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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 462
OREGON RACING COMMISSION

FILED

01/30/2025 4:22 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amends 462-160-0120 language regarding Nasogastric tubes.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 03/21/2025 8:00 AM

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

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
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NEED FOR THE RULE(S)

To identify what length of tube is allowable to be in possession of anyone who is not a ORC licensed veterinarian.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Veterinarian testimony. Meeting record is electronically filed with the agency.

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

Does 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):

small businesses were not involved and are not affected.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 462-160-0120

RULE SUMMARY: Amends 462-160-0120 language regarding Nasogastric tubes.

CHANGES TO RULE:

462-160-0120

Prohibited Practices ¶¶

The following are considered prohibited practices:¶¶

(1) The possession or use of a drug, substance, or medication on the premises of a facility under the jurisdiction of the commission that has not been approved by the United States Food and Drug Administration (FDA) for any use in (human or animal) is forbidden without prior permission of the commission or its designee.¶¶

(2) The possession and/or use of blood doping agents, including but not limited to those listed below, on the premises of a facility under the jurisdiction of the commission is forbidden:¶¶

(a) Erythropoietin;¶¶

(b) Darbepoetin;¶¶

(c) Oxyglobin®; and¶¶

(d) Hemopure®.¶¶

(3) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy shall not be permitted unless the following conditions are met:¶¶

(a) Any treated horse shall not be permitted to race for a minimum of 30 days following treatment;¶¶

(b) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines shall be limited to veterinarians licensed to practice by the commission;¶¶

(c) Any Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines on the association grounds must be registered with and approved by the commission or its designee before use; and¶¶

(d) All Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy treatments must be reported to a commission veterinarian on the prescribed form not later than the time prescribed by the commission veterinarians.¶¶

(4) ~~The use of a nNasogastric tube (a tube longer than six inches) for the administration of any substance wis: May only be used by Veterinarians, and only more than 24-48 hours prior to the original post time of the race in which the horse is entered is prohibited without the prior permission of a commission before a race without the permission of a Commission Veterinarian. No tubes longer than 12 inches will be allowed to be in the possession of anyone other than an ORC licensed veterinarian.~~¶¶

(5) No medication may be taken into a stall where a horse is stabled unless it is intended for use on that horse.¶¶

(6) An animal may not participate in any race if the animal has been administered any drug that is prohibited by the commission less than 24 hours before the original post time for the race in which the horse is entered.

Statutory/Other Authority: ORS 462.270(3)

Statutes/Other Implemented: ORS 462.270, 462.415