

OFFICE OF THE SECRETARY OF STATE
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ARCHIVES DIVISION
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NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 462

OREGON RACING COMMISSION

FILED: 05/29/2026 2:51 PM

ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: 462-130-0005 Adds framework to ensure safety of equine and human participants.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 07/18/2026 11:55 PM

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

CONTACT:

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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: 06/23/2026

TIME: 10:00 AM - 10:30 AM

OFFICER: Connie Winn

REMOTE HEARING DETAILS

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

PHONE NUMBER: 1-503-446-4951

CONFERENCE ID: 256678904696116

NEED FOR THE RULE(S):

Ensure safety of equine and human participants.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Electronically stored with agency and available upon request

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

will not affect racial equity in the state

FISCAL AND ECONOMIC IMPACT:

no

COST OF COMPLIANCE:

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

none

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

small business were not involved and are not affected

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

Not needed

ADOPT: 462-130-0005

RULE SUMMARY: 462-130-0005 Adds framework to ensure safety of equine and human participants.

CHANGES TO RULE:

462-130-0005

Random or Reasonable Suspicion Drug And Alcohol Testing And Impairment Standard

(1) Purpose. The Commission adopts this rule to safeguard the health and safety of human and equine athletes and the public by deterring and detecting impairment among persons who handle or mount horses under Commission jurisdiction.

(2) Applicability. This rule applies to any licensed or credentialed person who will handle or mount a horse on grounds under Commission jurisdiction, including but not limited to jockeys, trainers, assistant trainers, starters, assistant starters, outriders, exercise riders, grooms, treating veterinarians, and handlers.

(3) Prohibitions and Impairment Standard. No licensed person may perform duties described in section (2) while impaired by any substance -controlled or non-controlled-that diminishes capability, judgment, coordination, reaction time, balance, situational awareness, or alertness.

(a) Impairing substances include, but are not limited to:

(A) Alcohol at or above a Blood alcohol Content of .02;

(B) Any controlled substance as defined in ORS 475.005, unless used pursuant to a valid prescription and not impairing the individual's performance;

(C) Any prescription medication that impairs safe performance;

(D) Any over-the-counter medication (such as antihistamines, cold medicines, sleep aids) known to cause drowsiness, dizziness, delayed reaction, or other performance-impacting effects;

(E) Inhalants, solvents, aerosols, or any chemical agent capable of altering perception or motor function.

(b) Lawful cannabis or psilocybin use off-duty does not exempt an individual from discipline if the person is impaired while performing duties.

(c) Determinations of impairment may be based on testing, direct observation by Stewards or other Oregon Racing Commission officials, medical review, or a combination of these.

(4) Random or Reasonable Suspicion Selection Program. The Stewards and/or Investigators may require licensees to undergo testing during race meets, training sessions, or while performing official duties under the Commission jurisdiction, either by:

(a) Random selection in accordance with the current program; No individual may be randomly selected more than three (3) times during a single race meet, providing the individual has not had a prior positive during the current season.

(b) Reasonable suspicion selection, based on observable or documented factors indicating possible impairment or rule violations.¶¶

(A) A licensee may be selected at any time while on Commission grounds if there is reasonable cause to suspect impairment.¶¶

(B) Factors that may establish reasonable suspicion include, but are not limited to:¶¶

(i) Observable physical or emotional impairment¶¶

(ii) Involvement in on-track incidents or accidents resulting in injury or near injury¶¶

(iii) Unexplained or repeated rule violations¶¶

(iv) Behavior detrimental to racing or performance anomalies¶¶

(v) Information from law enforcement, other jurisdictions, or racing authorities¶¶

(C) Reasonable suspicion determinations must be documented in writing and approved by a steward, and/or Oregon Racing Commission investigator.¶¶

(5) Testing Methods and Chain of Custody.¶¶

(a) Alcohol Testing: Blood Alcohol Content testing shall use commission approved devices and methods, with instruments certified for accuracy at required intervals.¶¶

(b) Drug Testing:¶¶

(A) Drug screening may be conducted by: Oral-fluid (saliva) screening devices that are approved by the Oregon Racing Commission; or Urine specimens.¶¶

(B) Oral-fluid screening: Must be administered by Oregon Racing Commission individuals trained per manufacturer instructions.¶¶

(C) All records, chain-of-custody documentation, and testing data must be maintained in accordance with Commission standards.¶¶

(6) Refusals and Failures. A refusal, sample adulteration, or failure to appear for testing is treated as positive and results in immediate suspension pending the steward hearing. Additional discipline may be imposed following a hearing.¶¶

(7) Medical Disclosure and Review. The steward or Oregon Racing Commission Investigators may request documentation of prescription or over-the-counter medications. No adverse action will be taken for medications taken as prescribed unless impairment exists.¶¶

(8) Confidentiality. All testing information shall be safeguarded, consistent with ORS 192.553 and applicable federal privacy protections.¶¶

(9) Hearings and Appeals. Except for immediate suspension for safety, no disciplinary action shall be imposed without notice and opportunity to be heard under Commission procedures.¶¶

(10) Enforcement. Violations of this rule are grounds for suspension, fines, or other discipline under ORS Chapter 462.

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

Statutes/Other Implemented: ORS 462.270(3), ORS 462.725