



Oregon Racing Commission
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COMMISSION MEETING AGENDA

Thursday, April 17th, 2025

1:30 p.m.

The Oregon Racing Commission will meet at **1:30 pm on Thursday, April 17th, 2025**. The meeting will be held in person at the Portland State Office Building, 800 NE Oregon St, Portland, OR 97232 - Room 1A, and remotely via Microsoft Teams. You may join the meeting by attending the meeting in person, 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 April Regular Commission Meeting

Time: April 17, 2025, 01:30 PM Pacific Time (US and Canada)

Join Meeting: [Teams Link](#)

Meeting ID: 293 757 141 00

Passcode: fe9Kq9MN

If you are unable to access this session through a computer, please dial: 1-503-446-4951

Phone conference ID: 351 673 144#

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. This proposed agenda is subject to last-minute changes without prior notice.

AGENDA ITEMS

ROLL CALL – Karen Parkman:

APPROVALS (need to conduct a vote):

1) Meeting Agenda – Chair Doherty

OLD BUSINESS:

2) Director's Report – Director Winn

3) Online Wagering (ADW) Committee Report – Commissioner Berry

4) Best Practices & Strategic Planning Committee Report – Commissioner Berry

NEW BUSINESS:

- 5) Discussion and possible approval to begin the rule making process: (Director Winn)
 - a) 462-120-0050 (3) License Fees
 - b) 462-120-0055 (2) State and Nationwide Criminal Record Checks; Fitness determinations
 - c) 462-160-0130 (6) Furosemide
 - d) 462-160-0140 (h) Testing and Lasix
 - e) 462-220-0040 (6)(7) State of Oregon share of Pari-Mutual Handle – Clarifies language
 - f) 462-220-0030 (1) Approval of the License for a Hub Operation
- 6) Discussion and possible approval to adopt the following rules: (Director Winn)
 - a) 462-140-0130 (28)(g)(A) Paddock and starting gate medical professionals
 - b) 462-160-0120 (4) Use of tubes
- 7) 2025 WVC Annual Conference – Commissioner Stein, DVM

PUBLIC COMMENT:**CONTESTED CASES:**

None.

EXECUTIVE SESSION

None.

CONFIRMATION OF NEXT COMMISSION MEETING:

The next commission meeting is scheduled for Thursday, May 15th, 2025, at 1:30 P.M. remotely via Microsoft Teams.

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 during the week of the meeting to inquire about additions.

Division 120

LICENSING PROCEDURES

462-120-0050

**License Application Procedures; Requirements for Corporations and Partnerships;
Stable/Assumed Name**

(1) License applications shall be made on forms furnished by the commission. An application is not complete until the application form has been filled out completely and signed by the applicant, the proper fee has been paid, and the applicant has submitted all documentation and information reasonably requested by the board of stewards or the commission. An oral interview may be required in a particular case. All licensees are required to maintain current information regarding themselves on file with the Oregon Racing Commission, including but not limited to their current address, telephone number and any information regarding rulings, arrests or convictions. The commission will send all forms of written communications, including notices, to the address the licensee has on file with the commission. Every person making application for a license to hold a race meet shall file the application with the Oregon Racing Commission in accordance with ORS 462.050. The application for license should be addressed and mailed to the Oregon Racing Commission, P.O. Box 366, Gresham OR 97030; or faxed to (971) 673-0213; or emailed to orc.info@orc.oregon.gov. All applications, which will be due thirty days prior to the scheduled commission meeting at which the application is to be presented, should include:

(a) The applicant's legal name;

(A) 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 designated representative, directors and officers must be provided; and

(B) 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 designated representative must be provided.

(C) If the shareholder of a corporate licensee, or a partner of a partnership licensee, is a corporation, the designated representative of that corporation shall provide to the commission the names, addresses and birth dates of that corporation's shareholders promptly upon request by the stewards or the executive director of the commission.

(b) 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 at the time the application is made;

(c) Financial information from the applicant that demonstrates whether the applicant has the financial resources to operate the race meet;

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

(e) The number of days that the applicant is planning to offer live racing during the fiscal year in which they are seeking to be licensed;

(f) A list of all race meet personnel containing the name, position and job location;

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

(h) A list of all host contracts for exporting of signal on file at the time of application;

(i) A check representing \$100 per racing day payable to the Oregon Racing Commission;

(j) Documentation supporting current Public liability insurance;

(k) Documentation supporting current Jockey Insurance;

(l) Documentation supporting a current Bond that shows the Oregon Racing Commission as beneficiary equal to the amount of all moneys that escheat under 462.110(2);

(m) Documentation that the applicant and/or parent company are registered to do business in the state of Oregon;

(n) As part of the application for licensure as a race meet, 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 take-out rates for wagering during the licensing period;

(C) Programs for responsible wagering;

(D) Physical security controls for the Tote Room;

(E) An agreement between the Oregon Horsemen's Benevolent Protective Association (OHBP) and the state commercial race meet licensee as defined in ORS 462.062, a copy of which has been submitted to the commission;

(F) A complete listing of all names, operators and addresses of Off-track Betting (OTB) locations; and (G) Narrative acknowledging tax liabilities as set forth in Chapter 462.

(2) The application must show the true name of the applicant, and must also disclose any other name used by the applicant during the past 10 years. An application for an owner's license must identify the true names of all other persons who have any ownership interest, leasehold interest, or other investment in any of the applicant's racing animal(s) which will be racing in Oregon. All applicants should be aware that Oregon law prohibits any person from conducting business in Oregon under an assumed name or under any name other than the real and true name of each person conducting the business or having an interest therein, unless the assumed name is registered with the Office of the Secretary of State. Refer to ORS 648.010(1).

~~(3) Licensing fees. The application fee for licensure or for the renewal of licensure shall be \$20 per year for the first category, with a sum not to exceed an additional \$10 per year for any and all additional categories. In no case shall the total fees paid exceed \$30 per year, regardless of the number of categories held. The period of licensure shall be three years in duration, with any subsequent additional licenses to expire on the same date as the original license. The fees that accompany license applications are non-refundable.~~

Application and Renewal Fees

(a) Fees for both initial license applications and renewals are based on applicant roles and assigned tiers:

(A) Tier 1 — \$25 per year

Roles involving direct horse care and support:

- Exercise Rider (Prospective or Active)
- Pony Rider (Prospective or Active)
- Groom
- Starter
- Apprentice Jockey
- Food and Beverage Employee
- Videographer

(B) Tier 2 — \$50 per year

Roles with supervisory, officiating, or operational support responsibilities:

- Jockey
- Chaplain
- Paddock Judge
- Paymaster of Purses
- Clerk of Scales
- Claims Clerk
- Horse Identifier
- Jockey Room Supervisor
- Program & Administrative Coordinator
- Food and Beverage Manager
- Guest Services Manager
- Stall Superintendent
- Photographer
- Track Veterinarian Assistant
- Clockers

- Vendor

- Outrider

(C) Tier 3 — \$75 per year

Roles involving management, technical services, or regulatory support:

- | | |
|----------------------------------|-----------------------------------|
| • <u>Owner</u> | • <u>Horseshoe Inspector</u> |
| • <u>Assistant Trainer</u> | • <u>Racing Secretary</u> |
| • <u>Authorized Agent</u> | • <u>Track Superintendent</u> |
| • <u>Jockey Agent</u> | • <u>Track Steward</u> |
| • <u>General Manager (Track)</u> | • <u>Farrier / Plater</u> |
| • <u>Announcer</u> | • <u>Tote Employee</u> |
| • <u>Handicapper</u> | • <u>Online Wagering Employee</u> |
| • | |

(D) Tier 4 — \$100 per year

Leadership and regulatory management roles:

- | | |
|-----------------------------|--|
| • <u>Trainer</u> | • <u>Track Veterinarian</u> |
| • <u>Director of Racing</u> | • <u>Industry Association Management</u> |

(E) Tier 5 - \$125 per year

Senior leadership

- | | |
|-------------------------------------|--------------------------|
| • <u>Online Wagering Management</u> | • <u>Tote Management</u> |
|-------------------------------------|--------------------------|

(F) Fee-Exempt Roles — \$0

The following individuals are exempt from licensing fees:

- | | |
|--|---|
| • <u>Racing Commissioners</u> | • <u>Any other role approved by the</u> |
| • <u>Commission Staff</u> | <u>Oregon Racing Commission</u> |
| • <u>Media Personnel</u> | <u>(ORC)</u> |
| • <u>Volunteers acting in an official capacity</u> | |

(b) Annual Fee Cap

An individual's total license fees shall not exceed \$150 per year, regardless of the number of licenses or categories held.

(c) License Duration

All licenses are valid for a period of two years. If additional licenses are added during that period, they will expire on the same date as the original license.

Advisory Committee: Yes Hearing: Yes FIS: No Reason: Increase fees

462-120-0055

State and Nationwide Criminal Records Checks; Fitness Determinations

(1) The purpose of these rules is to provide for the reasonable screening of applicants and licensees in order to determine if they have a history of criminal behavior such that they are not fit to be granted or renewed a license that is issued by the commission.

(2) Fingerprints ~~may be~~ **are** required of applicants **during initial licensing and at the third renewal (or every six years thereafter, whichever occurs first) from the initial license on a case-by-case basis** in order to complete a national criminal background investigation. In the case of a corporation or partnership, fingerprints ~~may will~~ be required from the authorized agent and any other individual shareholder or owner the commission or its designated representative may deem appropriate. **Case-by-case exceptions may be granted for applicants who have submitted fingerprints for an Oregon Racing Commission License within the last six years. Additional exceptions will be made for out of country residents. Applicants residing outside the United States must provide official documentation verifying a background check was conducted in their jurisdiction of residence. This background check must be provided on official letterhead from a recognized law enforcement agency or equivalent authority.**

(a) These fingerprints will be provided on prescribed forms made available to the commission. Fingerprints may be obtained by designated commission staff, a law enforcement office, or at a private service acceptable by the commission. The commission will submit fingerprints to the Oregon Department of State Police to conduct a national criminal records check. Following the submission, all fingerprint cards **that commission staff obtained** will be destroyed by the Oregon Racing Commission. All background checks shall be requested to include available state and national data, unless obtaining one or the other is an acceptable alternative. The costs of the criminal record check, including a nationwide fingerprint-based criminal records check, shall be the responsibility of the commission.

(b) The board of stewards on behalf of the commission shall determine whether an applicant or licensee is fit to be granted a license based on criminal records background check, racing license history, financial records, any false statements made by the applicant or licensee regarding his/her background, any refusal to submit or consent to a criminal records check including fingerprint identification, and any other pertinent information obtained as part of an investigation. If a licensee is determined to be unfit, the applicant may not be granted a license. The applicant may be granted the ability to conduct business in his occupational category on a temporary basis until such time as the background investigation is complete.

(c) In order to conduct the Oregon and national criminal records check and fitness determination, the commission may require additional information from the licensee or applicant as necessary, such as but not limited to, proof of identity; residential history; names used while living at each residence; or additional criminal, judicial or other background information.

(d) The commission may consider any conviction of any violation of the law for which the court could impose a punishment. When making a fitness determination based on criminal record, the commission shall consider:

(A) The nature of the crime;

(B) The facts that support the conviction or pending indictment or that indicate the making of the false statement;

(C) The relevancy, if any, of the crime or the false statement to the specific requirements of the applicant's or licensee's present or proposed license; and

(D) Intervening circumstances relevant to the responsibilities and circumstances of the license, intervening circumstances include but are not limited to:

(i) The passage of time since the commission of the crime;

(ii) The age of the applicant or licensee at the time of the crime;

(iii) The likelihood of a repetition of offenses or of the commission of another crime;

(iv) The subsequent commission of another relevant crime;

(v) Whether the conviction was set aside and the legal effect of setting aside the conviction.

(E) If the applicant discontinues the application process or fails to cooperate with the criminal records check process, the application is considered incomplete.

(3) Failure to renew your license will result in the expiration of your current license. Therefore an applicant will be treated as a "new applicant" and will have to submit a new set of fingerprints for a criminal background check, this includes if you had already submitted fingerprints that fall into the category describe in section 2 of this rule. You will also be subjected to the additional wait time for the fingerprints to process before being approved for a license.

(4) It is the responsibility of the applicant to answer all required information correctly and true to the best of their knowledge and to respond to all inquiries requested by the Commission.

Statutory/Other Authority: ORS 462.270(3)

Statutes/Other Implemented: ORS 462.020

Reason for the rule: Defines the requirements for the renewal of background checks.

Is there a Fiscal impact? No.

Is a hearing required? Yes.

Is an Advisory Committee needed? No.

(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, 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 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 four and a half hours but not less than 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 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.

Statutory/Other Authority: ORS 462.270(3)

Statutes/Other Implemented: ORS 462.270 & 462.415

History:

[RC 4-2025, amend filed 04/02/2025, effective 04/02/2025](#)

[RC 19-2024, amend filed 07/19/2024, effective 07/19/2024](#)

[RC 5-2018, amend filed 10/11/2018, effective 10/11/2018](#)

RC 4-2016, f. & cert. ef. 6-17-16

RC 4-2012, f. 11-14-12, cert. ef. 11-15-12

RC 1-2012(Temp), f. 5-21-12, cert. ef. 5-22-12 thru 11-17-12

RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

RC 2-2008, f. & cert. ef. 9-30-08

RC 1-2008, f. & cert. ef. 4-7-08

RC 6-2007(Temp), f. & cert. ef. 11-28-07 thru 5-23-08

RC 1-2007, f. 2-28-07, cert. ef. 3-7-07

RC 2-2006(Temp), f. & cert. ef. 10-2-06 thru 3-21-07

462-160-0140

Testing

(1) Reporting to the Test Barn:

(a) The board of stewards or a commission veterinarian may require that any horse is tested for drugs prior to its removal from any list, after any race or workout, or whenever the board of stewards or a commission veterinarian has reasonable suspicion to believe that an illegal drug or excessive quantity of an authorized drug has been used any horse;

(b) The official winning horse and any other horse ordered by the commission and/or the stewards shall be taken to the test barn to have blood and urine samples taken at the direction of a commission veterinarian. The horse(s) ordered to the test barn shall be identified by a readily identifiable tag or ribbon attached to the bridle;

(c) Random or extra testing may be required by the stewards or the commission veterinarian at any time on any horse on association grounds;

(d) Unless otherwise directed by the stewards or a commission veterinarian, a horse that is selected for testing must be taken directly to the test barn;

(e) A track security guard shall monitor access to the test barn area during hours posted by a commission veterinarian. All persons who wish to enter the test barn area must be a minimum of 15 years old, be currently licensed by the commission, display their commission identification badge and have a legitimate reason for being in the test barn area;

(f) Whenever requested by the stewards or a commission veterinarian, any horse on the racecourse or that was previously on the racecourse, shall be immediately submitted by the horse's owner or trainer to a commission veterinarian or designated representative for examination or testing. If the horse is not on the racecourse, it must be promptly returned to the racecourse. An extension of time may be granted if good cause is given at the time the request is made;

(g) A claimed horse shall remain in the care and custody of the original trainer or their representative until after the post-race testing process is complete.

(h) If a urine sample is not obtained within one hour of the time the horse started walking, the commission veterinarian may administer furosemide to the horse. The needle and syringe used for the diuretic shall be labeled and attached to the urine sample container. The quantity of furosemide administered shall be indicated on all portions of the urine sample tag;

(2) Sample Collection:

(a) Sample collection shall be completed in accordance with these rules and the guidelines and instructions provided by a commission veterinarian;

(b) A commission veterinarian shall determine a minimum sample requirement for the primary testing laboratory;

(c) Any examination made by a commission veterinarian or test taken by a commission veterinarian or designee may be witnessed by the owner, trainer, or the trainer's designated representative.

(3) Storage and Shipment of Split Samples:

(a) Split samples obtained in accordance with subsection (2) above shall be secured and made available for further testing in accordance with the following procedures:

(A) A split sample shall be secured in the test barn under the same manner as the portion of the specimen acquired for shipment to a primary laboratory. Split samples shall be stored in a freezer and/or refrigerator at a secure location approved by the commission;

(B) Split samples remain the property of the commission. In the case of a compromised primary sample, the split sample shall be used as the primary sample.

(b) A trainer of a horse having been notified by commission staff that a prohibited substance or overage of a permitted medication has been found in the primary sample that was sent to the officail laboratory, may request the split sample be sent to another laboratory approved by the commission for referee testing. In the case of a compromised primary sample, the remaining portion of the split sample used by the primary laboratory for primary testing may be sent to another laboratory approved by the commission for the referee testing requested by the trainer of the horse. The request for referee testing must be made in writing, in person or by telephone. Payment for the referee testing must be paid in full and be delivered to a designated commission representative not later than 72-hours after the trainer of the horse receives notice of the findings of the primary laboratory. Notification, for the purpose of this rule, will include efforts to contact the trainer by commission staff using the information supplied by the trainer on their license application.

(c) The trainer requesting referee testing of a split sample shall be responsible for the cost of shipping the sample to the selected laboratory and also for the cot of the requested testing. Failure of the trainer or trainer's designee to appear at the time and place designated by a commission veterinarian or other commission staff shall constitute a waiver of all rights to split sample testing. Prior to shipment of the split sample, the commission shall confirm the selected receiving laboratory's willingness to provide the testing being requested by the trainer or trainer

designee and also the acceptability of the payment arrangements made by the trainer or their designee for payment of the requested sample testing.

(d) The package containing any portion of a split sample shall be transported in the manner prescribed by the commission to the location where custody is transferred to the delivery carrier charged with delivery of the package to the commission-approved laboratory selected by the owner or trainer;

(e) The commission will not release any portion of a horse's split sample to any representative of the horse. All expenses for referee confirmation testing, including but not limited to transportation, analysis and personal testimony from the reference laboratory shall be borne by the horse's trainer or the trainer's designee. A copy of all written material received by or from the laboratory which conducted the referee confirmation analysis shall be forwarded to the horse's trainer or the trainer's designee. The commission or board of stewards may use the written material as evidence at any hearing.

(4) Laboratory Minimum Standards: Laboratories conducting either primary or split sample testing or other sample analysis must meet at least the following minimum standards:

(a) A testing laboratory must adhere to and comply with any standards set forth and required by the commission;

(b) A testing laboratory must have, or have access to, LC/MS instrumentation for screening and/or confirmation purposes;

(c) A testing laboratory must be able to meet minimum standards of detection, which is defined as the specific concentration at which a laboratory is expected to detect the presence of a particular drug and/or metabolite or by the adoption of a regulatory threshold.

(5) Refusal or Interfering With Sample(s)/Collection:

(a) Failure to appear promptly for or refusal to allow the taking of a sample is prohibited;

(b) Any act, disturbance or threat to impede, prevent or interfere with the taking of a sample, ORC personnel's documenting of the taking of a sample or ORC personnel's following of a commission veterinarian's guidelines for collection and documentation of a sample is prohibited and shall be reported to the stewards;

(c) Any violation of this section shall be deemed an admission of violation of ORS 462.415(b).

(6) Substances That Cause Interference with Testing Procedures:

(a) If laboratory analysis detects any adulteration or substance in quantities that interfere with routine screening or the true and accurate testing and analysis of any sample taken from an animal, the laboratory shall perform alternate testing procedures to determine if any other prohibited drug(s) are present. If another prohibited or unauthorized drug is found, the sanctions for the use of such drug shall additionally apply;

(b) Sulfa drugs. Non-interfering levels of sulfa drugs in urine tests shall not be considered a violation of the prohibited medication statutes or rules. A non-interfering level is anything less than 1 microgram per milliliter of urine.

(7) Presence of A Prohibited Substance:

(a) Laboratory analysis of saliva, urine, blood or other sample taken from a horse on race day which indicates the presence of an unauthorized drug or an excessive quantity of an authorized drug shall be conclusive evidence that the horse contained that drug or quantity of drug on race day;

(b) When laboratory analysis confirms the presence of an unauthorized drug, the commission investigators shall immediately conduct a thorough investigation of the incident. and shall write up a detailed report for presentation to the board of stewards. The report should discuss the race, the winning horse, the losing horse(s) placement, post-race testing conditions and results, transport to the official testing laboratory and, if also used, referee testing laboratory, when the mailing was made to the laboratory, when the laboratory reports receiving the package, the condition of the package upon receipt if known, the type of testing used, the r

462-220-0040

State of Oregon Share of the Pari-Mutuel Handle

In addition to the licensing fee set forth in OAR 462-220-0030(6), the hub operator shall pay to the Oregon Racing Commission the payments authorized by ORS 462.725(4)(b) on all gross mutuel wagering receipts recorded by the hub's totalizator system during the license period. The payments shall be made as follows:

- (1) Payments shall be made each month based on the gross mutuel wagering receipts for that month.
- (2) Payments shall be made in a timely manner as prescribed by the executive director of the commission.
- (3) Payments shall be calculated according to one of the following formulas as elected by the hub operator in the manner specified in section (6):
 - (a) Payment of 0.125% of the first 60 million dollars in gross mutuel wagering receipts during the license period and 0.25% of the gross mutuel wagering receipts in excess of 60 million dollars during that period; or
 - (b) Payment of 0.25% of gross mutuel wagering receipts, except that if the hub operator conducts business in a state where hubs are specifically authorized and the tax rate is less than 0.25%, the tax rate for wagers by the residents of such state would be that of the state in which they reside. This exception is limited to a single state designated by the hub operator in the manner specified in section (7).
- (4) Advanced deposit wagering handle from past live racing products will be calculated separately from all other gross mutual wagering receipts recorded by the hub's totalizator system. These product wagering receipts will, however, follow the same payment structure as all other gross wagering receipts including the maximum payment set out in section (6).
- (5) Each affiliate of a licensed multi-jurisdictional hub will follow the same payment structure as the licensed multi-jurisdictional hub including the maximum payment set out in section 6. The additional payments, as outlined in (3), will occur after the affiliate's first \$20,000,000.00 in handle or after the licensee has reached their maximum payment, whichever occurs last. The first \$20,000,000.00 of the affiliate's handle and any additional handle if the licensee has not yet reached their maximum payment is exempt from separate fee payments. The first \$20,000,000.00 will nevertheless apply toward the licensee's maximum payment.
- (6) ~~The maximum payment for fiscal year 2023-2024 is \$797,647.00. Notwithstanding OAR 462-220-0040(5)~~ The maximum payment set out in section (6) will increase 2.5% on an annual basis for each fiscal year through 2029-2030 unless the commission changes that limit before the beginning of a fiscal year. Maximum payments through fiscal year 2029-2030 are calculated below.

Fiscal Year — Fee Payment Schedule:

~~2023-24 — \$797,647.00~~

~~2024-25 — \$817,588.18~~

2025-26 - \$838,027.88

2026-27 - \$858,978.58

2027-28 - \$880,453.04

2028-29 - \$902,464.37

2029-2030 - \$925,025.97

(7) The hub operator shall state in its license application its election to pay tax calculated pursuant to section (3), subsections (a) or (b), for gross mutuel wagering **handle minus cancels and refunds**, and shall also designate a state that is subject to the exception in section (3), subsection (b), if that formula is elected. The hub operator statement shall be made in its license application or at such other time as is specified by the Commission. Neither the payment formula nor the state subject to the exception may be changed during a license period without the prior approval of the Commission.

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

Statutes/Other Implemented: ORS 462.725

Reason for the rule: Clarifies and updates language

FIS: No

Hearing: No

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~~ 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 **duration will be four years and is subject to annual audits. Subsequent renewals shall be submitted for review and approval by the commission at least 60 days before June 30th of the fourth year.** ~~may range from one to five years in length and the length should be so noted in the application submitted.~~

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

Statutes/Other Implemented: ORS 462.725

History:

RC 1-2009, f. 4-21-09, cert. ef. 7-1-09

RC 3-2007, f. 3-29-07, cert. ef. 7-1-07

RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

OFFICE OF THE SECRETARY OF STATE

TOBIAS READ
SECRETARY OF STATE

MICHAEL KAPLAN
DEPUTY SECRETARY OF STATE



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

01/30/2025 3:10 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amends 462-140-0130 language to direct racing officials where to be during racing.

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.

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: 03/19/2025

TIME: 11:00 AM - 11:30 AM

OFFICER: Harvey Stein DVM

REMOTE HEARING DETAILS

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

PHONE NUMBER: 503-853-5927

CONFERENCE ID: 130691620

SPECIAL INSTRUCTIONS:

Meeting ID: 230 164 728 750

Passcode: 6866nY77

+1 503-446-4951,,130691620# United States, Portland

Find a local number

Phone conference ID: 130 691 620#

NEED FOR THE RULE(S)

Improve safety measures. Clarifies credentials of medical personnel.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

None

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

Does not affect racial equity

FISCAL AND ECONOMIC IMPACT:

Possible. There will likely be an increased cost of the EMT service. This fee is renegotiated annually and will likely go up for the increased presence required by the rule. The 2025 fee has yet to be determined.

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).

Cost of compliance only affects race meet operator and the Oregon Racing Commission.

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

Small businesses were not involved or affected.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 462-140-0130

RULE SUMMARY: Amends 462-140-0130 to direct certain racing officials to be present on the premises of the track including paddock and starting gate during racing.

CHANGES TO RULE:

462-140-0130

Race Meet Licensee ¶¶

(1) License Application. Applications for racing dates must be on file with the commission at Oregon Racing Commission P.O. Box 366 Gresham, OR 97030 or faxed to (971) 673-0213; or emailed to orc.info@oregon.gov when required by the commission.¶¶

(2) Race Meet Licensee Employees. The race meet licensee shall be responsible for ensuring that all employees are properly licensed and current. The race meet licensee shall provide the licensing department with a complete list of employees at the start of each race meet and thereafter shall maintain and provide the licensing department with any subsequent changes.¶¶

(3) Racing Officials. The race meet licensee shall hire all necessary racing officials and shall submit to the commission for approval the names of all proposed racing officials and their assistants, except commission employees, at least 45 days prior to the proposed race meet. This deadline may be waived by the commission for good cause. Substitutions of racing officials may be made from time to time as provided in OAR 462-140-0060(10). The race meet licensee shall provide the commission, for confirmation, timely updates of the list of officials and their assistants when changes are made. The commission may appoint an employee of the commission to serve as a racing official for any race meet and may require the race meet licensee to pay the employee's compensation.¶¶

(4) Safe and Clean Facilities. The race meet licensee shall provide all facilities necessary for the proper conduct of the race meet and shall take every reasonable precaution to make all areas of the racecourse safe and shall ensure that the paddocks, starting gate, test barn and other equipment with which racing animals may come in contact are kept in a clean condition and free of dangerous surfaces. The race meet licensee shall keep the grounds of the racecourse in a clean condition.¶¶

(5) Commission Offices. The race meet licensee shall provide adequate office space properly equipped and maintained for the use of the commission and its designated representatives. Office space includes, but is not limited to, general offices and stewards' office. Upon request, the race meet licensee shall furnish suitable space and accommodations for fingerprinting and photographing license applicants.¶¶

(6) First Aid. During racing hours the race meet licensee shall provide and equip a first aid room within the racecourse and shall have present on the premises a licensed ~~physician or registered nurse~~ EMT or paramedic unless otherwise authorized by the board of stewards.¶¶

(7) Equine Ambulance.¶¶

- (a) The race meet licensee shall provide an equine ambulance attached to a tractor or vehicle for the immediate removal of an injured animal from the racecourse. The ambulance shall be available during racing and training hours and the period preceding the official opening of the race meet.¶¶
- (b) The race meet licensee shall require a licensed veterinarian to be on the grounds during racing hours for the immediate treatment of an injured animal on the racecourse.¶¶
- (c) The race meet licensee shall have available either a licensed veterinarian on the grounds and/or a list of available veterinary clinics with emergency contacts and phone numbers for timely treatment of an injured animal on the racecourse during training hours.¶¶
- (8) Every race meet licensee shall operate its own pari-mutuel department, and in no event shall subcontract or let to concessionaires the operation of the pari-mutuel department or any part thereof without commission approval.¶¶
- (9) Totalizator. The race meet licensee shall maintain a satisfactory totalizator system, including a tote board.¶¶
- (10) Post-Race Test Area. The race meet licensee shall furnish a post-race receiving area approved by the commission veterinarian, with sufficient facilities to safely collect, store and secure saliva, urine, and/or blood samples from racing animals.¶¶
- (11) The race meet licensee shall provide adequate racing silks, saddlecloths, head numbers, lead weights, and other standard equipment.¶¶
- (12) Photofinish; Timing Devices. The race meet licensee shall provide a sufficient amount of light at the finish line for nighttime and twilight racing and shall install two automatic timing devices approved by the commission, and shall provide a photofinish booth meeting standards set by the commission. (The cost of photofinish services for pari-mutuel races shall be an expense of the commission)¶¶
- (13) Tip Sheets. The race meet licensee may contract with no more than two persons to sell tip sheets on the racecourse during a race meet. Tip sheets obtained from out-of-state host tracks which are part of the race meet licensee's simulcast program shall not count against the limit of two tip sheets. The race meet licensee shall provide booths and utilities for the tip sheet sellers, and may charge a reasonable fee for their use. The race meet licensee shall not allow anyone to sell tip sheets who is not licensed by the commission and shall not allow tip sheets to be sold in wagering areas. Tip sheets must be sold from a booth, and the previous day's sheets and outcomes must be displayed on the front of each booth. Tip sheets must be independently handicapped, and each handicapper must sign and deliver such sheet at least one hour before post time to the commission office located on the racecourse.¶¶
- (14) Security. The race meet licensee shall provide a sufficient number of security personnel to provide adequate security for all areas of the racecourse, including parking lots, test barn, and stable areas, and shall ensure that unlicensed individuals do not enter restricted areas. The race meet licensee and its security personnel shall cooperate with local authorities and with commission personnel in enforcing the rules of racing and the laws of this state, and shall promptly inform commission stewards of all violations of ORS chapter 462 and the rules of racing. All security reports and records will be made available in a timely manner to commission investigators, the board of stewards and/or the executive director.¶¶
- (15) Commission Access. Members, employees, and representatives of the commission shall be given full and complete access to any and all areas of the racecourse at which a race meet is being held.¶¶
- (16) Transmission. Any person desiring to broadcast, televise or transmit from the track by press wire pertinent information relating to any feature race run at the track shall first file with the commission, for its approval, an application stating the particular feature races and dates that it desires to broadcast, televise or transmit, together with the name and address of the representative of the public press, radio, or television authorized to broadcast, televise or transmit the requested information. Other than at approved off-track wagering facilities, shall the exact odds be announced, nor shall pay off of winners be given until the result of the race has been declared "official".¶¶
- (17) Attendance Report. The race meet licensee may make a daily attendance report to the commission, unless otherwise authorized by the commission.¶¶
- (18) Conflict of Interest. No employee, officer, or director of a race meet licensee shall be permitted to own, lease, or have any other interest in any racing animal entered for racing on the race meet licensee's racecourse, unless approved by the commission.¶¶
- (19) Waste Disposal. The race meet licensee shall provide, secure and maintain medical waste containers as approved by the commission or commission designee.¶¶
- (20) Parking Permits. When requested by the commission, the race meet licensee shall designate a parking area for commission members, employees, and special guests who are in possession of parking permits issued by the commission. Parking in the designated area shall be free.¶¶
- (21) Communication System. The race meet licensee shall provide an adequate on track/outside communication system as required by the commission.¶¶
- (22) Stalls. The race meet licensee shall attempt to be fair and equitable in assigning stall space, and shall provide

receiving stalls for horses which are brought onto the racecourse from outside stable space for a race.¶¶

(23) Records of Horse Movements. The race meet licensee shall maintain a record of arrival and departure of all horses from the stable area.¶¶

(24) Numbered Buildings. All stables, barns and stalls shall be numbered or otherwise clearly identified.¶¶

(25) Track Kitchen. The race meet licensee, or other person approved by the race meet licensee, may maintain and supervise a kitchen in the stable area and shall supervise any other area where food or drink is dispensed. All food service facilities shall comply with state and local health and sanitation requirements.¶¶

(26) Distance Pole Markers. Distance pole markers must be 10 feet from the rail and shall be painted as follows:¶¶

(a) 1/4 poles - red and white;¶¶

(b) 1/8 poles - green and white;¶¶

(c) 1/16 poles - black and white.¶¶

(27) Horseman's Accounts. Unless otherwise authorized by the commission, the race meet licensee shall keep a separate account, to be known as the "horseman's account", with sufficient funds to cover all monies due horsemen in regard to purses, stakes, rewards, claims, and deposits. Only those persons in whose name the account is established, or their duly authorized agent, may make withdrawals from the account.¶¶

(28) Race Track Safety Standards. Any racetrack on which a licensed race meet is conducted must meet the following standards unless otherwise authorized by the commission for good cause:¶¶

(a) Rails. All racing surfaces must have inner and outer rails of a design and construction approved by the commission:¶¶

(A) Permanent rails must be made of a material which will take the impact of a horse without breaking away. All rail posts must be set in concrete at least 6 inches below the surface and at least 24 inches deep. The height of the rail must be 40 inches plus or minus 2 inches from the top of the cushion to the top of the rail. The top rail must be bolted or welded to the posts and should be smooth with no jagged edges.¶¶

(B) For race meets or continuous race meets that are licensed to run 25 days or more per fiscal year, the inside rail shall be permanent of gooseneck design and have no less than 24-inch overhang with a continuous smooth elevated cover which entirely covers the overhang.¶¶

(C) For race meets or continuous race meets which are licensed to run for 24 days or less during a fiscal year, the design of the rail is subject to the approval of the commission during the licensing hearing, with consultation from the executive director, the stewards, the race meet licensee(s), and the jockeys riding at the meet or their representative. In order to facilitate this provision the executive director, the director or racing for the race meet(s), the stewards and the jockeys or their representative shall discuss needed improvements for the next year's race meet during or at the conclusion of each meet.¶¶

(b) Gates (Gaps). No gate openings in a rail may be over 10 feet long without a center support. The top rail of the gate must be secured to the top of the rail. Gate openings should not look any different from the rest of the rail. All gates, other than the "On" and the "Off" gates during training, must be closed during racing and training. "On" and "Off" gates for horse access during training should be placed at least 50 feet apart.¶¶

(c) Morning Starting Gate. The starting gate used for morning schooling shall be placed far enough from the "On" and "Off" gates (gaps) so that horses coming on and going off the track will not interfere with or distract morning schooling or breaking from the gate.¶¶

(d) Obstacles. No obstacle or device, such as distance pole markers, electrical boxes, timers, starter's stands, patrol judge's stands, etc. shall be placed within 10 feet of the back of the bottom of the rail post unless made flexible or break-away.¶¶

(e) Drainage Ditches or Holes. Any drainage ditch or hole behind the inside rail must be covered with soft material level with the ground surface.¶¶

(f) Lighting. All race track lighting systems for nighttime racing must have an operational emergency generator or battery back-up system which is serviced and tested at least once a month during the track's racing season. Servicing and testing of the emergency lighting system must be documented in writing and available to the commission staff upon request.¶¶

(g) Ambulance.¶¶

(A) The race meet licensee shall provide an ambulance with standard medical equipment and certified paramedics or Emergency Medical Technicians (EMT) for protection of patrons and racing personnel during the conduct of a race meet, including workouts, and during the training period preceding the official opening of the race meet.¶¶

(B) During racing, the ambulance and/or a certified paramedic or EMT ~~must be, an ORC veterinarian, and investigator must be at the paddock prior to horses arriving to be saddled and~~ at the starting gate before horses are loaded. If the ambulance is being used to transport an individual, the race meet licensee may not conduct a race until the ambulance is replaced.¶¶

(C) During racing the ambulance shall follow the field either on the track or in the infield unless otherwise directed by the stewards. The ambulance must be staffed by certified paramedics or EMTs, be properly equipped and otherwise be suitable for transporting an injured person from the track to a roadworthy ambulance for transport

to a hospital. A back-up ambulance is to be in attendance during the absence of the main ambulance.¶¶

(h) Safety Committee. Any race track location which has 15 or more race days per year, regardless of the number of race meet licensees, will have a safety committee. The safety committee will be made up of two (2) representatives from the management of the race meet licensee, two (2) representatives from the jockeys riding at the track, two (2) representatives from the horsemen with papers in the race office at the track, and at least one (1) of the state stewards. This committee will be responsible for addressing unsafe conditions on the racecourse including the racing surface and recommending solutions to the conditions to the race meet licensee management, the racing commission executive director and/or the commission.¶¶

(29) Assistant Starters. The race meet licensee shall ensure that there is one assistant starter per horse in the race plus at least one assistant starter to shut the tailgates.¶¶

(30) Valets. There shall be at least one valet for every three horses in the maximum field size approved by the commission.¶¶

(31) Fire Safety in Stable Areas:¶¶

(a) Every race meet licensee shall cause to be posted in the stable area of its premises the fire regulations applicable on its grounds and such posted notice shall also state the location of the nearest fire alarm box and the telephone number of the fire department or other pertinent instructions as to the method for reporting a fire in the area. Such notices shall be posted no more than one hundred (100) feet apart or as approved by the local fire authority. No race meet licensee, management or person shall violate the posted fire regulations specified by the commission.¶¶

(b) All trainers or their assistants and all concessionaires or their assistants shall acquaint themselves with and brief their employees as to the following:¶¶

(A) Smoking regulations.¶¶

(B) Location of fire notification system in the immediate area of assigned barn.¶¶

(C) Location of all fire extinguishers and extinguishing equipment in assigned barn area.¶¶

(D) Regulations regarding occupancy, use of extension cords for extending electrical circuits, and use of electrical appliances.¶¶

(E) Regulations regarding storage and use of feed, straw, tack, and supplies.¶¶

(F) Track regulations with regard to fire and security, copies of which shall be provided to all trainers or their assistants and concessionaires or their assistants. These regulations shall be used in instructing members of the trainers' and concessionaires' staffs assigned to the barn area.¶¶

(c) Signs shall be posted in every barn and associated buildings dealing with the following information:¶¶

(A) Location of manual fire alarm stations, emergency telephones, or other methods of fire alert.¶¶

(B) Location of fire protection first-aid appliances.¶¶

(C) Emergency procedures specific to the particular track facilities.¶¶

(D) Location of nearest medical waste disposal containers.¶¶

(d) No open burning shall be permitted in the barn area.¶¶

(e) Smoking shall be prohibited except in designated safe areas. Proper warning signs shall be posted.¶¶

(f) Use of any portable electrical appliance shall be restricted to the following conditions:¶¶

(A) Multiple-outlet adapters shall be prohibited.¶¶

(B) Not more than one continuous extension cord shall be used to connect one appliance to the fixed receptacle, and such cord shall be listed for hard service and properly sized for the intended application.¶¶

(g) Extension cords shall not be supported by any metal object such as nails, screws, hooks, and pipes.¶¶

(h) Portable cooking and heating appliances shall be used only in spaces designated for such use provided they are separated from the stabling and storage areas of the barn.¶¶

(i) Portable electrical heating and cooking appliances shall be of a type that automatically interrupts electrical current to the heating element when the appliance is not in the normal operating position (tip-over disconnect).¶¶

(j) Use of exposed element heating appliances such as immersion heaters shall be prohibited except as used in accordance with the race meet licensee guidelines.¶¶

(k) The storage of flammable and combustible liquids, except those used for medicinal purposes, shall be prohibited.¶¶

(l) The water supply shall be capable of providing pressure and discharge capacity required for automatically supplying sprinklers, hydrants, and hose lines.¶¶

(m) Fire protection must meet the local fire regulations.¶¶

(32) The race meet licensee shall have available current telephone numbers for twenty-four (24) hour emergency veterinarian care. The race meet licensee shall post an established procedure, approved by the commission veterinarian, for providing emergency veterinarian care five (5) days prior to until five (5) days past their race meet.¶¶

(33) The racetrack licensee shall be responsible for providing necessary track staff with a Microchip Reader and internet enabled tablet, able to connect to the reader, to view the horse breed registration associated with the

"Digital Tattoo". For fair meets the Commission will have available a Microchip reader and internet enabled tablet.¶

(34) Any race meet licensee failing to enforce these rules may be subject to fine or revocation of license.

Statutory/Other Authority: ORS462.250

Statutes/Other Implemented: ORS 462.270

462-140-0130

Race Meet Licensee

(1) License Application. Applications for racing dates must be on file with the commission at Oregon Racing Commission P.O. Box 366 Gresham, OR 97030 or faxed to (971) 673-0213; or emailed to orc.info@oregon.gov when required by the commission.

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(9) Totalizator. The race meet licensee shall maintain a satisfactory totalizator system, including a tote board.

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(b) 1/8 poles — green and white;

(c) 1/16 poles — black and white.

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2 inches from the top of the cushion to the top of the rail. The top rail must be bolted or welded to the posts and should be smooth with no jagged edges.

(B) For race meets or continuous race meets that are licensed to run 25 days or more per fiscal year, the inside rail shall be permanent of gooseneck design and have no less than 24-inch overhang with a continuous smooth elevated cover which entirely covers the overhang.

(C) For race meets or continuous race meets which are licensed to run for 24 days or less during a fiscal year, the design of the rail is subject to the approval of the commission during the licensing hearing, with consultation from the executive director, the stewards, the race meet licensee(s), and the jockeys riding at the meet or their representative. In order to facilitate this provision the executive director, the director or racing for the race meet(s), the stewards and the jockeys or their representative shall discuss needed improvements for the next year's race meet during or at the conclusion of each meet.

(b) Gates (Gaps). No gate openings in a rail may be over 10 feet long without a center support. The top rail of the gate must be secured to the top of the rail. Gate openings should not look any different from the rest of the rail. All gates, other than the "On" and the "Off" gates during training, must be closed during racing and training. "On" and "Off" gates for horse access during training should be placed at least 50 feet apart.

(c) Morning Starting Gate. The starting gate used for morning schooling shall be placed far enough from the "On" and "Off" gates (gaps) so that horses coming on and going off the track will not interfere with or distract morning schooling or breaking from the gate.

(d) Obstacles. No obstacle or device, such as distance pole markers, electrical boxes, timers, starter's stands, patrol judge's stands, etc. shall be placed within 10 feet of the back of the bottom of the rail post unless made flexible or break-away.

(e) Drainage Ditches or Holes. Any drainage ditch or hole behind the inside rail must be covered with soft material level with the ground surface.

(f) Lighting. All race track lighting systems for nighttime racing must have an operational emergency generator or battery back-up system which is serviced and tested at least once a month during the track's racing season. Servicing and testing of the emergency lighting system must be documented in writing and available to the commission staff upon request.

(g) Ambulance.

(A) The race meet licensee shall provide an ambulance with standard medical equipment and certified paramedics or Emergency Medical Technicians (EMT) for protection of patrons

and racing personnel during the conduct of a race meet, including workouts, and during the training period preceding the official opening of the race meet.

(B) During racing, the ambulance and/or a certified paramedic or EMT, **an ORC Veterinarian, and Investigator** must be at the **paddock prior to horses arriving to be saddled and at the** starting gate before horses are loaded **and until the horses are loaded**. If the ambulance is being used to transport an individual, the race meet licensee **may not allow horses with riders on the track conduct a race** until the ambulance is replaced.

(C) During racing the ambulance shall follow the field either on the track or in the infield unless otherwise directed by the stewards. The ambulance must be staffed by certified paramedics or EMTs, be properly equipped and otherwise be suitable for transporting an injured person from the track to a roadworthy ambulance for transport to a hospital. A back-up ambulance is to be in attendance during the absence of the main ambulance.

(h) Safety Committee. Any race track location which has 15 or more race days per year, regardless of the number of race meet licensees, will have a safety committee. The safety committee will be made up of two (2) representatives from the management of the race meet licensee, two (2) representatives from the jockeys riding at the track, two (2) representatives from the horsemen with papers in the race office at the track, and at least one (1) of the state stewards. This committee will be responsible for addressing unsafe conditions on the racecourse including the racing surface and recommending solutions to the conditions to the race meet licensee management, the racing commission executive director and/or the commission.

(29) Assistant Starters. The race meet licensee shall ensure that there is one assistant starter per horse in the race plus at least one assistant starter to shut the tailgates.

(30) Valets. There shall be at least one valet for every three horses in the maximum field size approved by the commission.

(31) Fire Safety in Stable Areas:

(a) Every race meet licensee shall cause to be posted in the stable area of its premises the fire regulations applicable on its grounds and such posted notice shall also state the location of the nearest fire alarm box and the telephone number of the fire department or other pertinent instructions as to the method for reporting a fire in the area. Such notices shall be posted no more than one hundred (100) feet apart or as approved by the local fire authority. No race meet licensee, management or person shall violate the posted fire regulations specified by the commission.

(b) All trainers or their assistants and all concessionaires or their assistants shall acquaint themselves with and brief their employees as to the following:

(A) Smoking regulations.

(B) Location of fire notification system in **the** immediate area of assigned barn.

(C) Location of all fire extinguishers and extinguishing equipment in assigned barn area.

(D) Regulations regarding occupancy, use of extension cords for extending electrical circuits, and use of electrical appliances.

(E) Regulations regarding storage and use of feed, straw, tack, and supplies.

(F) Track regulations with regard to fire and security, copies of which shall be provided to all trainers or their assistants and concessionaires or their assistants. These regulations shall be used in instructing members of the trainers' and concessionaires' staffs assigned to the barn area.

(c) Signs shall be posted in every barn and associated buildings dealing with the following information:

(A) Location of manual fire alarm stations, emergency telephones, or other methods of fire alert.

(B) Location of fire protection first-aid appliances.

(C) Emergency procedures specific to the particular track facilities.

(D) Location of nearest medical waste disposal containers.

(d) No open burning shall be permitted in the barn area.

(e) Smoking shall be prohibited except in designated safe areas. Proper warning signs shall be posted.

(f) Use of any portable electrical appliance shall be restricted to the following conditions:

(A) Multiple-outlet adapters shall be prohibited.

(B) Not more than one continuous extension cord shall be used to connect one appliance to the fixed receptacle, and such cord shall be listed for hard service and properly sized for the intended application.

(g) Extension cords shall not be supported by any metal object such as nails, screws, hooks, and pipes.

(h) Portable cooking and heating appliances shall be used only in spaces designated for such use provided they are separated from the stabling and storage areas of the barn.

(i) Portable electrical heating and cooking appliances shall be of a type that automatically interrupts electrical current to the heating element when the appliance is not in the normal operating position (tip-over disconnect).

(j) Use of exposed element heating appliances such as immersion heaters shall be prohibited except as used in accordance with the race meet licensee guidelines.

(k) The storage of flammable and combustible liquids, except those used for medicinal purposes, shall be prohibited.

(l) The water supply shall be capable of providing pressure and discharge capacity required for automatically supplying sprinklers, hydrants, and hose lines.

(m) Fire protection must meet the local fire regulations.

(32) The race meet licensee shall have available current telephone numbers for twenty-four (24) hour emergency veterinarian care. The race meet licensee shall post an established procedure, approved by the commission veterinarian, for providing emergency veterinarian care five (5) days prior to until five (5) days past their race meet.

(33) The racetrack licensee shall be responsible for providing necessary track staff with a Microchip Reader and internet enabled tablet, able to connect to the reader, to view the horse breed registration associated with the "Digital Tattoo". For fair meets the Commission will have available a Microchip reader and internet enabled tablet.

(34) Any race meet licensee failing to enforce these rules may be subject to fine or revocation of license.

Does the rule change have a fiscal impact? Yes

Does the rule change require a hearing? Yes

What is the reason for the rule change?

(6) An alternative to a physician or a registered nurse as the positions should not require advanced life support outside of a paramedic's prevue. Registered nurses or physicians are not trained in emergency medicine outside of a hospital environment.

(28) (g) (B) Enhance the safety of horsemen by having trained medical professionals nearby and on hand at moment's notice. Waiting several minutes may be a factor of an injury

getting worse by receiving care detrimental to the patients' health by untrained, although well intended, personnel near a scene where an accident may have occurred.

Reason for the rule: Clarifies credentials and ensures coverage in the paddock of medical personnel.

Reference material: None

Hearing needed: Yes

Dr Lombard's Comments: Suggests adding the highlighted language.

462-140-0130

If there is going to be a change to this Rule, it seems appropriate to add under (10) hair:

[Post-Race Test Area. The race meet licensee shall furnish a post-race receiving area approved by the commission veterinarian, with sufficient facilities to safely collect, store and secure saliva, urine, **HAIR** and/or blood samples from racing animals.]

And under (28) (B) and while the horses are being loaded, and no horses with riders on the track without an ambulance on site:

[(B) During racing, the ambulance and/or a certified paramedic or EMT, an ORC veterinarian, and investigator must be at the paddock prior to horses arriving to be saddled and at the starting gate before horses are loaded **and until the horses are loaded**. If the ambulance is being used to transport an individual, the race meet licensee **may not allow horses with riders on the track until** the ambulance is replaced.]

OFFICE OF THE SECRETARY OF STATE

TOBIAS READ
SECRETARY OF STATE

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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
Rules Coordinator

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

(d) Non-Refundable Fees

All fees submitted with a license application are non-refundable, regardless of approval status or subsequent changes.

(4) Dual licenses may be denied if, in the opinion of the stewards or commission, there is a conflict of interest in holding more than one license.

(a) When an applicant applies for a license in more than one occupation, the stewards or the commission shall consider whether the holding of such multiple licensing creates a conflict of interest (such as, but not limited to, a sudden change in ownership to immediate family members or a change in ownership without adequate consideration). If such appearance is created, the multiple license may be denied.

(b) The following dual licenses shall be prohibited:

(A) A person licensed as a jockey shall not be licensed in any other capacity unless approved by the board of stewards.

(B) A person licensed as an owner shall not be licensed as a jockey agent or racing official.

(C) A person licensed as a race track owner or operator or as a racing official shall not be licensed in another capacity during the race meeting which the person owns or operates or at which that person is serving as a racing official unless approved by the board of stewards or as provided in OAR 462-140-0050(6).

(D) Any veterinarian licensed by the Oregon Racing Commission to practice veterinary medicine on a racecourse shall be prohibited from concurrently holding any other license at any location under the jurisdiction of the commission unless otherwise approved by the board of stewards.

(c) A holder of a groom's license may be a hot walker. A trainer or an assistant trainer may also perform the duties of a groom or hot walker. An owner may also groom or hot walk only the horse(s) he/she owns. However, except for those license categories specifically mentioned herein, no licensee shall act in any capacity other than that for which he/she is licensed. Thus, for example:

(A) A pony person may not exercise horses if not licensed as an exercise rider.

(B) A groom may not perform the duties of a trainer if not licensed as a trainer.

(C) A trainer may not pony or exercise a horse if not licensed as a pony person or an exercise person. (D) An outrider may not perform duties of a pony person except as needed in the performance of their duties as an outrider.

(5) All corporations, limited partnerships, partnerships and other entities (except natural persons) which apply for licenses shall attach to the application as applicable:

(a) A document, signed by the president and secretary of the corporation, listing the true name and address of all officers, directors, shareholders, general partners, limited partners, and other persons having a legal or beneficial interest in the horse, stable or other business sought to be licensed, and identifying the nature and amount of each person's interest; and

(b) For corporations, a copy of the certificate of incorporation, an affidavit signed by the president indicating whether any officer, director, or stockholder has been ruled off, denied a license, or is under suspension by any official body of any racing jurisdiction, and a written agreement to notify the commission within 30 days after there has been a change in any officer, director, or stockholder; or

(c) For partnerships, a copy of the written partnership agreement, an affidavit signed by a general partner indicating whether any partner has been ruled off, denied a license, or is under suspension by any official body of any racing jurisdiction, and a written agreement to notify the commission within 30 days after there has been a change in any partner. Persons who do not have a written partnership agreement may not be licensed under the partnership name; instead, each person must be individually licensed under his/her own name; and

(d) For claiming purposes, all corporations must have an authorized agent, who may be a corporate officer, and all partnerships and licensed stables must either designate an authorized agent to sign claim forms (who may be one of the partners) or else all partners must sign the claim form.

(6) All licensees, in accepting a license, or any person introducing an animal onto the confines of any racecourse, or licensed training track, are considered to have granted permission to Oregon Racing Commission veterinarians, investigators, and members of the board of stewards, to enter upon those premises for the purpose of inspection to determine if those premises are suitable for the housing of animals, and to determine the health, safety and physical conditions of any animals contained therein.