

## IDAPA 11 – IDAHO STATE RACING COMMISSION

### 11.04.11 – RULES GOVERNING EQUINE VETERINARY PRACTICES, PERMITTED MEDICATIONS, BANNED SUBSTANCES AND DRUG TESTING OF HORSES

DOCKET NO. 11-0411-1801

#### NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

**AUTHORITY:** In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-2506, Idaho Code.

**METHOD OF PARTICIPATION:** Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by March 23, 2018.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event, the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

**Substance and Purpose:** The Idaho State Racing Commission has received a rule change petition from the Racing division of the Idaho Quarterhorse Association, requesting that Idaho strengthen its equine drug enforcement program by adding hair testing. The Racing Commission would like to explore the possibilities of adding hair testing to the current equine drug testing program.

**Principal Issues Involved:** The Petitioner has expressed concern that equine drug violations for dangerous substances like Clenbuterol have been rising recently in racing populations throughout the country's Northwest region. Many neighboring states have been considering implementing hair testing. The Idaho State Racing Commission would like to explore whether advances in drug testing, such as hair testing, would help address these reported concerns. In addition, there are two major breeds in Idaho involved with horse racing: Quarterhorse and Thoroughbred. Hair testing may significantly increase the Commission's expenditure on drug testing, but may only benefit one breed directly. The Commission would like to explore the costs involved, how the increasing costs of hair testing could be covered, and whether such increase will benefit racing in Idaho as a whole, either directly or indirectly.

**ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking, or to submit requests for special meeting accommodations or accessibility, contact Ardie Noyes at (208) 884-7082. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts (posted as they become available), can be found on the Racing Commission's web site at the following web address: [www.isp.idaho.gov/racing](http://www.isp.idaho.gov/racing).

DATED this 9th day of February, 2018.

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