission approved of the statement there is a place on the ORC website for it to be posted. That said, the ORC can only make a statement, as regulatory control is not feasible. Even for the tracks themselves, even if they have anti-slaughter policies in place, enforcement is not possible. However, having an official stance on the subject can be beneficial.

Commissioner Beckstead reported he is mindful of the commission's limitations to make a formal statement, let alone set requirements for owners. That said, he feels it is important for the commission to show their commitment to the welfare of the horses and should at least discuss it. He reported that a 2022 poll revealed that 83% of Americans are strongly apposed to the slaughter of American horses for human consumption. There are not any equine slaughter facilities in the U.S., which means the horses are shipped to Mexico or Canada, with the majority going to Mexico. Commissioner Beckstead reported that a former organization he worked with commissioned an investigation into the horse slaughter plants in Mexico and Canada by Animals' Angel, which documented the conditions of the horses from shipment to slaughter which were too horrific to discuss here. Horses ranged from plow horses to BLM mustangs to retired racehorses to pet ponies and is made up of kill buyers and dealers who skirt the rules and do not care about equine welfare. Every year a bill against the slaughter and exportation of horses for slaughter appears in congress and gets a majority vote only to die due to opposition by the American Veterinary Medical Association (AVMA) and AAEP, who characterize slaughter as a humane form of euthanasia.



However, most in the industry would argue that humane euthanasia is a quiet, dignified death surrounded by loving people the horse knows assisted by their vet. It has been the fight of Commissioner Beckstead's life to ensure that no American equine would suffer so horribly in its final days. That said, he has been very impressed by the strides that the Thoroughbred industry is making to ensure retirement options for racehorses and the strong opposition the Jockey Club has actively taken against horse slaughter. He feels it would speak very strongly of Oregon, this body, and the horsemen and women involved in the industry. Even if regulation is not possible, and perhaps not even a statement against horse slaughter, but just something stating that it is a priority to ensure every effort is made to find good homes for the horses when their racing careers end. Another issue with equine consumption he reported is the issue of food safety, as the medical records and recent drug administration is unknown. Therefore, this is a welfare, safety, and economic issue. Live horses support a host of related industries, but once they are dead their contribution to the economy dies with them. It is an important topic for him, and he feels it is so important for the commission to discuss this topic and promote retirement options for racehorses. Commissioner Beckstead reported he joined the commission because he adopted a retired racehorse who became the best horse ever, and he believes that a burning desire to compete and perform is probably true of all retired racehorses.

Chair Doherty asked if the statement had been vetted by legal. Assistant Attorney General, Kelly Routt, stated that she has some recommendations to ensure the statement stays within the authority of the commission and aligns with the Oregon constitution. Chair Doherty expressed that the idea is sound but ensuring it won't run into any legal hoops is important, so it needs to be vetted.

Commissioner Conde stated that he did not know why it would be necessary to soften the language if it was just a statement. He also challenged Executive Director Winn to explore measures that could be taken to make this an enforceable policy that is strong and has some teeth. Chair Doherty asked the AAG to look into that as well. Commissioner Fowler agreed that if it could be given teeth that is a good thing, but she likes the statement as it is written. She also stated that the commission could maybe have a list of second chance racehorse rescues and retirement programs for people to go to. Executive Winn responded that the ORC already has a list of some known organizations linked on the website.

**Request permission to begin the rule making process for 462-220-0010 – Definitions – Amendment Affiliate**

Director Winn reported that this amendment has some grammatical corrections and clearly defines what an affiliate is, which was previously left assumed. She recommends moving forward with the rule making process.

**Action:** Approve the rule making process to begin for 462-220-0010.

**Moved by:** Commissioner Fowler

**Seconded:** Commissioner Beckstead

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

**Discussion and possible adoption of the proposed rule filing 462-150-0060 (k).**

Director Winn reported that this rule change is not in the packet, but was largely taken on by presiding steward Mike Twiggs, who diligently worked on this project. Through his inquiries to try to establish regulations for Oregon, the entire industry, including HISA, AQHA, and ARCI are now working on this. Therefore, this rule change is being tabled until a new industry standard is released.

**PUBLIC COMMENT:**

Leah Nelson commented that the AQHA also has a 2<sup>nd</sup> career program for retired racing Quarter Horses and that she can share that information with the commission.

Dr. Alice Lombard commented that she encourages the commissioners to come out to the races and see what is happening on the ground and get an in-person sense of what they are working so hard on.

**CONTESTED CASES:**

**None.**

**CONFIRMATION OF NEXT COMMISSION MEETING:**

The next commission meeting is scheduled for May 16<sup>th</sup>, 2024, at 1:30 P.M. remotely via Zoom videoconference.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 2:40 p.m.

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE  
SECRETARY OF STATE

CHERYL MYERS  
DEPUTY SECRETARY OF STATE  
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK  
DIRECTOR

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

**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 462  
OREGON RACING COMMISSION

**FILED**

04/23/2024 1:03 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Amends OAR 462-160-0130 prohibited substances

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/20/2024 11:30 AM

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

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

PO Box 366  
Gresham, OR 97030

Filed By:  
Karen Parkman  
Rules Coordinator

HEARING(S)

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

DATE: 06/20/2024

TIME: 11:00 AM - 11:30 AM

OFFICER: Quinn Berry

REMOTE HEARING DETAILS

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

PHONE NUMBER: 503-853-5927

CONFERENCE ID: 86073005828

SPECIAL INSTRUCTIONS:

Via ZOOM Passcode: 2hsv13

NEED FOR THE RULE(S)

Continued effort to increase horse safety

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Medication Health and Welfare and Rule advisory committee discussion. Meeting records and documents stored electronically with the agency.

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

No Affect

FISCAL AND ECONOMIC IMPACT:

None

COST OF COMPLIANCE:

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

None

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

Small businesses were not involved- not needed

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 462-160-0130

RULE SUMMARY: Amends Prohibited Substances

CHANGES TO RULE:

462-160-0130

Medications and Prohibited Substances ¶¶

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

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

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

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

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

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

(2) Medication Restrictions:¶¶

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

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

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

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

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

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

(3) Medical Labeling:¶¶

(a) No person on association grounds where horses are lodged or kept, excluding licensed veterinarians, shall have in or upon association grounds which that person occupies or has the right to occupy, or in that person's personal

property or effects or vehicle in that person's care, custody or control, a drug, medication, chemical, foreign substance or other substance that is prohibited in a horse on a race day unless the product is labeled in accordance with this subsection;¶

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

(A) The name of the product;¶

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

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

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

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

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

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

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

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

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

(i) Phenylbutazone - 2 micrograms per milliliter;¶

(ii) Flunixin - 20 nanograms per milliliter;¶

(iii) Ketoprofen - 2 nanograms per milliliter.¶

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

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

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

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

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

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

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

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

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

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

(a) Class 1 NSAID Stacking Violation occurs when: ¶

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

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

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

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

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

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

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

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

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

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

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

- (iv) Ketoprofen- 1 nanograms per milliliter of plasma or serum;¶
- (viii) Phenylbutazone- 0.3 micrograms per milliliter of plasma or serum;¶
- (vi) All other non-steroidal anti-inflammatory drugs-laboratory concentration of detection¶
- (b) Class 2 NSAID Stacking Violation occurs when any one substance noted in subsection (5)(a)(A)(i-v) above is found in excess of the restrictions contained therein in combination with any one of the following substances at levels below the restrictions so noted but in excess of the following levels:¶
  - (A) Flunixin- 3 nanograms per milliliter of plasma or serum;¶
  - (B) Ketoprofen- 1 nanograms per milliliter of plasma or serum;¶
  - (C) Phenylbutazone- 0.3 micrograms per milliliter of plasma or serum;¶
- (c) Class 3 NSAID Stacking Violation occurs when any combination of two of the following non-steroidal anti-inflammatory drugs are found at or below the restrictions in Subsection (5)(a)(A)(i-v) above but in excess of the following noted restrictions:¶
  - (A) Flunixin- 3 nanograms per milliliter of plasma or serum;¶
  - (B) Ketoprofen- 1 nanograms per milliliter of plasma or serum;¶
  - (C) Phenylbutazone- 0.3 micrograms per milliliter of plasma or serum¶
- (6) Furosemide:¶
  - (a) The commission may approve the use of furosemide at any race meet if, in the opinion of the commission, the race meet can provide the necessary qualified staffing, security and for the additional laboratory analysis costs and any other controls necessary to administer a furosemide program;¶
  - (b) Furosemide may be administered intravenously to a horse, which is entered to compete in a race. Except under the instructions of a commission veterinarian or the racing veterinarian for the purpose of removing a horse from the Veterinarian's List or to facilitate the collection of a post-race urine sample, furosemide shall be permitted only if the following process is followed:¶
    - (A) After the horse's licensed trainer and licensed veterinarian determine that it would be in the horse's best interests to race with furosemide, the horse may be so entered.¶
    - (B) The horse may discontinue from racing on furosemide at the licensed trainer's choice at the time of entry.¶
    - (C) Furosemide shall only be administered on association grounds;¶
    - ~~(D) Upon the request of the regulatory agency designee, the veterinarian administering the authorized bleeder medication shall surrender the syringe used to administer such medication which may then be submitted for testing.¶~~
  - (c) Horses to run with furosemide must be so noted on the entry form at the time of entry. Errors may be corrected up until scratch time. If no scratch time is used, the stewards may designate a time until which errors may be corrected:¶
    - (A) Horses entered to race with furosemide will be designated on the overnight and the daily racing program with a "Lasix" or "L". If the race is the first race the horse is to run in on furosemide, it shall be designated in the daily racing program with a "1-L". If the race is the first race the horse runs without furosemide after running one or more races with furosemide, it shall be designated in the program by "O-L" or "L-X";¶
    - (B) When discovered prior to the race, errors in the listing of furosemide treatments in the program shall be announced to the public.¶
  - (d) The use of furosemide shall be permitted under the following circumstances:¶
    - (A) Furosemide shall be administered no more than ~~five~~ four and a half hours but not less than ~~four~~ three hours prior to the original scheduled post time for the race for which the horse is entered;¶
    - (B) The furosemide dosage administered shall not exceed ~~5~~ 300 mg. nor be less than 150 mg;¶
    - (C) Furosemide shall be administered by a single, intravenous injection;¶
    - (D) The veterinarian treating the horse shall cause to be delivered to a commission veterinarian or designated representative no later than one hour prior to post time for the race for which the horse is entered the following information under oath on a form approved by a commission veterinarian:¶
      - (i) The name of the horse, racetrack name, the date and time the furosemide was administered to the entered horse;¶
      - (ii) The dosage amount of furosemide administered to the entered horse; and¶
      - (iii) The printed name and signature of the attending licensed veterinarian who administered the furosemide;¶
    - (iv) Violations of this subsection (subsection (d)) shall result in a fine and scratch from the race the horse was entered to run. Violations may also result in a commission veterinarian ordering the loss of furosemide privileges.¶
  - (e) Test results must show a detectable concentration of the drug in the race day serum, plasma or urine sample. If furosemide is not detected in a race day sample, a penalty may be imposed upon the horse's trainer without loss of purse:¶
    - (A) Quantification of furosemide in serum or plasma shall be performed. Concentrations of furosemide in serum or plasma shall not exceed 100 nanograms of furosemide per milliliter of serum or plasma. When the concentration

of furosemide exceeds 100 nanograms of furosemide per milliliter of serum or plasma, specific gravity of the corresponding urine sample shall be measured.¶

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

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

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

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

(7) Bleeder List:¶

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

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

(A) First incident - 14 days;¶

(B) Second incident within 365 day period - 30 days;¶

(C) Third incident within 365 day period - 180 days;¶

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

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

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

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

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

(8) Controlled Therapeutic Medications¶

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

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

(B) Albuterol - 1 ng/ml¶

(C) Butorphanol - 300 ng/ml¶

(D) Carboxydetomidine - 2 ng/ml¶

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

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

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

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

(B) Albuterol - 1 ng/ml¶

(C) Betamethasone - 10 pg/ml¶

(D) Butorphanol - 2 ng/ml¶

(E) Cetirizine - 6 ng/ml¶

(F) Cimetidine - 400 ng/ml¶

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

(H) Dantrolene - 100 pg/ml¶

(I) Detomidine - 1 ng/ml¶

(J) Dexamethasone - 5 pg/ml¶

(K) Diclofenac - 5 ng/ml¶

(L) DMSO - 10 mcg/ml¶

(M) Firocoxib - 20 ng/ml¶  
(N) DMSO - 10 mcg/ml¶

(L) Glycopyrrrolate - 3 pg/ml¶

(M) Guaifenesin - 12 ng/ml¶

(N) Isoflupredone - 100 pg/ml¶

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

(P) Mepivacaine LOD¶

(Q) Methocarbamol - 1 ng/ml¶

(R) Methylprednisolone - 100 pg/ml¶

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

(T) Prednisolone - 1 ng/ml¶¶

(U) Procaine penicillin - 25 ng/ml¶¶

(V) Ranitidine - 40 ng/ml¶¶

(W) Triamcinolone acetonide - 100 pg/ml¶¶

(X) Xylazine - 200 pg/ml¶¶

(9) Environmental Contaminants and Substances of Human Use:¶¶

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

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

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

(10) Androgenic-Anabolic Steroids (AAS)¶¶

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

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

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

(B) Boldenone (Equipose<sup>®</sup> 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<sup>®</sup> is the phenylpropionate ester and Deca-Durabolin<sup>®</sup> is the decanoate ester) in:¶¶

(i) Geldings - 1 ng/ml.¶¶

(ii) Fillies and mares - 1 ng/ml.¶¶

(iii) In male horses other than geldings - forty-five (45) ng/ml of nandrolone metabolite, 5a-oestrane-3,17a-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



462-120-0010

## 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, **or has access to account information**, 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

Reason for rule: Clarifies who must be licensed

Hearing required: No

FIS No

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE  
SECRETARY OF STATE

CHERYL MYERS  
DEPUTY SECRETARY OF STATE  
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK  
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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 462  
OREGON RACING COMMISSION

**FILED**

03/01/2024 11:36 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Agency address change.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/22/2024 12:00 PM

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

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

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Filed By:  
Karen Parkman  
Rules Coordinator

NEED FOR THE RULE(S)

Agency address change.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Agency address change

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

Will not affect racial equity

FISCAL AND ECONOMIC IMPACT:

none

COST OF COMPLIANCE:

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

none

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

Business were not involved

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

not needed

AMEND: 462-140-0150

RULE SUMMARY: Agency address change update.

CHANGES TO RULE:

462-140-0150

Racing Secretary ¶

(1) The racing secretary is responsible for maintaining a file of all registration papers and foal certificates on horses participating in the race meet. The racing secretary shall inspect all ownership and lease documents to be sure they are accurate, complete, and up-to-date. The racing secretary has the authority to demand the production of any documents or other evidence necessary in order to perform this responsibility. The racing secretary shall verify each racing animal's ownership and shall not allow any racing animal to run unless the racing animal is entered in the name of the legal owner as shown on the back of the registration/ownership papers, or on a legal lease attached to the registration/ownership papers, and unless the stable name is licensed, where the papers show a stable name. ¶

(2) The racing secretary is responsible for receiving all entry forms for official racing, all scratch requests, and all subscriptions, nominations, and entrance monies. The racing secretary shall assure, to the extent possible, that all entry requirements have been met and continue to be met until the entry is withdrawn. ¶

(3) The racing secretary shall be responsible for forming each race, and may provide assistance to the trainers in ensuring that only racing animals which are eligible to start or race and which meet any special entry requirements are drawn into the race. The racing secretary shall make every effort to ensure fairness and equal opportunity for all racing animal owners and stable owners in the forming of all races. ¶

(4) As soon as the entries have closed for each racing program, the racing secretary shall compile and post in a conspicuous place a list of entries, minus any subsequent withdrawals. Names of horses on the "Also Eligible" list shall also be compiled and promptly posted in a conspicuous place. ¶

(5) The racing secretary shall keep a complete record of all races and shall immediately report to the stewards conditions which may require a scratch, and any violations of ORS Chapter 462 or the rules of racing. ¶

(6) The racing secretary is responsible for publishing the racing program and for the accuracy of the information in it. ¶

(a) The racing secretary shall compile and cause to be printed for each racing day a program which shall legibly set forth for each race the amount of the purse, distance, conditions, names of racing animal which are to be run, their color, sex, age, breeding, state in which foaled, the name of their owner, lessee (if any), trainer, assistant trainer (if any), and jockey, the weight carried, order of their post positions, and such other information and notices to the public as the commission may direct. ¶

(b) Once the official program is printed and placed for sale to the public, there shall be no changes in the program (except to correct printer's errors) unless a horse is legally scratched from a race. No program shall contain a loose insert, unless approved by the board of stewards. ¶

(c) The racing secretary is responsible for the accuracy of all racing related material provided for the program. ¶

(d) All daily programs sold at the racecourse must contain a prominent notice that there is an information window and/or complaint window in the clubhouse and grandstand where complaints may be made or filed in writing. The exact locations of these windows shall be set forth in the notice. ¶

(e) All daily programs sold at the racecourse must clearly contain the following: ¶

NOTICE: This race meet is licensed for 20\_\_, License No. \_\_\_ by the Oregon Racing Commission and operates under its rules and regulations. The commission ~~office is located at the Portland State Office Building, 800 NE Oregon Street, Suite 310, Portland, Oregon 97232~~ may be contacted at P.O. Box 366, Gresham, OR 97030, or faxed to (971) 673-0213; or emailed to [orc.info@orc.oregon.gov](mailto:orc.info@orc.oregon.gov). ¶

(7) The racing secretary is responsible for writing a condition book and shall assign stalls in an equitable manner and shall maintain a record of arrival and departure of horses stabled on the racecourse. ¶

(8) The racing secretary is responsible for custody and safekeeping of registration papers and foal certificates for all horses participating in the race meet, and for recording required information on them including all wins in Oregon. The racing secretary shall permit access to the registration papers and foal certificates only to authorized personnel, and shall allow them to be removed only by the trainer. If the racing secretary is aware that a trainer has been fired by an owner, the racing secretary shall not release any papers to either except with consent of both, or pursuant to court or arbitration order, or with the consent of the commission. Effective January 1, 2020, the Racing Secretary shall ensure that the foal certificates for all the Thoroughbred horses entered to race that were

foaled in 2018, or thereafter, have a "Digital Tattoo." This Digital Tattoo shall indicate that the Thoroughbred Racing Protective Bureau has confirmed the identity of the horse and uploaded updated digital photos to the breed registry database.¶

(9) The racing secretary shall place on the racing secretary's bulletin board the names of heel nerved horses, mares in foal and any other information requested to be posted by the stewards or the commission. Horses that have had an alcohol blocking of the nerve or nerves shall be considered to be nerved.¶

(10) The racing secretary shall promptly make available to the media records of workouts.¶

(11) Chart Books:¶

(a) The Quarter Horse Chart Book shall be the official chart form for Quarter Horse racing.¶

(b) The Appaloosa Chart Book shall be the official chart form for Appaloosa horse racing.¶

(c) The Arabian Jockey Club Charts shall be the official chart form for Arabian horse racing.

Statutory/Other Authority: ORS 462.270(3)

Statutes/Other Implemented: ORS 462.270

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE  
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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 462  
OREGON RACING COMMISSION

**FILED**  
03/01/2024 11:24 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Removes conflicting language from OAR462-130-0010 Prohibited conduct, investigations & discipline.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/22/2024 12:00 PM

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

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

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Gresham, OR 97030

Filed By:  
Karen Parkman  
Rules Coordinator

NEED FOR THE RULE(S)

Removes conflicting language

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Stewards rule committee. Documents stored electronically at the agency.

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

No Affect

FISCAL AND ECONOMIC IMPACT:

None

COST OF COMPLIANCE:

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

None

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

No need for small business to be involved. Does not affect small businesses.

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

No need. Amendment removes conflicting language.

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AMEND: 462-130-0010

RULE SUMMARY: Removes conflicting language for prohibited conduct, investigations, discipline.

CHANGES TO RULE:

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.¶~~

(ep) 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.¶

(fg) Ride a horse on the racecourse without properly wearing an approved helmet and vest.¶

(sr) 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.¶

(ts) 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.¶

(ut) Direct, by use of language, gesture or sign, any profanity, obscenity or abusive epithets toward the public at a racecourse.¶

(vu) Direct any personally offensive language, inappropriate gesture or sign, profanity, obscenity, or abusive epithets toward any person while in view of the public.¶

(wv) 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.¶

(xw) 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.¶

(yx) Engage in any dishonest conduct on a racecourse.¶

(zy) Engage in any unprofessional conduct on a racecourse.¶

(az) 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.¶

(baa) 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.¶

(ebb) 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

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE  
SECRETARY OF STATE

CHERYL MYERS  
DEPUTY SECRETARY OF STATE  
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK  
DIRECTOR

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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 462  
OREGON RACING COMMISSION

**FILED**

03/01/2024 1:48 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Amends OAR 462-220-0030 to update retention schedule for account holders records.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/22/2024 12:00 PM

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

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

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

PO Box 366  
Gresham, OR 97030

Filed By:  
Karen Parkman  
Rules Coordinator

NEED FOR THE RULE(S)

Clarifies and updates retention schedule for account holders records.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

record retention standards. Electronically stored with the agency.

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

No affect on racial equity.

FISCAL AND ECONOMIC IMPACT:

None

COST OF COMPLIANCE:

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

None

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

small businesses are not affected and were not involved.

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

Not needed

AMEND: 462-220-0030

RULE SUMMARY: Amends retention schedule for account holders records.

CHANGES TO RULE:

462-220-0030

Approval of the License for a Hub Operation ¶¶

(1) Prior to operating a hub, the entity must submit a completed application on commission provided forms to: Oregon Racing Commission, P.O. Box 366, Gresham, OR 97030; or fax the application to: (971) 673-0213; or email the application to: [orc.info@orc.oregon.gov](mailto:orc.info@orc.oregon.gov) for a license, and be granted a license, from the commission, to conduct simulcasting and pari-mutuel wagering in accordance with ORS 462.725 and these rules as a "Multi-Jurisdictional Simulcasting and Interactive Wagering Totalizator Hub." ¶¶

(a) A license may range from one to five years in length and the length should be so noted in the application submitted. ¶¶

(b) The current, daily licensing fee is to be remitted no later than June 30th preceding the July 1 start of each year licensing has been granted or is being requested. Upon request from a hub entity the executive director shall permit the hub entity to make semiannual or quarterly payments of the daily licensing fee with the first payment due no later than June 30. ¶¶

(2) An applicant for a "Multi-Jurisdictional Simulcasting and Interactive Wagering Totalizator Hub" license must provide the following information as part of the application thirty days prior to the scheduled commission meeting at which the application is to be presented: ¶¶

(a) The applicant's legal name; ¶¶

(b) If the applicant is a corporation, the names, addresses, dates of birth of its shareholders, directors and officers; if a shareholder is a corporation the date of incorporation, the place of incorporation and the names, addresses, and dates of birth of its shareholders, directors and officers must be provided; ¶¶

(c) If the applicant is a partnership the names, addresses, dates of birth of the partners; if a partner is a corporation the date of incorporation, the place of incorporation and the names, addresses, and dates of birth of its shareholders must be provided; ¶¶

(d) If the applicant is a corporation ultimately owned by a not-for-profit entity without any shareholders, or is a publicly traded corporation, the information required in subsection (2)(b) and (2)(c) of this rule shall be required from the directors of the membership organization, or the directors and officers of the publicly traded corporation, in lieu of the shareholders; ¶¶

(e) The names of the race tracks the applicant, or its agent, has contracts with that allow the applicant to provide the simulcast signals and pari-mutuel wagering on the product; ¶¶

(f) Financial information from the applicant that demonstrates whether the applicant has the financial resources to install and operate a hub; ¶¶

(g) A detailed budget showing anticipated revenue, expenditures and cash flows by month, from the hub's operation during the license period; ¶¶

(h) The number of days that the applicant is planning to operate the hub during the fiscal year in which they are seeking to be licensed; ¶¶

(i) A list of all hub personnel containing the name, position, job location, license number and expiration date. All current gaming licenses should be listed, regardless of jurisdiction; ¶¶

(j) A chart illustrating the organizational structure, including reporting lines; ¶¶

(k) A list of all states where the hub is operating; and ¶¶

(l) Documentation of proper filing that the Hub applicant and/or parent company is registered to do business in the state of Oregon. ¶¶

(3) As part of the application for licensure as a hub, the applicant shall submit a detailed plan of operations in a format and containing such information as required by the commission. At a minimum, the operating plan shall address the following issues: ¶¶

(a) The manner in which the proposed simulcasting and wagering system will operate; ¶¶

(b) The requirements for a "qualified subscriber based service" or "closed loop subscriber based system" set out in OAR 462-220-0010(2); ¶¶

(c) Programs for responsible wagering; Beginning July 1, 2023, responsible wagering programs must include at a minimum: ¶¶

(A) Annual training for all staff that interact directly with account holders; ¶¶

- (B) Advertising must include responsible wagering messaging;¶
- (C) An account holder may request a one year, three year, five year or a lifetime self-exclusion;¶
- (D) An account holder that has elected to self-exclude will be removed from any type of direct advertising or promotions; and¶
- (E) Responsible wagering resources must be available on all ADW web and other sites, and must include information about where to get additional help. ¶
- (d) Mitigation for the effects of account wagering on the source market in Oregon. In addition to the source market mitigation plan as outlined in the application, more detailed source market information shall be provided by the hub at the commission's request. A mitigation plan must include one of the following options:¶
  - (A) An agreement with a state commercial race meet licensee as defined in ORS 462.062, a copy of which has been submitted to the commission; or¶
  - (B) A written agreement with the Oregon HBPA, a copy of which has been submitted to the commission; or¶
  - (C) A written plan submitted to, and approved by, the commission that mitigates the effect of account wagering and provides equitable compensation to the commercial race meet licensee as defined in ORS 462.062. Source market fees shall be paid statewide on Oregon accounts. Accounts must be available to Oregon residents if a hub is licensed in Oregon.¶
- (e) The requirements for accounts established and operated for persons whose principal residence is outside of the state of Oregon. The commission may require changes in a proposed plan of operations as a condition of granting a license. No subsequent changes in the system's operation may occur unless ordered by the commission or until approval is obtained from the commission after it receives a written request.¶
- (f) A list of any affiliate sites or potential affiliate sites of the hub. The operating plan must provide the following information and meet the following affiliate guidelines:¶
  - (A) The name and web address of the affiliate site.¶
  - (B) The person or companies involved in the affiliate agreement.¶
  - (C) That the affiliate site agreement is clearly noted as either a marketing or service agreement.¶
  - (D) Customers using the affiliate site will be customers of the licensed hub, subject to the same verification process and account operational procedures as any other customer of said hub licensee.¶
  - (E) The wagers placed through the affiliate site will be processed through equipment owned and operated by the licensed hub and their commission approved tote provider.¶
  - (F) The commission approved totalizator provider will incorporate the handle of the affiliate site into the handle report for the licensed hub, or generate a separate daily report for this handle. In either case, the handle will count as part of the hub licensee's handle, and the hub licensee will be responsible for all taxes on the handle generated from their own site and any affiliate sites.¶
  - (G) The affiliate site will be branded in some form to indicate to the customer that they will be wagering through systems operated by the licensed hub. The commission reserves the right to approve or deny any affiliate sites. Additionally, the commission may determine a handle level at which an affiliate site may need to apply for its own hub license, or at which the hub licensee must be subject to the tax rate described in OAR 462-220-0040(3).¶
- (4) Multi-jurisdictional hubs that offer handicapping contests must list each contest as a live money contest and/or an entry fee contest. All applications for approval must be accompanied by agreement(s) from the tracks. ¶
- (5) The commission may conduct investigations or inspections or request additional information from the applicant as it deems appropriate in determining whether to approve the license application.¶
- (6) The fee of \$200 per day that the hub is scheduled to operate must accompany the application. If the license is denied by the commission the fee will be refunded less the amount equal to the amount that the commission expended in conducting investigations and inspections which was in excess of the expenses that would have otherwise been incurred by the commission.¶
- (7) To ensure that the funds of an applicant's account holders will be properly held and maintained by the applicant:¶
  - (a) The applicant must provide evidence to the commission that the applicant has established a segregated account (the Bank Account) in which all funds of its account holders will be deposited in an insured account, approved by the commission, solely for the benefit of the account holders:¶
    - (A) No hub shall use the funds deposited in the Bank Account for any purpose except to facilitate the wagering activities and other instructions or agreements of account holders. The funds of an account holder held in the Bank Account shall remain the property of the account holder for all purposes until wagered by the account holder or otherwise withdrawn or used in accordance with the account holder's instruction or agreement;¶
    - (B) The hub shall maintain a record of each deposit, withdrawal or other use of funds held in the Bank Account for each account holder (the Customer Record);¶
    - (C) Any account holder, who claims that any credit or debit to his or her Customer Record is incorrect or who claims that any deposit, withdrawal or use of the account holder's funds is incorrect, may file a claim with the commission. The commission shall investigate all claims and provide the hub with an opportunity to respond to

such claim. The hub may submit any information, documentation or other evidence supporting its position with respect to the claim. If the commission determines that the Customer Record is incorrect or that any deposit, withdrawal or use of an account holder's funds was incorrect, the hub shall have 10 days to correct same as instructed by the commission. Such correction may require the hub to correct the Customer Record for the account holder, to deposit additional funds into the Bank Account for the account holder, to remit funds directly to the account holder, or any combination thereof.¶

(b) The applicant must provide a \$50,000 irrevocable bond, letter of credit, or other security instrument to the commission, in a form acceptable to the commission, which designates the commission as the beneficiary thereof (the Security Instrument). The Security Instrument shall permit the commission to make draws to cover such amounts as the commission finds is necessary. For example, if a hub fails to deposit funds into the Bank Account for an account holder or to remit funds directly to the account holder, as described in subsection (7)(a)(C) above, within 10 days of the commission's decision, the commission may draw down on or take other appropriate action against the Security Instrument to ensure the account holder is immediately made whole.¶

(8) An applicant licensed under this section may enter into such agreements, as for what it deems good and sufficient reasons, that are necessary to promote, advertise and further the sport of racing or that may be necessary for the effective operation of interstate account wagering, including, without limitation, television production and telecommunications services.¶

(9) An applicant must maintain an operational presence within the State of Oregon. A call center for customer wagering, a sub-contract with an existing call center for customer wagering, or a business office is required. In addition, totalizator equipment must be located in Oregon, and services must be provided by a totalizator vendor identified in the hub operating plan as approved by the commission.¶

(10) An applicant must provide the following to the commission:¶

(a) Access to customer call monitoring, account holder detail, and electronic wagering data;¶

(b) On site regulatory visits of the call center by authorized commission staff; and¶

(c) Reimbursement to the commission for expenses associated with out-of-state regulatory visits.¶

(11) Effective July 1, 2024 an applicant must maintain all customer account-related documentation for a period after the account is closed, including, but not limited to, wagering activity, deposits, and withdrawals for a minimum of three years, or the duration of not less than one year, and audio recording any self-exclusion period, whichever is greater. ¶

(a) For self-excluded individuals whose elected period is beyond three years, the applicant is only required to maintain documentation necessary to identify the self-excluded individuals. ¶

(b) Electronic customer communications, including but not limited to, email, text, and social media, must be retained for a period of not less than one year. ¶

(c) Audio recording(s) must be retained for a period of not less than three months.

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

Statutes/Other Implemented: ORS 462.725

Original filing:

(11) **Effective July 1, 2024, An applicant must maintain all customer account-related documentation after the account is closed – including, but not limited to, wagering activity, deposits, and withdrawals - for a minimum of three years, or the duration of any self-exclusion period, whichever is greater. for a period of not less than one year, and audio recording for a period of not less than three months.**

**For self-excluded individuals whose elected period is beyond three years, the applicant is only required to maintain documentation necessary to identify the self-excluded individuals.**

**Electronic customer communications, including but not limited to, email, text, and social media, must be retained for a period of not less than one year.**

**Audio recording(s) must be retained for a period of not less than three months.**

Amended based on counsel for consideration of permanent filing

(11) For accounts closed after on or after Effective July 1, 2024, An applicant must maintain all customer account-related documentation for a per after the account is closed – including, but not limited to, wagering activity, deposits, and withdrawals – for a minimum of three years, or for the duration of not less than one year, and audio recording any self-exclusion period, whichever is greater, except as otherwise provided by this rule. Account-related information includes, but is not limited to, wagering activity, deposits, and withdrawals.:

(a) For self-excluded individuals whose elected period is beyond three years, the applicant is only required to maintain documentation necessary to identify the self-excluded individuals and retain those records for the duration of the self-excluded period.

(b) Electronic customer communications, including but not limited to, email, text, and social media, must be retained for a period of not less than one year.

(c) Audio recording(s) must be retained for a period of not less than three months.

## OTOBA Policy on slaughter

The Oregon Thoroughbred Owners and Breeders Association strongly condemns the practice of horse slaughter, and the sale and transport of any horse for the purpose of slaughter. The OTOBA has a focused interest in encouraging the rehoming and retraining of retired race horses and breeding stock.



# OTOBA

## OFFTRACK OREGON-BRED THOROUGHBRED

### SCHOLARSHIP

The OTOBA is offering a \$1,000 scholarship to promote rehoming and retraining Oregon-bred Thoroughbreds that have retired from their racing careers!

A \$1,000 scholarship will be awarded annually to one person who acquires an Oregon-bred Thoroughbred who has retired from racing. The funds are to be used for retraining the Thoroughbred to compete in equestrian disciplines or rodeo events. Eligible expenses will include the cost of lessons, clinics, travel, competition fees and entry fees.

Application requirements:

- Applicants must submit an essay about themselves and their offtrack Oregon-bred Thoroughbred. Recent photos of the Thoroughbred and proof of ownership must be included.
- A letter of recommendation from a trainer, instructor, or veterinarian must be included.
- The Thoroughbred must be registered with the Jockey Club as an Oregon-bred and have been entered in at least one race during their career.
- Applicants must be Oregon residents.

The applicant who meets all the requirements and demonstrates a strong passion and commitment to Oregon-bred Thoroughbreds will receive the award.

The winner will attest they will pursue training and competition with their offtrack Oregon-bred. They will provide the OTOBA with written updates and photos of their progress.

The OTOBA reserves the right to use the winner's and horse's names, photographs, and statements on OTOBA social media sites, newsletters, and website.

Previous winners will not be eligible in subsequent years.

The winner will be responsible for any federal, state, or local taxes. A 1099 will be issued by the OTOBA.

Applications may be submitted to the OTOBA until September 30th of each year. The winner will be selected and announced by December 31<sup>st</sup>. Current OTOBA Board of Directors are not eligible.

OTOBA

P.O. Box 17248

Portland, OR 97217 or [lynnelle@oregontoba.com](mailto:lynnelle@oregontoba.com)

(503) 285-0658