

CALIFORNIA HORSE RACING BOARD

1010 Hurley Way, Suite 300

Sacramento, CA 95825

www.chrb.ca.gov

(916) 263-6000 Fax (916) 263-6042



REGULAR MEETING

Of the **California Horse Racing Board (CHRB/Board)** on **Thursday, March 26, 2020**, commencing at **9:30 a.m. via teleconference**. The audio portion only of the California Horse Racing Board regular meeting will be available online through a link at the CHRB website (www.chrb.ca.gov) under “Webcasts.”

Please be advised, in accordance with Executive Order N-25-20, the **CHRB** will provide a teleconference option for its upcoming public meeting, to be held on **March 26, 2020 at 9:30 a.m.** Board members and members of the public are strongly encouraged to participate using the teleconference phone number provided below so as to minimize the spread of COVID-19 and reduce the risk of infection during this current state of emergency. No physical location will be provided.

To participate in the teleconference, dial 888-392-4564 and enter 6896291# when prompted.

The agenda for the regular meeting will consist of the following matters:

AGENDA

Action Items:

1. **Approval of the minutes of January 22, 2020.**
2. **Approval of the minutes of February 20, 2020.**
3. **Executive Director’s Report.**
4. **Medical Director’s Report.**
5. Discussion and action by the Board regarding the **distribution of race day charity proceeds of the Del Mar Thoroughbred Club 2019 summer race meeting in the amount of \$90,839 to nine beneficiaries.**
6. Discussion and action by the Board regarding the **distribution of race day charity proceeds of the Del Mar Thoroughbred Club 2019 fall race meeting in the amount of \$13,744 to four beneficiaries.**

7. Discussion and action by the Board on the **request from the California Authority of Racing Fairs (CARF) to designate the following 2020 allocated race dates as a combined fair horse racing meeting, pursuant to Business and Professions Code section 19549.1:** Alameda County Fair at Pleasanton, June 17, 2020 through July 14, 2020; California Exposition and State Fair, July 15, 2020 through August 04, 2020; Humboldt County Fair at Ferndale, August 19, 2020 through September 01, 2020; and The Big Fresno Fair, October 07, 2020, through October 20, 2020.
8. Discussion and action by the Board regarding **approval of an agreement, pursuant to Business and Professions Code section 19604(f)(5)(E),** regarding approval for distribution from Advance Deposit Wagering (ADW) Market Access fees for wagers placed on all live and imported races for the period March 1 through December 31, 2020, to be utilized to fund a California co-op marketing program.
9. Discussion and action by the Board regarding **the proposed amendment to CHRB Rule 1560, Duties of the Official Veterinarian, and Rule 1561, Duties of the Racing Veterinarian,** to stipulate that the racing veterinarian is under the direct supervision of the official veterinarian.
10. Discussion and action by the Board regarding the **CHRB Medication Penalty Guidelines pursuant to CHRB Rule 1843.3, Penalties for Medication Violations,** and proposed guidelines for related violations.
11. Discussion and action by the Board regarding the **proposal to partially suspend the CHRB Emergency Rule 1843.5, Medication, Drugs and Other Substances Permitted After Entry in a Race, pursuant to CHRB Rule 1406, Suspension of Rule.**
12. Discussion and action and action by the Board regarding the **proposed amendments of CHRB Rule 1843.3, Penalties for Medication Violations; CHRB Rule 1843.5, Medication, Drugs, and Other Substances Permitted After Entry in a Race, and CHRB Rule 1844, Authorized Medication,** to codify the Board's prior temporary suspension of authorized medication for all horses participating in all licensed horse racing meetings.
13. Public hearing and action by the Board regarding the **proposed amendment to CHRB Rule 1503, Qualifications for License as Trainer or Assistant Trainer,** to require that individuals hold an Assistant Trainer license in good standing for at least one year as a prerequisite for a Trainer license.
14. Public hearing and action by the Board regarding the **proposed amendment to CHRB Rule 1842, Veterinarian Report,** to require such reports be submitted electronically.
15. Public hearing and action by the Board regarding the **proposed addition of CHRB Rule 1842.5, Trainers to Maintain Medication Treatment Records,** of all treatments given to a horse, including veterinary procedures performed and all medications administered; such records to be available for inspection by representatives of the CHRB in their official duties.

16. Public hearing and action by the Board regarding the **proposed amendment to CHRB Rule 1845, Authorized Bleeder Medication**, to change the allowable dosage of furosemide that can be administered from not less than 150 mg and not more than 500 mg to 250 mg; and to prohibit the administration of furosemide in foals born in 2018 and subsequent years.
17. **Public Comment:** Communications, reports, requests for future actions of the Board. **Note:** During the public comment period, a total of thirty minutes will be allowed for public comments via the teleconference line. After thirty minutes, no further comments will be accepted. Each person will be limited to two minutes.
18. **Closed Session:** For the purpose of receiving advice from counsel, considering pending litigation, reaching decisions on administrative licensing and disciplinary hearings, and personnel matters, as authorized by section 11126 of the Government Code.
 - A. The Board may convene a Closed Session to confer with and receive advice from its legal counsel regarding the pending litigation described in the attachment to this agenda captioned "Pending Litigation," and as authorized by Government Code section 11126(e).
 - B. The Board may convene a Closed Session to confer with and receive advice from its legal counsel regarding pending administrative licensing or disciplinary matters as authorized by Government Code section 11126(e).
 - C. The Board may convene a Closed Session for the purposes of considering personnel matters as authorized by Government Code section 11126(a).

Additional information regarding this meeting may be obtained from the CHRB Administrative Office, 1010 Hurley Way, Suite 300, Sacramento, CA 95825; telephone (916) 263-6000; fax (916) 263-6042. This notice is located on the CHRB website at www.chrb.ca.gov. *Information for requesting disability related accommodation for persons with a disability who require aid or services in order to participate in this public meeting, should contact Amanda Drummond. Requests will be swiftly resolved by CHRB staff."

CALIFORNIA HORSE RACING BOARD

Gregory L. Ferraro, DVM, Chairman
Oscar Gonzales, Vice Chair
Dennis Alfieri, Member
Damascus Castellanos, Member
Wendy Mitchell, Member
Alex Solis, Member
Rick Baedeker, Executive Director
Cynthia Alameda, Assistant Executive Director

PROCEEDINGS of the Regular Meeting of the **California Horse Racing Board** (Board) held at the **Department of Consumer Affairs, 1625 N. Market Blvd., 1st Floor Hearing Room, Sacramento**, California, on **January 22, 2020**.

Present: Gregory Ferraro, Chairman
Oscar Gonzales, Vice-Chairman
Dennis Alfieri, Member
Wendy Mitchell, Member
Rick Baedeker, Executive Director

APPROVAL OF THE MINUTES OF NOVEMBER 21, 2019

Commissioner Dennis Alfieri **motioned** to approve the minutes of the regular meeting on November 21, 2019. Commissioner Wendy Mitchell **seconded** the motion, which was **unanimously carried**. Roll call vote: Aye: Alfieri, Mitchell, Gonzales, Ferraro. Nay: None. Motion carried.

APPROVAL OF THE MINUTES OF DECEMBER 12, 2019

Chairman Gregory Ferraro **motioned** to approve the minutes of the regular meeting of December 12, 2019. Commissioner Alfieri **seconded** the motion, which was **unanimously carried**. Roll call vote: Aye: Alfieri, Mitchell, Gonzales, Ferraro. Nay: None. Motion carried.

EXECUTIVE DIRECTOR'S REPORT.

Executive Director Rick Baedeker reported the financials for December 2019 and year-end 2019 and provided an update on the release of the summary report on racing fatalities

in 2019. Further comments regarding this agenda item can be found in the Board transcript, pages 4–6.

MEDICAL DIRECTOR’S REPORT.

Dr. Rick Arthur, Board Equine Medical Director, reported for December 2019 there were five necropsy submissions. The first half of fiscal year (FY) 2019-20 had 62 fatalities versus 78 for the same time period in FY 2018-19 statewide. He reported six positive test notices were served in December 2019. All the cases were under investigation, or the complaints had been or would be filed shortly. He reported the PET scan was up and running at Santa Anita and that Dr. Spriet received a grant to prove the clinical application of standing PET scan. Further comments regarding this agenda item can be found in the Board transcript, pages 6–13.

DISCUSSION AND ACTION BY THE BOARD REGARDING THE REQUEST FROM SOUTHERN CALIFORNIA OFF TRACK WAGERING INCORPORATED (SCOTWINC) TO MODIFY THE DISTRIBUTION OF MARKET ACCESS FEES FROM ADVANCE DEPOSIT WAGERING (ADW) AS PERMITTED UNDER BUSINESS AND PROFESSIONS CODE SECTION 19604(f)(5)(E) FOR WAGERING CONDUCTED BY THOROUGHBRED ASSOCIATIONS IN THE CENTRAL AND SOUTHERN ZONES FROM FEBRUARY 1, 2020 THROUGH DECEMBER 31, 2020.

Stakeholder comments can be reviewed in pages 13–17 of the Board transcript. Vice-Chairman Oscar Gonzales **motioned** to approve the request from SCOTWINC to modify the distribution of market access fees from ADW for wagering conducted by thoroughbred associations in the central and southern zones from February 1 through December 31, 2020. Commissioner Mitchell **seconded** the motion, which was **unanimously carried**. Roll call vote: Aye: Alfieri, Mitchell, Gonzales, Ferraro. Nay: None. Motion carried.

PUBLIC HEARING AND ACTION BY THE BOARD REGARDING THE **PROPOSED ADDITION OF CHRB RULE 1846.6, POSTMORTEM EXAMINATION REVIEW**, TO REQUIRE A POSTMORTEM EXAMINATION REVIEW OF EACH EQUINE FATALITY WITHIN A CHRB INCLOSURE.

Dr. Arthur stated that the proposed addition of Board Rule 1846.6 provided that postmortem examination reviews were now required and no longer voluntary for trainers or other licensees. Further comments regarding this agenda item can be found in the Board transcript, pages 17–23. Commissioner Alfieri **motioned** to adopt the proposed addition of Board Rule 1846.6. Commissioner Mitchell **seconded** the motion, which was **unanimously carried**. Roll call: Aye: Alfieri, Mitchell, Gonzales, Ferraro. Nay: None. Motion carried.

PUBLIC HEARING AND ACTION BY THE BOARD REGARDING THE **PROPOSED ADDITION OF CHRB RULE 1868, AUTHORIZED MEDICATION DURING WORKOUTS**, TO ESTABLISH THRESHOLD LIMITS FOR THE PRESENCE OF CERTAIN DRUG SUBSTANCES AND MEDICATION IN OFFICIAL TEST SAMPLES TAKEN FROM HORSES AFTER THEY COMPLETE A TIMED WORKOUT.

Stakeholder and public comments can be reviewed in pages 23–34 of the Board transcript. Vice-Chairman Gonzales **motioned** to approve the adoption of Board Rule 1868 to establish threshold limits for the presence of certain drug substances and medication in official test samples taken from horses after they complete a timed workout. Commissioner Mitchell **seconded** the motion, which was **unanimously carried**. Roll call vote: Aye: Alfieri, Mitchell, Gonzales, Ferraro. Nay: None. Motion carried.

PUBLIC HEARING AND ACTION BY THE BOARD REGARDING THE **PROPOSED AMENDMENT TO CHRB RULE 2049, DESIGNATION AND APPROVAL OF HORSEMEN'S WELFARE FUND**, TO 1) INCREASE THE MAXIMUM NUMBER OF DIRECTORS OR TRUSTEES FROM NINE TO ELEVEN; 2) ELIMINATE THE REQUIREMENT THAT DIRECTORS OR TRUSTEES HAVE NO FINANCIAL INTEREST IN HORSE RACING AS A LICENSED OWNER, TRAINER, OR ASSISTANT TRAINER AND ARE NOT A CURRENT MEMBER OF THE HORSEMEN'S ORGANIZATION, IF THE DIRECTORS OR TRUSTEES ARE ALSO COMMON DIRECTORS OF THE HORSEMEN'S ORGANIZATION; AND 3) INCREASE THE TERM FOR DIRECTORS AND TRUSTEES FROM TWO TO THREE YEARS.

Stakeholder comments can be reviewed in pages 34–40 of the Board transcript. Vice-Chairman Gonzales **motioned** to approve the amendment to Board Rule 2049. Commissioner Alfieri **seconded** the motion, which was **unanimously carried**. Roll call vote: Aye: Alfieri, Mitchell, Gonzales, Ferraro. Nay: None. Motion carried.

DISCUSSION AND ACTION BY THE BOARD REGARDING **THE PROPOSED AMENDMENTS TO CHRB RULE 1685, EQUIPMENT REQUIREMENT**, TO MODIFY RIDING CROP SPECIFICATIONS AND REQUIRE RACETRACKS TO SUPPLY AND CONTROL RIDING CROPS.

Raymond Dominguez, retired jockey and inventor of the 360 Gentle Touch (360 GT) riding crop, provided recommendations to the proposed amendment to Board Rule 1685, including that the popper be made of a waterproof material and references to layers in the material be removed. Representatives of the Jockey's Guild (Guild) and Commissioner Mitchell stated that proposed new subsection 1685(e) requiring racing associations and fairs to retain possession of and distribute crops to jockeys should be removed from the proposed amendment. Action on the proposed amendment to Board Rule 1685 was tabled so that staff could further develop the language of the amendment. Further comments regarding this agenda item can be found in the Board transcript, pages 40–93.

DISCUSSION AND ACTION BY THE BOARD REGARDING THE **PROPOSED EMERGENCY AMENDMENTS OF CHRB RULE 1843.5, MEDICATION, DRUGS, AND OTHER SUBSTANCES PERMITTED AFTER ENTRY IN A RACE, AND CHRB RULE 1844, AUTHORIZED MEDICATION**, TO ADDRESS THE BOARD'S PRIOR TEMPORARY SUSPENSION OF AUTHORIZED MEDICATION FOR ALL HORSES PARTICIPATING IN ALL LICENSED HORSE RACING MEETINGS, WHICH EXPIRES ON MARCH 28, 2020.

Stakeholder comments can be reviewed in pages 93–98 of the Board transcript. Vice-Chairman Ferraro **motioned** to approve the adoption of Board Rule 1843.5 and Rule 1844 to address the Board's prior temporary suspension of authorized medication for all horses participating in all licensed horse racing meetings, which would expire on March 28, 2020. Vice-Chairman Gonzales **seconded** the motion, which was **unanimously carried**. Roll call vote: Aye: Alfieri, Mitchell, Gonzales, Ferraro. Nay: None. Motion carried.

REPORT FROM THE STEWARDS COMMITTEE

Darrel McHargue, Board Chief Steward, stated that the Stewards Committee discussed house rules, animal welfare, authorized medication, protocols for the Entry Review Panel, the veterinary list, and intra-articular injections. Further comments, including those from the public, can be reviewed in pages 98–104 of the Board transcript.

PUBLIC COMMENT

Substantial public comment was received from various stakeholders and concerned citizens and can be reviewed in depth in the Board transcript, pages 105–121.

MEETING ADJOURNED AT 12:37 P.M.

A full and complete transcript of the aforesaid proceedings are on file at the office of the California Horse Racing Board, 1010 Hurley Way, Suite 300, Sacramento, California, and therefore made a part hereof.

Chairman

Executive Director

PROCEEDINGS of the Regular Meeting of the **California Horse Racing Board (Board)** held at the **Clubhouse at the California Exposition and State Fair Grandstand, 1600 Exposition Boulevard, Sacramento, California, on February 20, 2020.**

Present: Gregory Ferraro, Chairman
Oscar Gonzales, Vice-Chairman
Alex Solis, Member
Wendy Mitchell, Member
Rick Baedeker, Executive Director

APPROVAL OF THE MINUTES OF JANUARY 22, 2020

Vice Chairman Oscar Gonzales **motioned** to approve the minutes of the January 22, 2020 regular Board meeting. Commissioner Wendy Mitchell **seconded** the motion. Commissioner Alex Solis stated that he was absent from the January 22, 2020 regular Board meeting and would not be able to vote on the approval of the minutes. Chairman Gregory Ferraro said that without Commissioner Solis' vote, the Board did not have a quorum and would have to postpone the approval of the minutes until the March 19, 2020 regular Board meeting. The vote on approval of the minutes of January 22, 2020 was postponed until the March 19, 2020 regular Board meeting. Further comments regarding this agenda item can be found in the Board transcript, pages 3–4.

EXECUTIVE DIRECTOR'S REPORT.

Executive Director Rick Baedeker reported the financials for January 2020 and year-to-date and introduced the new Board Assistant Executive Director Cynthia Alameda. Further comments regarding this agenda item can be found in the Board transcript, pages 4–5.

MEDICAL DIRECTOR'S REPORT.

Board Equine Medical Director Dr. Rick Arthur stated there were 13 necropsy submissions in January 2020, of which six involved non-exercise fatalities. He said 13 positive test notices were served, and he had issued a warning to all veterinarians regarding flumethasone and drafted a warning for Fentazin. Further comments regarding this agenda item can be reviewed in the Board transcript, pages 7–12.

DISCUSSION AND ACTION BY THE BOARD REGARDING THE DISTRIBUTION OF RACE DAY CHARITY PROCEEDS OF THE PACIFIC RACING ASSOCIATION II AND PACIFIC RACING ASSOCIATION DBA GOLDEN GATE FIELDS, COMBINED 2019 SUMMER AND AUTUMN RACE MEETINGS IN THE AMOUNT OF \$14,094.33 TO EIGHT BENEFICIARIES.

Mr. Eric Sindler, Golden Gate Fields (GGF), said GGF was requesting permission to donate \$14,094.33 to eight charities, all of which are horse racing related. Ms. Tweed Conrad, a member of the public, requested a list of the names of the charity beneficiaries. Mr. Sindler provided the information. Commissioner Solis **motioned** to approve the distribution of race day charity proceeds of the Pacific Racing Association II and Pacific Racing Association DBA GGF, combined 2019 summer and autumn race meetings, in the amount of \$14,094.33 to eight beneficiaries. Vice Chairman Gonzales **seconded** the motion, which **unanimously carried**. Roll call vote: Aye: Solis, Gonzales, Ferraro, Mitchell. Nay: None. Further comments regarding this agenda item can be found in the Board transcript, pages 12–13 and pages 14–16.

DISCUSSION AND ACTION BY THE BOARD REGARDING THE DISTRIBUTION OF RACE DAY CHARITY PROCEEDS OF THE LOS ANGELES TURF CLUB II, INCORPORATED DBA SANTA ANITA PARK, 2019 AUTUMN RACE MEETING, SEPTEMBER 25, 2019 THROUGH OCTOBER 31, 2019, AND NOVEMBER 3, 2019 IN THE AMOUNT OF \$20,905.00 TO TEN BENEFICIARIES.

Mr. Sindler, Los Angeles Turf Club II (LATC II), requested approval to distribute \$20,905 to ten horse-racing related charities. Commissioner Mitchell **motioned** to approve the distribution of \$20,905 in race day charity proceeds of the LATC II from its 2019 autumn race meeting to ten beneficiaries. Chairman Ferraro **seconded** the motion, which was **unanimously carried**. Roll call vote: Aye: Solis, Gonzales, Ferraro, Mitchell. Nay: None. Motion carried.

PUBLIC HEARING AND ACTION BY THE BOARD REGARDING THE PROPOSED AMENDMENTS OF CHRB RULE 1843.3, PENALTIES FOR MEDICATION VIOLATIONS; CHRB RULE 1843.5, MEDICATION, DRUGS, AND OTHER SUBSTANCES PERMITTED AFTER ENTRY IN A RACE; AND CHRB RULE 1844, AUTHORIZED MEDICATION, TO CODIFY THE BOARD'S PRIOR TEMPORARY SUSPENSION OF AUTHORIZED MEDICATION FOR ALL HORSES PARTICIPATING IN ALL LICENSED HORSE RACING MEETINGS.

Ms. Amanda Brown, Board Staff Counsel, recommended the Board strike subsection (g) of Board Rule 1843.5 to align with the current emergency regulations. Commissioner Solis **motioned** to direct staff to initiate a 15-day public comment period regarding the proposed amendments to Board Rule 1843.3, Penalties for Medication Violations; Rule 1843.5, Medication, Drugs, and Other Substances Permitted After Entry in a Race; and Rule 1844, Authorized Medication. Vice-Chairman Gonzales **seconded** the motion, which was **unanimously carried**. Roll call vote: Aye: Mitchell, Ferraro, Gonzales, Solis. Nay: None. Motion carried. Comments regarding this agenda item can be reviewed in the Board transcript, pages 16–25.

PUBLIC HEARING AND ACTION BY THE BOARD REGARDING THE **PROPOSED ADDITION OF CHRB RULE 1866.2, SHOCKWAVE THERAPY RESTRICTED**, TO PROVIDE PROCEDURES FOR THE USE OF EXTRACORPOREAL SHOCK WAVE THERAPY (EWST) OR RADIAL PULSE WAVE THERAPY WITHIN A CHRB INCLOSURE.

Ms. Brown stated that Board Rule 1866.2 if approved by the Board, would be sent for review to the Office of Administrative Law (OAL) for adoption into the California Code of Regulations (CCR). Vice Chairman Gonzales asked if the Board could add to the language of the proposed regulation to add a mechanism by which the Board could impose a moratorium on the use of shockwave therapy if deemed necessary by the Board. Dr. Arthur said that such a power has been proposed under Board Rule 1855 but OAL has previously deemed such open-ended and wide-reaching powers as underground regulation and, therefore, unenforceable. Vice Chairman Gonzales **motioned** to amend the proposed language of the proposed addition of Board Rule 1866.2 to include language giving the Board the ability to adopt a 30-day moratorium on the use of shockwave therapy when the Board sees fit. Commissioner Mitchell **seconded** the motion. Mr. Robert Brodник, Board Staff Counsel, said that the Board had authority to suspend medications and treatments under Board Rule 1844.1. Vice Chairman Gonzales **withdrew** his motion with the assurance that the Board would soon revisit the proposed ability to have a moratorium on shockwave treatment when the Board deems it necessary. Chairman Ferraro **motioned** to adopt the proposed addition of Board Rule 1866.2 with the language as presented. Vice Chairman Gonzales **seconded** the motion, which **unanimously carried**. Roll call vote: Aye: Mitchell, Ferraro, Gonzales, Solis. Nay: None. For further comments regarding this agenda item, refer to the Board transcript, pages 25–44.

PUBLIC HEARING AND ACTION BY THE BOARD REGARDING THE **PROPOSED ADDITION OF CHRB RULE 1867.1, USE OF BISPHOSPHONATES PROHIBITED, TO PROHIBIT THE ADMINISTRATION OF BISPHOSPHONATES TO ANY HORSE WITHIN A CHRB INCLOSURE.**

Chairman Ferraro stated additional changes to the language were made to the proposed addition of Board Rule 1867.1 and would require an additional 15-day comment period. Chairman Ferraro **motioned** to direct staff to initiate a 15-day public comment period regarding the proposed amendment. Vice-Chairman Gonzales **seconded** the motion, which was **unanimously carried**. Roll call vote: Aye: Solis, Gonzales, Ferraro, Mitchell. Nay: None. Motion carried. Stakeholder and public comments can be reviewed in pages 44–50 of the Board transcript.

DISCUSSION AND ACTION BY THE BOARD REGARDING THE **PROPOSED AMENDMENTS TO CHRB RULE 2071, LICENSE TO CONDUCT ADVANCE DEPOSIT WAGERING BY A CALIFORNIA APPLICANT, AND RULE 2072, APPROVAL TO CONDUCT ADVANCE DEPOSIT WAGERING BY AN OUT-OF-STATE APPLICANT, TO ESTABLISH MINIMUM STANDARDS FOR ADVANCE DEPOSIT WAGERING ACCOUNT VERIFICATION AND MODIFY THE APPLICATION FOR LICENSE TO CONDUCT ADVANCE DEPOSIT WAGERING (CHRB-132 AND CHRB-133).**

Mr. Brodnik advised that the proposed changes to Board Rule 2071 and 2072 are intended to capture more information in the application to enable the Board to make educated decisions when granting licenses for advance deposit wagering. Commissioner Mitchell **motioned** to direct staff to initiate a 45-day public comment period regarding the proposed amendments to Board Rule 2071, License to Conduct Advance Deposit Wagering by a California Applicant, and Rule 2072, Approval to Conduct Advance Deposit Wagering by an out-of-state Applicant. Vice-Chairman Gonzales **seconded** the motion, which was **unanimously carried**. Roll call vote: Aye: Solis, Gonzales, Ferraro,

Mitchell. Nay: None. Motion carried. Comments regarding this agenda item can be reviewed in the Board transcript, pages 50–52.

REPORT FROM THE MEDICATION, SAFETY, AND WELFARE COMMITTEE.

Dr. Arthur stated that University of California, Davis (UCD) Maddy Laboratory's Dr. Heather Kynch, Dr. Ben Moeller, and Dr. Mathieu Spriet presented during the meeting. Further comments regarding this agenda item can be found in the Board transcript, pages 52–59.

DISCUSSION AND ACTION BY THE BOARD REGARDING THE PROPOSED AMENDMENTS TO CHRB RULE 1685, EQUIPMENT REQUIREMENT, TO MODIFY RIDING CROP SPECIFICATIONS.

Mr. Brodnik advised that the language was approved by the Medication, Safety, and Welfare Committee to allow the use of the GT-360 but broad enough to allow other crops to be used. Vice-Chairman Gonzales **motioned** to table action on the proposed amendment to Board Rule 1685 so that staff could further develop the language of the amendment and incorporate some of the recommendations made by the various stakeholders. Vice-Commissioner Mitchell **seconded** the motion, which was **unanimously carried**. Roll call vote: Aye: Solis, Gonzales, Ferraro, Mitchell. Nay: None. Motion carried. Stakeholder and public comments can be reviewed in pages 59–87 of the Board transcript.

DISCUSSION AND REVIEW OF CHRB MEDICATION PENALTY GUIDELINES PURSUANT TO CHRB RULE 1843.3, PENALTIES FOR MEDICATION VIOLATIONS AND PROPOSED GUIDELINES FOR RELATED VIOLATIONS.

This item was removed from the agenda.

DISCUSSION AND ACTION BY THE BOARD REGARDING THE PROPOSED AMENDMENTS TO CHRB RULE 1501, WORKER'S COMPENSATION INSURANCE REQUIRED, AND RULE 1502, PROGRAM TRAINER PROHIBITED, TO CLARIFY THE PARAMETERS OF PROGRAM TRAINING PROHIBITION.

Mr. Brodник said that the proposed amendment seeks to clarify and expressly prohibit acts of program or paper training. Commissioner Mitchell **motioned** to approve the proposed amendments to Board Rule 1501, Workers' Compensation Insurance Required, and Board Rule 1502, Program Trainers Prohibited. Chairman Ferraro **seconded** the motion, which **unanimously carried**. Roll call vote: Aye: Solis, Gonzales, Ferraro, Mitchell. Nay: None. Further comments regarding this agenda item can be found in the Board transcript, pages 87–88.

PUBLIC COMMENT

Substantial public comment was received from various stakeholders and concerned citizens and can be reviewed in depth in the Board transcript, pages 88–104.

MEETING ADJOURNED AT 12:20 P.M.

A full and complete transcript of the aforesaid proceedings are on file at the office of the California Horse Racing Board, 1010 Hurley Way, Suite 300, Sacramento, California, and therefore made a part hereof.

Chairman

Executive Director

CALIFORNIA HORSE RACING BOARD

MARCH 26, 2020
REGULAR BOARD MEETING

There is no board package material for Item 3

CALIFORNIA HORSE RACING BOARD

MARCH 26, 2020
REGULAR BOARD MEETING

There is no board package material for Item 4

STAFF ANALYSIS
DISCUSSION AND ACTION BY THE BOARD REGARDING THE DISTRIBUTION OF
RACE DAY CHARITY PROCEEDS OF THE DEL MAR THOROUGHBRED CLUB 2019
SUMMER RACE MEETING IN THE AMOUNT OF \$90,839 TO NINE BENEFICIARIES

Regular Board Meeting
March 26, 2020

ISSUE

The Del Mar Thoroughbred Club (DMTC) is requesting approval to distribute race day charity proceeds generated at its 2019 summer racing meet. DMTC is proposing a total distribution of \$90,839. The organizations selected and amounts to be distributed are listed on the attachment. Staff notes that 100 percent of the proposed charity distributions are made to equine related charity organizations.

BACKGROUND

Business and Professions Code section 19550 states the Board shall require each licensed racing association that conducts 14 or less weeks of racing to designate three racing days, and each licensed racing association that conducts more than 14 weeks of racing to designate five racing days during any one meeting, to be conducted as charity days by the licensee for the purpose of distribution of the net proceeds there from to beneficiaries through the distribution agent. No racing association shall be required to pay to a distributing agent for the purpose of distribution to beneficiaries more than an amount equal to two-tenths of one percent of the association's total on-track handle on live races conducted by the association at the meeting. Business and Professions Code section 19555 requires that proceeds are to be distributed to beneficiaries within 12 calendar months after the last day of the meet during which charity days were conducted. Business and Professions Code section 19556 provides that the distributing agent shall make the distribution to beneficiaries qualified under this article. At least 30 percent of the distribution shall be made to charities associated with the horse racing industry. An additional five percent shall be paid to a welfare fund and another five percent shall be paid to a non-profit corporation, the primary purpose of which is to assist horsemen and backstretch personnel who are being affected adversely as a result of alcohol or substance abuse. In addition to the above distributions, a separate 20 percent shall be made to a nonprofit corporation or trust, the directors or trustees of which shall serve without compensation except for reimbursement for reasonable expenses, and which has as its sole purpose the accumulation of endowment funds, the income on which shall be distributed to qualified disabled jockeys.

RECOMMENDATION

This item is presented for Board discussion and action.

CHRB ANALYSIS

Del Mar Thoroughbred Club, 2019 Summer Meet Charity Day Proceeds

July 17, 2019 - September 3, 2019

#	Nonprofit Organization	Amount	Proposed Disbursement Percentage	Percentage Required By Horse Racing Law (2/10 of 1% on-track, live, handle)	Notes
1	California Retirement Management Account (CARMA)*	44,537.00	49%		a
2	Permanently Disabled Jockeys' Fund*	18,168.00	20%	minimum of 20%	d
3	Racing & Medication Consortium*	6,000.00	7%		a
4	Racetrack Chaplaincy of American (Southern Ca Council)	5,000.00	6%		a
5	California Thoroughbred Horsemen's Foundation	4,542.00	5%	minimum of 5%	b
6	Winners Foundation	4,542.00	5%	minimum of 5%	c
7	Edwin J. Gregson Foundation	3,550.00	4%		a
8	California Center for Equine Health and Performance	2,500.00	3%		a
9	UC-Davis-J.D. Wheat Veterinary Research	2,000.00	2%		a
	Total	\$ 90,839.00	100%	minimum of 60%	e
	Notes:				
	a	30% to charities associated with the horse racing industry (B&P 19556 (b))			
	b	5% to welfare fund for backstretch personnel (B&P 19641 (b))			
	c	5% to nonprofit organization to assist horsemen and backstretch personnel affected by alcohol and substance abuse (B&P 19556 (b))			
	d	20% to nonprofit organization that benefits qualified disabled jockeys (B&P 19556 (c)(1))			
	e	overall a minimum of 60% of the charity distribution should go to horse racing industry related nonprofit organizations.			

*horse-related organization



Josh Rubinstein
President & COO

February 14, 2020

Mr. Rick Baedeker
Executive Director
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825

Dear Mr. Baedeker:

The Del Mar Thoroughbred Club Board of Directors has allocated charity day proceeds from our **2019 Summer Race Meet** as set forth below for the California Horse Racing Board's consideration and approval:

California Retirement Management Account (CARMA)*	\$ 44,537
Permanently Disabled Jockeys Fund *	18,168
Racing & Medication Consortium*	6,000
Race Track Chaplaincy/Southern California*	5,000
California Thoroughbred Horsemen's Foundation*	4,542
Winners Foundation*	4,542
Edwin J. Gregson Foundation*	3,550
California Center for Equine Health and Performance*	2,500
UC Davis-J.D. Wheat Veterinary Research*	<u>2,000</u>
TOTALS:	\$ 90,839
*Equine Related Charities	\$ 90,839
Non - Equine Related	-0-
Percentage of Equine Related Charities	100%

Attached you will find a schedule describing the charitable organizations listed above. Thank you for your attention to this matter. If you need further information please contact me.

Very truly yours,

Josh Rubinstein
President and COO



2019 CHARITABLE ORGANIZATIONS - SUMMER

CARMA – The California Retirement Management Account (CARMA) provides funding for retirement of California-raced Thoroughbred horses and serves as an educational resource for the public and racing community. CARMA is a charitable 501(c)(3) non-profit organization founded in 2007 to raise money for retired racehorses. It is responsible for hosting fundraising events, educating owners and trainers on equine retirement, raising awareness and working to unify the racing industry in support of its equine athletes. Ways in which this is accomplished include facilitating the transition of racehorses off the track through its Placement Program and showcasing the breed's versatility as equestrian mounts at its Thoroughbred Classic Horse Show. It is dedicated to the goal of providing funding for their rehabilitation, retraining and/or retirement. CARMA collects funds from racehorse owners, racetracks and other racing groups and organizations, then redistributes the funds to those farms and facilities that prove themselves worthy and capable of fulfilling the group's goal. Madeline Auerbach is CARMA's Founders Chair, Candace Coder-Chew-President, Howard Zucker-Vice President, Billy Koch-Treasurer and Samantha Siegel-Secretary. (Contact phone: 626-574-6654; www.carma4horses.org)

Permanently Disabled Jockeys Fund – Promotes awareness of the needs of permanently disabled jockeys – Provides financial support to permanently disabled jockeys – Provides financial support and assistance in obtaining medical coverage for permanently disabled jockeys – Promotes medical research dedicated to reducing catastrophic injuries within the horse racing industry. Founded in 2006, it is a collaborative effort of many leaders in the horse racing industry, including racetracks, jockeys, horsemen and many others who had a vision of a program that would bring much-needed financial assistance to a group of athletes who have given so much to the sport of horse racing. The PDJF is governed by an independent board comprised of stakeholders from a broad cross-section of the horse racing industry. The mission of PDJF is to promote financial support to permanently disabled jockeys living with a catastrophic on-track injury; provide financial support and assistance for permanently disabled jockeys; and to promote medical research dedicated to reducing catastrophic injuries within the horse racing industry. Nancy LaSala is the group's president. (Contact phone: 630-595-7660; www.pdjf.org/)

Racing Medication and Testing Consortium -- Striving to develop and promote uniform rules, policies and testing standards at the national level; coordinate research and educational programs that seek to ensure the integrity of racing and the health and welfare of racehorses and participants; and protect the interests of the racing public. Founded in 2000 by a cross-section of racing leaders, the Racing Medication and Testing Consortium (RMTC) has a primary goal of developing and promoting uniform rules, policies and testing standards at the national level for racehorses. The tax-deductible organization strives to develop and promote uniform rules, policies and testing standards at the national level; coordinate research and educational programs that seek to ensure the integrity of racing and the health and welfare of racehorses and participants; and to protect the interest of the racing public. It is currently governed by a Board of Directors consisting of 23 racing industry stakeholders. RMTC Executive Director and COO is Dr. Mary Scollay, Administrative Manager is Christopher Ware (Contact phone: 859-759-4081; www.rmtcnet.com/); Communications & Development Consultant is Hallie Roach-Lewis (Contact phone: 858-224-2848).

California Thoroughbred Horsemen's Foundation – The California Thoroughbred Horsemen's Foundation (CTHF) is a non-profit charitable foundation dedicated to improving the quality of life in the community of stable workers at California's racetracks and training centers. It was founded in 1983 and, among its other projects, currently conducts Monday through Friday medical and dental clinics in both Northern and Southern California that are free for stable workers and their families. Ken Smole is President and Chair of CTHF, Cliff Goodrich, Executive Director. (Contact phone: 626-446-0169; www.cthf.info/)

Winners Foundation – The Winners Foundation was established in 1984 as a non-profit organization to provide information, support and referral sources to employees and family members of the California horse racing community who are being adversely affected as a result of mental illness, alcohol and/or substance abuse. There is no charge to anyone seeking aid through the group, which has aided and guided thousands of individuals since its inception. It is currently headed by Darin Scharer, Executive Director. (Contact phone: 626-574-6498; <http://winnersfoundation.org/>)

Race Track Chaplaincy/Southern California (RTCA/SC) – The RTCA/SC is a nonprofit organization that was established in 1971 and ministers to the spiritual, emotional, physical and social/educational needs of horse racing's workers. RTCA/SC is an affiliate of Race Track Chaplaincy of America, which has 77 chaplains serving over 117 race tracks throughout the United States and Canada. RTCA/SC offers support, direction and guidance, as well as church services, at Santa Anita, Los Alamitos and Del Mar. Contact: Chaplain Eli Hernandez, Cell 562-479-4924 (Contact phone: 626-574-6438; <http://rtcasc.com/>)

Edwin J. Gregson Foundation – The foundation has a primary goal of benefitting and enhancing the quality of life of California's backstretch workers and their families. It was originally founded by the California Thoroughbred Trainers (CTT) in 1998 and renamed in memory of veteran trainer and past CTT president Edwin J. Gregson, who was the driving force behind its start. Notable among its benefits are the college scholarships it provides annually to family members of backstretch workers. Jenine Sahadi currently heads the foundation. (Contact phone: 626-447-2145; www.gregsonfoundation.com)

California Center for Equine Health and Performance – The Center for Equine Health (CEH) was established at University of California Davis School of Veterinary Medicine in 1973. The primary purpose of CEH is to serve as an administrative and academic umbrella for research into means and methods of improving equine health, welfare and performance. The team brings together research facilities, students, veterinary residents, researchers and veterinarians to tackle important problems affecting horse health. In conjunction with this, it produces a series of publications that disseminate its findings and pertinent information. Additionally, it serves as the West Coast's quarantine and treatment station for the potentially devastating venereal disease contagious equine metritis. The center's current Director is Dr. Carrie J. Finno, DVM, cjfinno@ucdavis.edu (Contact phone: 530-752-6433.) Emeriti Directors include renowned veterinarian Gregory L. Ferraro, DVM, as well as Claudia Sonder, DVM.

UC Davis - JD Wheat Veterinary Orthopedics Laboratory Research Laboratory, School of Veterinary Medicine – The JD Wheat Veterinary Orthopedics Laboratory at UC Davis has been in the forefront of the state's efforts to understand, treat and prevent musculoskeletal injuries in horses. Using research, education and a range of training tools and methods, the JD Wheat Laboratory has been a key cog in stemming catastrophic equine losses and providing means and methods to enhance safety on the racetrack. Contact: Susan M. Stover, DVM, smstover@ucdavis.edu, Rick M. Arthur, DVM, Equine Medical Director (626) 574-6351, rmarthur@ucdavis.edu.

STAFF ANALYSIS
DISCUSSION AND ACTION BY THE BOARD REGARDING THE DISTRIBUTION OF
RACE DAY CHARITY PROCEEDS OF THE DEL MAR THOROUGHBRED CLUB 2019
FALL RACE MEETING IN THE AMOUNT OF \$13,744 TO FOUR BENEFICIARIES

Regular Board Meeting
March 26, 2020

ISSUE

The Del Mar Thoroughbred Club (DMTC) is requesting approval to distribute race day charity proceeds generated at its 2019 fall racing meet. DMTC is proposing a total distribution of \$13,744. The organizations selected and amounts to be distributed are listed on the attachment. Staff notes that 100 percent of the proposed charity distributions are made to equine related charity organizations.

BACKGROUND

Business and Professions Code section 19550 states the Board shall require each licensed racing association that conducts 14 or less weeks of racing to designate three racing days, and each licensed racing association that conducts more than 14 weeks of racing to designate five racing days during any one meeting, to be conducted as charity days by the licensee for the purpose of distribution of the net proceeds there from to beneficiaries through the distribution agent. No racing association shall be required to pay to a distributing agent for the purpose of distribution to beneficiaries more than an amount equal to two-tenths of one percent of the association's total on-track handle on live races conducted by the association at the meeting. Business and Professions Code section 19555 requires that proceeds are to be distributed to beneficiaries within 12 calendar months after the last day of the meet during which charity days were conducted. Business and Professions Code section 19556 provides that the distributing agent shall make the distribution to beneficiaries qualified under this article. At least 30 percent of the distribution shall be made to charities associated with the horse racing industry. An additional five percent shall be paid to a welfare fund and another five percent shall be paid to a non-profit corporation, the primary purpose of which is to assist horsemen and backstretch personnel who are being affected adversely as a result of alcohol or substance abuse. In addition to the above distributions, a separate 20 percent shall be made to a nonprofit corporation or trust, the directors or trustees of which shall serve without compensation except for reimbursement for reasonable expenses, and which has as its sole purpose the accumulation of endowment funds, the income on which shall be distributed to qualified disabled jockeys.

RECOMMENDATION

This item is presented for Board discussion and action.

CHRB ANALYSIS

Del Mar Thoroughbred Club, 2019 Fall Meet Charity Day Proceeds

November 6, 2019 - December 3, 2019

#	Nonprofit Organization	Amount	Proposed Disbursement Percentage	Percentage Required By Horse Racing Law (2/10 of 1% on-track, live, handle)	Notes
1	California Retirement Management Account (CARMA)*	8,994.00	65%		a
2	Permanently Disabled Jockeys' Fund*	2,750.00	20%	minimum of 20%	d
3	California Thoroughbred Horsemen's Foundation*	1,000.00	7%	minimum of 5%	b
4	Winners Foundation*	1,000.00	7%	minimum of 5%	c
	Total	\$ 13,744.00	100%	minimum of 60%	e
	Notes:				
	a	30% to charities associated with the horse racing industry (B&P 19556 (b))			
	b	5% to welfare fund for backstretch personnel (B&P 19641 (b))			
	c	5% to nonprofit organization to assist horsemen and backstretch personnel affected by alcohol and substance abuse (B&P 19556 (b))			
	d	20% to nonprofit organization that benefits qualified disabled jockeys (B&P 19556 (c)(1))			
	e	overall a minimum of 60% of the charity distribution should go to horse racing industry related nonprofit organizations.			

*horse-related organization



Josh Rubinstein
President & COO

February 14, 2020

Mr. Rick Baedeker
Executive Director
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825

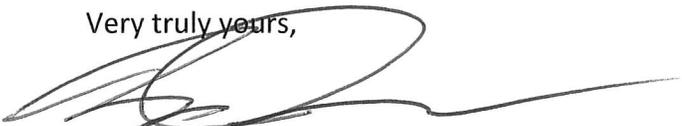
Dear Mr. Baedeker:

The Del Mar Thoroughbred Club Board of Directors has allocated charity day proceeds from our **2019 Fall Race Meet** as set forth below for the California Horse Racing Board's consideration and approval:

California Retirement Management Account (CARMA)*	\$ 8,994
Permanently Disabled Jockeys Fund *	2,750
California Thoroughbred Horsemen's Foundation*	1,000
Winners Foundation*	<u>1,000</u>
TOTALS:	\$ 13,744
*Equine Related Charities	\$ 13,744
Non - Equine Related	-0-
Percentage of Equine Related Charities	100%

Attached you will find a schedule describing the charitable organizations listed above. Thank you for your attention to this matter. If you need further information please contact me.

Very truly yours,


Josh Rubinstein
President and COO



2019 CHARITABLE ORGANIZATIONS - FALL

CARMA – The California Retirement Management Account (CARMA) provides funding for retirement of California-raced Thoroughbred horses and serves as an educational resource for the public and racing community. CARMA is a charitable 501(c)(3) non-profit organization founded in 2007 to raise money for retired racehorses. It is responsible for hosting fundraising events, educating owners and trainers on equine retirement, raising awareness and working to unify the racing industry in support of its equine athletes. Ways in which this is accomplished include facilitating the transition of racehorses off the track through its Placement Program and showcasing the breed's versatility as equestrian mounts at its Thoroughbred Classic Horse Show. It is dedicated to the goal of providing funding for their rehabilitation, retraining and/or retirement. CARMA collects funds from racehorse owners, racetracks and other racing groups and organizations, then redistributes the funds to those farms and facilities that prove themselves worthy and capable of fulfilling the group's goal. Madeline Auerbach is CARMA's Founders Chair, Candace Coder-Chew-President, Howard Zucker-Vice President, Billy Koch-Treasurer and Samantha Siegel-Secretary. (Contact phone: 626-574-6654; www.carma4horses.org)

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STAFF ANALYSIS

DISCUSSION AND ACTION BY THE BOARD ON THE REQUEST FROM THE CALIFORNIA AUTHORITY OF RACING FAIRS (CARF) TO DESIGNATE THE FOLLOWING 2020 ALLOCATED RACE DATES AS A COMBINED FAIR HORSE RACING MEETING, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 19549.1: ALAMEDA COUNTY FAIR AT PLEASANTON, JUNE 17, 2020 THROUGH JULY 14, 2020; CALIFORNIA EXPOSITION AND STATE FAIR, JULY 15, 2020 THROUGH AUGUST 4, 2020; HUMBOLDT COUNTY FAIR AT FERNDALE, AUGUST 19, 2020 THROUGH SEPTEMBER 1, 2020; AND THE BIG FRESNO FAIR, OCTOBER 7, 2020 THROUGH OCTOBER 20, 2020.

Regular Board Meeting
March 26, 2020

BACKGROUND:

[Business and Professions Code \(BPC\) section 19549.1](#) states that the California Horse Racing Board (Board) may allocate horse racing days for mixed breed and combined fair horse racing meetings pursuant to [Food and Agricultural Code section 4058](#). Subsection (a) of section 4058 stipulates that county fairs in the northern zone may form an entity for conducting combined fair horse racing meetings on days other than the days on which general fair activities are conducted.

In 2019, CARF requested that the Board designate the 2019 racing dates allocated to its member fairs as a combined fair horse racing meeting. CARF also requested that the license applications for each segment of the combined fair horse racing meeting be filed individually, as normally done for racing meetings. At its March 2019 regular meeting, the Board approved these requests.

ANALYSIS:

The Board approved the 2020 race dates calendar for northern California at its December 12, 2019 regular Board meeting. The CARF member fairs were approved to conduct mixed breed horse racing meetings as follows:

- Alameda County Fair at Pleasanton—6/17/20–7/14/20
- California Exposition and State Fair—7/15/20–8/4/20
- Humboldt County Fair at Ferndale—8/19/20–9/1/20
- The Big Fresno Fair—10/7/20–10/20/20

CARF requests that the Board designate these dates as a combined fair horse racing meeting in 2020. In its request, CARF states that the recognition of these dates as a combined fair horse racing meeting will provide the mechanism needed to carry over wagering pools from one fair to the next. In support of its request, CARF has submitted

an agreement signed by all the above-mentioned fairs to participate in a combined fair horse racing meeting (attached). Additionally, CARF requests that the license applications for each segment of the combined fair horse racing meeting be filed in the usual manner, with each fair submitting an individual application for its own portion of the race meeting.

RECOMMENDATION:

This item is presented for Board discussion and action.



a California joint powers agency

1776 Tribute Road, Suite 205
Sacramento, CA 95815
Office: 916.927.7033 Fax: 916.263.3341
www.calfairs.com

January 30, 2020

Rick Baedeker, Executive Director
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825

Dear Rick,

Pursuant to Ag Code Section 4058 and Business Professions Code Section 19549.1, the California Authority of Racing Fairs (CARP) requests that the Board designate the following 2020 racing dates as a combined Fair horse racing meeting. Request this be on the March CHRB agenda for approval.

- **Alameda County Fair – June 17 – July 14, 2020**
- **California State Fair – July 15 – August 4, 2020**
- **Humboldt County Fair – August 19 – September 1, 2020**
- **The Big Fresno Fair – October 7 – October 20, 2020**

We are requesting that the license applications for each segment of the combined Fair horse racing meeting be filed in the usual manner.

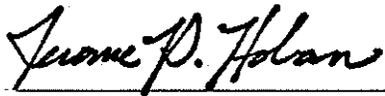
A combined Fair horse racing meeting will allow Northern California racing Fairs the mechanism needed to carryover wagering pools from one fair to the next.

Respectfully submitted,

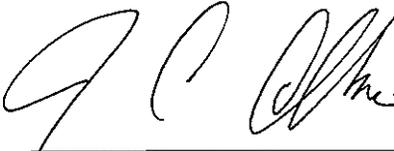

Larry Swartzlander
Executive Director

-AGREEMENT-
COMBINED FAIR HORSE RACING MEETING

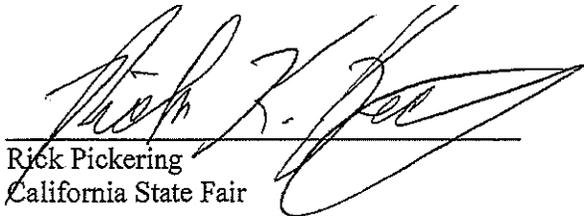
The undersigned Fairs agree to and confirm their participation in a combined Fair horse racing meeting pursuant to the California Food and Agricultural Code Section 4058 and Business and Professions Code Section 19549.1 ff. This agreement is effective April 4, 2017 and will remain in effect until a participating Fair gives notice in writing to the California Authority of Racing Fairs (CARF) that withdraws from their participation. These Fairs designate CARF to act on their behalf to conduct the combined Fair horse racing meeting.



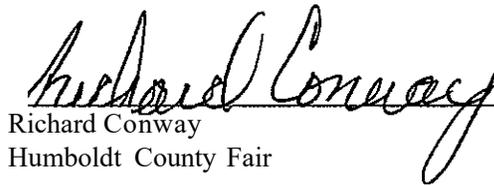
Jerome Hoban
Alameda County Fair



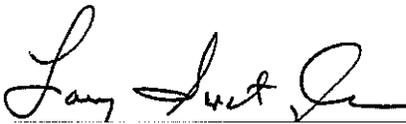
John Alkire
The Big Fresno Fair



Rick Pickering
California State Fair



Richard Conway
Humboldt County Fair



Larry Swartzlander
California Authority of Racing Fairs

STAFF ANALYSIS
DISCUSSION AND ACTION BY THE BOARD REGARDING APPROVAL OF AN
AGREEMENT, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION
19604(f)(5)(E), REGARDING APPROVAL FOR DISTRIBUTION FROM ADVANCE
DEPOSIT WAGERING (ADW) MARKET ACCESS FEES FOR WAGERS PLACED ON
ALL LIVE AND IMPORTED RACES FOR THE PERIOD APRIL 1 THROUGH
DECEMBER 31, 2020, TO BE UTILIZED TO FUND A CALIFORNIA CO-OP
MARKETING PROGRAM.

Regular Board Meeting
March 26, 2020

ISSUE:

The Thoroughbred Owners of California (TOC), Del Mar Thoroughbred Club, Pacific Racing Association, and the Los Angeles Turf Club are seeking approval of a Co-op Marketing Funding Agreement (Agreement) under [Business and Professions Code \(BPC\) section 19604\(f\)\(5\)\(E\)](#) for the period April 1 through December 31, 2020. The Agreement would modify the distribution of market access fees from California resident advance deposit wagering (ADW) wagers placed on all live and imported races hosted by the Del Mar Thoroughbred Club, the Pacific Racing Association, and the Los Angeles Turf Club in order to fund a California co-op marketing program. The Co-op Marketing Funding Agreement allows the TOC and the signatory tracks to continue programs that were previously supported by the California Marketing Committee (CMC).

ANALYSIS:

The TOC and the tracks (Del Mar, Santa Anita, and Golden Gate Fields) wish to continue certain CMC programs following the January 1, 2019 sunset of BPC section 19605.73, which authorized the CMC and its programs. These programs were continued in 2019 pursuant to a similar Board approved agreement to alter the distribution of market access fees from California residents ADW wagers placed on all live and imported races hosted by the signatory racing associations by the creation of an additional deduction to be used to fund a co-op marketing program.

For 2020, the co-op marketing program would include:

- Horse Recruitment
- Players Rewards
- Cal Racing Cares
- TOC Administrative Fee

The cost of the programs will be shared between the TOC and the signatory parties on the Agreement. The share of costs attributed to each of the tracks was based on the tracks' total product enhancement budget in 2019; the amount needed for

distribution from ADW market access fees was calculated by Bernie Thurman of CHRMS based on the 2019 budget for those programs.

BACKGROUND:

From 1999 until 2019, the CMC was responsible for promoting horse racing in the state by developing and implementing a marketing plan to increase on-track and off-track attendance throughout the state. The CMC ceased operating on January 1, 2019 upon the sunset of its authorizing statute, BPC section 19605.73.

BPC section 19604(f)(5)(E) provides that notwithstanding any provision of this section to the contrary, the distribution of market access fees pursuant to this subparagraph may be altered upon the approval of the Board, in accordance with an agreement signed by all parties whose distributions would be affected.

At the May 2019 California Horse Racing Board (Board) meeting, the Board approved a similar Co-op Marketing Funding Agreement for the period of April 1, 2019 through December 31, 2019.

RECOMMENDATION:

This item is presented for Board discussion and action. Staff recommends the Board hear from the Co-op Marketing Funding Agreement representatives.

Coop Marketing Funding Agreement

This Agreement is entered into as of this 28th day of February, 2020 by and between the undersigned racing associations ("the Signatory Racing Associations") the Thoroughbred Owners of California ("TOC") and the California Thoroughbred Breeders Association ("CTBA").

IT IS HEREBY AGREED AS FOLLOWS:

1. The distribution of Market Access fees from California resident Advanced Deposit Wagering, ("ADW") placed on all live and imported races hosted by the Signatory Racing Associations shall be altered by the creation of an additional deduction for a distribution therefrom, based upon a percentage of handle in the applicable California zones that would otherwise be payable as thoroughbred purses and track commissions. The deduction from ADW market access fees shall be utilized to fund a coop marketing program. The deduction percentage of ADW handle in the applicable zones for each host shall be:

Del Mar Thoroughbred Club race meets	0.320%
Los Angeles Turf Club race meets	0.480%
Pacific Racing Association race meets	0.480%

2. The parties shall immediately file this Agreement with the CHRB for the purposes of securing its approval of the deductions contemplated from market access fees placed on races hosted by the Signatory Racing Associations which is permitted pursuant to Business and Professions Code Section 19604 (f)(5)(E).
3. Subject to the requisite approval of the CHRB, the deduction from ADW set forth in #1 above shall be effective April 1, 2020 through December 31, 2020.
4. In addition to the distributions set forth above, there shall be a distribution from the ADW Deduction in order to pay administrative expenses that would otherwise have been distributed to TOC, CTT, and the Backstretch Workers Pension Plan.

Thoroughbred Owners of California

By:

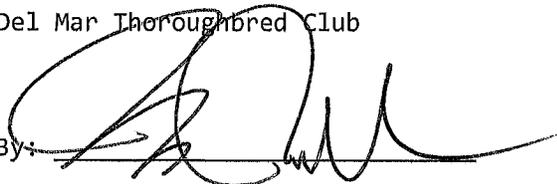


Pacific Racing Association

By: _____

Del Mar Thoroughbred Club

By:



Los Angeles Turf Club

By: _____

STAFF ANALYSIS

DISCUSSION AND ACTION BY THE BOARD REGARDING THE PROPOSED AMENDMENT TO CHRB RULE 1560, DUTIES OF THE OFFICIAL VETERINARIAN, AND RULE 1561, DUTIES OF THE RACING VETERINARIAN, TO STIPULATE THAT THE RACING VETERINARIAN IS UNDER THE DIRECT SUPERVISION OF THE OFFICIAL VETERINARIAN

Regular Board Meeting
March 26, 2020

ISSUE:

Currently, the Racing Veterinarian and examining veterinarians are supervised by the racing association's racing office, which presents a conflict of interest. Rather, the Racing Veterinarian and examining veterinarians should be under the direct supervision of the Official Veterinarian.

ANALYSIS:

The proposed amendment to Board Rule 1560, Duties of the Official Veterinarian, would provide that the official veterinarian shall have the authority and jurisdiction to supervise the Racing Veterinarian. The proposed amendment to Board Rule 1561, Duties of the Racing Veterinarian, would provide that the official veterinarian shall have direct authority over the Racing Veterinarian, and the Racing Veterinarian shall be under the direct supervision of the official veterinarian.

BACKGROUND:

[Business and Professions Code \(BPC\) section 19440](#) provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually its responsibilities, including the administration and enforcement of all laws, rules, and regulations affecting horse racing and pari-mutuel wagering. [BPC section 19460](#) provides that all licenses granted by the Board are subject to all rules, regulations, and conditions prescribed by the Board and shall contain such conditions as are deemed necessary or desirable by the Board for the best interests of horse racing. [BPC section 19562](#) states that the Board shall adopt rules, regulations, and conditions consistent with the provisions of this chapter, under which horse races with wagering on the results shall be conducted in California.

RECOMMENDATION:

This item is presented for Board discussion and action.

**CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 5. RACING OFFICIALS
PROPOSED AMENDMENT OF
RULE 1560. DUTIES OF THE OFFICIAL VETERINARIAN**

1560. Duties of the Official Veterinarian.

The official veterinarian shall be responsible to the stewards for the conduct of horses and their attendants in the receiving and detention barn. ~~He~~They shall have authority and jurisdiction to supervise the Racing Veterinarian and practicing licensed veterinarians and shall enforce the Board's rules and regulations relating to veterinary practices. The official veterinarian shall recommend discipline for the licensed veterinarians who fail to comply with the rules and regulations and accepted veterinary practices. ~~He~~They shall report to the Board the names of all horses humanely destroyed or which otherwise expire at the meeting and the reasons therefor. ~~He~~They shall maintain a list of all infirm horses on the grounds. No official veterinarian, during ~~his~~their term of appointment, shall directly treat or prescribe for any horse registered to race at any recognized meeting except in emergency, the details of which shall be immediately reported to the stewards.

Authority: Sections 19440, 19460, and 19562,
Business and Professions Code.

Reference: Sections 19440, 19460, and 19562,
Business and Professions Code.

**CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 5. RACING OFFICIALS
PROPOSED AMENDMENT OF
RULE 1561. DUTIES OF THE RACING VETERINARIAN**

1561. Duties of the Racing Veterinarian.

The Racing Veterinarian shall examine each horse when it is first entered to race at the race meeting and ~~he~~they shall report to the stewards any horse which in ~~his~~their opinion is not of the age or condition which is satisfactory for the type of racing to be conducted at the meeting. The stewards may declare any such horse so reported as ineligible to be entered or started at the meeting until such time as the Racing Veterinarian certifies such horse to be raceably sound. The Racing Veterinarian shall be present in the paddock, on the race course, and at the starting gate during the saddling, the parade, and until the horses are dispatched from the gate for the race, and ~~he~~they shall examine any horse when there is a question as to the physical condition of such horse. ~~He~~They shall report any horse which in ~~his~~their opinion is incapable of physically exerting its best effort to win to the stewards who may declare such horse from the race. The Racing Veterinarian shall examine any horse which appears in physical distress during the race, at the finish of the race and ~~he~~they shall report such horse together with ~~his~~their opinion as to the cause of the distress to the stewards and to the official veterinarian. The Racing Veterinarian has the authority to treat any horse in event of an emergency, accident or injury, and ~~he is~~they are authorized to humanely destroy any horse which in ~~his~~their opinion is so seriously injured that it is in the best interests of racing to so act, and every horse owner and trainer in participating in a race in this State does consent thereto. The Racing Veterinarian shall recommend to the official veterinarian those horses which by reason of physical disability should be placed on the Veterinarian's List and ~~he~~they may recommend removal from the list of those horses which in ~~his~~their opinion can satisfactorily compete in a race.

The official veterinarian shall have direct authority over the racing vet and the racing vet shall be under the direct supervision of the official veterinarian. The racing veterinarian shall not report to any other individual.

Authority: Sections 19440, 19460, and 19562,
Business and Professions Code.

Reference: Sections 19440, 19460, and 19562,
Business and Professions Code.

STAFF ANALYSIS
DISCUSSION REGARDING THE CHRB MEDICATION PENALTY GUIDELINES
PURSUANT TO CHRB RULE 1843.3, PENALTIES FOR MEDICATION VIOLATIONS,
AND PROPOSED GUIDELINES FOR RELATED VIOLATIONS

Regular Board Meeting
March 26, 2020

ISSUE:

At the November 2019 regular California Horse Racing Board (Board) meeting, Executive Director Rick Baedeker reported that Governor Gavin Newsom had asked the Board to prepare a list of recommendations designed to improve the welfare and safety of the racehorse. During the meeting, Executive Director Baedeker provided an overview of the recommendations which included a complete review of the penalty guidelines.

ANALYSIS:

The penalty guidelines are outlined in Board Rule 1843.3, Penalties for Medication Violations, and are modeled after the Association of Racing Commissioners International (RCI) Penalty Guidelines. The RCI Penalty Guidelines were last modified in January of 2020 and are included for reference.

A proposed amendment to Board Rule 1843.3 has been approved by the Office of Administrative Law (OAL) and will go into effect on April 1, 2020. The proposed amendment will modify subsection (d) to add penalties for a fourth violation involving Category "C" substances. A fourth violation will require a minimum 15-day suspension and a fine of \$2,500. Any subsequent violations will require a greater suspension and fine than the previous violation. In addition, the proposed amendment will remove Category "C" penalties for Board Rule 1844(c) nonsteroidal anti-inflammatory drug (NSAID) violations as such substances will no longer be authorized for horses entered to race.

At the February 12, 2019 Medication, Safety, and Welfare Committee meeting, the committee reviewed the guidelines and determined that the guidelines, as they currently exist, are adequate but should be enforced more aggressively. One suggestion to better enforce these rules was to incorporate the use of the multiple medication violation (MMV) penalties that RCI utilizes.

The committee also discussed the penalties for a veterinarian that violates a shock wave therapy violation, which is a Category A penalty, and is only defined for trainers and owners. The committee proposed modifying subsection (j) to better clarify the penalties of veterinarians and the use of shock wave therapy.

BACKGROUND:

[Business and Professions Code \(BPC\) section 19440](#) provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. [BPC section 19580](#) requires the Board to adopt regulations to establish policies, guidelines, and penalties relating to equine medication to preserve and enhance the integrity of horse racing in California.

RECOMMENDATION:

This item is presented for Board discussion and action.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 15. VETERINARY PRACTICES
RULE 1843.3 PENALTIES FOR MEDICATION VIOLATIONS

Regular Board Meeting
March 19, 2020

- (a) In reaching a decision on a penalty for a violation of Business and Professions Code section 19581, the Board, the board of stewards, the hearing officer or the administrative law judge shall consider the penalties set forth in subsections (d) and (e) of this Rule and any aggravating and mitigating circumstances. Deviation from these penalties is appropriate where the facts of the particular case warrant such a deviation, for example: there may be mitigating circumstances for which a lesser or no penalty is appropriate, and aggravating factors for which a greater penalty is appropriate.
- (b) Mitigating circumstances and aggravating factors, which must be considered, include but are not limited to:
 - (1) The past record of the licensee regarding violations of Business and Professions Code section 19581;
 - (2) The potential of the drug(s) to influence a horse's racing performance and the amount of the drug present;
 - (3) The legal availability of the drug and whether the drug was prescribed to the horse by a California Horse Racing Board (CHRB) licensed veterinarian;
 - (4) Whether there is reason to believe the responsible party knew of the administration of the drug or intentionally administered the drug;
 - (5) The steps taken by the trainer to safeguard the horse;
 - (6) The steps taken by an owner to safeguard against subsequent medication violations including, but not limited to, the transfer of the horse(s) to an unaffiliated trainer;
 - (A) "Unaffiliated trainer" means a trainer or an assistant trainer who is not related by blood, marriage or domestic partnership, or who is not or was never employed by the trainer from whose care such horse(s) were transferred.
 - (7) The probability of environmental contamination or inadvertent exposure due to human drug use or other factors;
 - (8) The purse of the race;
 - (9) Whether the drug found to be present in the official test sample was one for which the horse was receiving treatment as determined and documented through the process described in Rule 1842 of this division;
 - (10) Whether there was any suspicious wagering pattern on the race;
 - (11) Whether the licensed trainer was acting under the advice of a CHRB licensed veterinarian.
- (c) The Board shall consider the classification of a drug substance as referred to in Rule 1843.2 of this division and the California Horse Racing Board (CHRB) Penalty Categories Listing by Classification, (Revised 4/15), which is hereby incorporated by reference, if a determination is made that an official test sample from a horse contained:
 - (1) Any drug substance, medication, metabolites or analogues thereof foreign to the horse, whose use is not expressly authorized in this division, or
 - (2) Any drug substance, medication or chemical authorized by this article in excess of the authorized level or other restrictions as set forth in the article.
- (d) Penalties for violation of each classification level are as follows:

CATEGORY “A” PENALTIES

Penalties for violations due to the presence of a drug substance in an official test sample, which CHRB drug classification is categorized as warranting a Category A penalty are as follows:

LICENSED TRAINER:		
1st offense	2nd LIFETIME offense	3rd LIFETIME offense
<ul style="list-style-type: none"> • Minimum one-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a three-year suspension. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Minimum fine of \$10,000 or 10% of gross purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$25,000 or 25% of purse (greater of the two). <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • May be referred to the Board for any further action deemed necessary by the Board. 	<ul style="list-style-type: none"> • Minimum two-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a three-year suspension. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Minimum fine of \$20,000 or 25% of gross purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$50,000 or 50% of purse (greater of the two). <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • May be referred to the Board for any further action deemed necessary by the Board. 	<ul style="list-style-type: none"> • Minimum three-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of permanent license revocation. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Minimum fine of \$25,000 or 50% of gross purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$100,000 or 100% of purse (greater of the two). <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • May be referred to the Board for any further action deemed necessary by the Board.
LICENSED OWNER:		
1st offense	2nd LIFETIME offense in owner's stable	3rd LIFETIME offense in owner's stable
<ul style="list-style-type: none"> • Disqualification of horse and loss of purse. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Horse may be placed on the veterinarian's list for up to 90 days and must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Be subject to drug testing at the owner's expense and be negative for prohibited drug substances as defined in Rule 1843.1. 	<ul style="list-style-type: none"> • Disqualification of horse and loss of purse. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Horse shall be placed on the veterinarian's list for up to 120 days and must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Be subject to drug testing at the owner's expense and be negative for prohibited drug substances as defined in Rule 1843.1. 	<ul style="list-style-type: none"> • Disqualification of horse, loss of purse, and absent mitigating circumstances minimum fine of \$10,000. The presence of aggravating factors could be used to impose a maximum fine of \$50,000. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Horse shall be placed on the veterinarian's list for up to 180 days and must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Be subject to drug testing at the owner's expense and be negative for prohibited drug substances as defined in Rule 1843.1. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Referral to the Board with a recommendation of a suspension of owners license for a minimum of 90 days.

CATEGORY “B” PENALTIES

Penalties for violations due to the presence of a drug substance in an official test sample, which CHRB drug classification is categorized as warranting a Category B penalty are as follows:

LICENSED TRAINER:		
1st offense	2nd offense (within two year time period)	3rd offense (within five year time period)
<ul style="list-style-type: none"> • Minimum 30-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 60-day suspension. <p style="text-align: center;">AND/OR</p> <ul style="list-style-type: none"> • Minimum fine of \$500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$10,000. 	<ul style="list-style-type: none"> • Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension. <p style="text-align: center;">AND/OR</p> <ul style="list-style-type: none"> • Minimum fine of \$1,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$20,000. 	<ul style="list-style-type: none"> • Minimum 90-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a one-year suspension. <p style="text-align: center;">AND/OR</p> <ul style="list-style-type: none"> • Minimum fine of \$2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$50,000 or 10% of purse (greater of the two). <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • May be referred to the Board for any further action deemed necessary by the Board.
LICENSED OWNER:		
1st offense	2nd offense in stable (within two year time period)	3rd offense in stable (within five year time period)
<ul style="list-style-type: none"> • Disqualification of horse and loss of purse. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Horse must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Be subject to drug testing at the owner’s expense and be negative for prohibited drug substances as defined in Rule 1843.1. 	<ul style="list-style-type: none"> • Disqualification of horse and loss of purse. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Horse must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Be subject to drug testing at the owner’s expense and be negative for prohibited drug substances as defined in Rule 1843.1. 	<ul style="list-style-type: none"> • Disqualification of horse, loss of purse, and absent mitigating circumstances, minimum fine of \$5,000. The presence of aggravating factors could be used to impose a maximum fine of \$20,000. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Horse shall be placed on the veterinarian’s list for up to 45 days and must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Be subject to drug testing at the owner’s expense and be negative for prohibited drug substances as defined in Rule 1843.1.

CATEGORY “B” PENALTIES FOR RULE 1843.6 TOTAL CARBON DIOXIDE (TCO₂) TESTING

Penalties for violations due to exceeding permitted levels of TCO₂ as defined in Rule 1843.6 are as set forth below. All concentrations are for measurements in serum or plasma.

LICENSED TRAINER:		
1st offense TCO₂ (> 37.0 mm/l - <39 mm/l)	2nd offense TCO₂ (> 37.0 mm/l - <39 mm/l)	3rd offense TCO₂ (> 37.0 mm/l - <39 mm/l)
<ul style="list-style-type: none"> Up to a 30-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 60-day suspension. <p style="text-align: center;">AND/OR</p> <ul style="list-style-type: none"> Minimum fine of \$1,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$5,000. 	<ul style="list-style-type: none"> Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 120-day suspension. <p style="text-align: center;">AND/OR</p> <ul style="list-style-type: none"> Minimum fine of \$2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$10,000. 	<ul style="list-style-type: none"> Minimum 90-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension. <p style="text-align: center;">AND/OR</p> <ul style="list-style-type: none"> Minimum fine of \$5,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$15,000.
LICENSED OWNER:		
1st offense TCO₂ (> 37.0 mm/l - <39mm/l)	2nd offense TCO₂ (> 37.0 mm/l - <39 mm/l)	3rd offense TCO₂ (> 37.0 mm/l - <39 mm/l)
<ul style="list-style-type: none"> Disqualification of horse and loss of purse. 	<ul style="list-style-type: none"> Disqualification of horse and loss of purse. 	<ul style="list-style-type: none"> Disqualification of horse, loss of purse and in the absence of mitigating circumstances, \$2,500 fine.
LICENSED TRAINER:		
1st offense TCO₂ (≥ 39.0 mm/l)	2nd offense TCO₂ (≥ 39.0 mm/l)	3rd offense TCO₂ (≥ 39.0 mm/l)
<ul style="list-style-type: none"> Minimum 30-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 60-day suspension. <p style="text-align: center;">AND/OR</p> <ul style="list-style-type: none"> Minimum fine of \$2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$10,000. 	<ul style="list-style-type: none"> Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension. <p style="text-align: center;">AND/OR</p> <ul style="list-style-type: none"> Minimum fine of \$5,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$15,000. 	<ul style="list-style-type: none"> Minimum 90-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 365-day suspension. <p style="text-align: center;">AND/OR</p> <ul style="list-style-type: none"> Minimum fine of \$10,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$25,000.
LICENSED OWNER:		
1st offense TCO₂ (≥ 39.0 mm/l)	2nd offense TCO₂ (≥ 39.0 mm/l)	3rd offense TCO₂ (≥ 39.0 mm/l)
<ul style="list-style-type: none"> Disqualification of horse and loss of purse. 	<ul style="list-style-type: none"> Disqualification of horse and loss of purse. 	<ul style="list-style-type: none"> Disqualification of horse, loss of purse and a fine ranging from a minimum of \$5,000, up to a maximum of \$20,000.

CATEGORY “C” PENALTIES

Penalties for violations due to the presence of a drug substance in an official test sample, which CHRB drug classification is categorized as warranting a Category C penalty and for the presence of more than one non-steroidal anti-inflammatory (NSAID) in a plasma/serum sample, as defined in Rule 1844 of this division, and furosemide as defined in Rule 1845 of this division in an official test sample are as set forth below. All concentrations are for measurements in serum or plasma.

LICENSED TRAINER:		
1st offense	2nd offense (within 365-day period)	3rd offense (within 365-day period)
<ul style="list-style-type: none"> • Minimum fine of \$500 to a maximum fine of \$1,000 absent mitigating circumstances. 	<ul style="list-style-type: none"> • Minimum fine of \$1,000 to a maximum fine of \$2,500, and up to a 15-day suspension absent mitigating circumstances. 	<ul style="list-style-type: none"> • Minimum fine of \$2,500 and up to a 30-day suspension absent mitigating circumstances.

CATEGORY “C” PENALTIES FOR RULE 1844, AUTHORIZED MEDICATION (C) (1), (2), (3)

Penalties for violations due to overages for permitted non-steroidal anti-inflammatory drug substances (NSAIDs) as defined in Rule 1844 (c) (1), (2) and (3) of this division. All concentrations are for measurements in serum or plasma.

The official veterinarian shall consult with the treating veterinarian in all violations of 1844 (c). If the trainer has not had an 1844 (c) violation within the previous three years, the board of stewards may issue a warning in lieu of a fine for violations of 1844 (c)(1), phenylbutazone, provided the reported level is below 5.1 mcg/ml.

LICENSED TRAINER:	Phenylbutazone (2.1-<5.0 mcg/ml) Flunixin (20-<100 ng/ml) Ketoprofen (2 -< 50 ng/ml)	Phenylbutazone (2.1-<5.0 mcg/ml) Flunixin (20-<100 ng/ml) Ketoprofen (2 -< 50 ng/ml)
1st offense	2nd offense (within 365-day period)	3rd offense (within 365-day period)
<ul style="list-style-type: none"> • Minimum fine of \$500 to a maximum fine of \$1,000. 	<ul style="list-style-type: none"> • Minimum fine of \$1,000 to a maximum fine of \$2,500. 	<ul style="list-style-type: none"> • Minimum fine of \$2,500 to a maximum fine of \$5,000.
LICENSED OWNER:	Phenylbutazone (2.1-<5.0 mcg/ml) Flunixin (20-<100 ng/ml) Ketoprofen (2 -< 50 ng/ml)	Phenylbutazone (2.1-<5.0 mcg/ml) Flunixin (20-<100 ng/ml) Ketoprofen (2 -< 50 ng/ml)
1st offense	2nd offense (within 365-day period)	3rd offense (within 365-day period)
<ul style="list-style-type: none"> • No penalty administered. 	<ul style="list-style-type: none"> • No penalty administered. 	<ul style="list-style-type: none"> • No penalty administered.
LICENSED TRAINER:	Phenylbutazone (≥ 5.0 mcg/ml) Flunixin (≥ 100 ng/ml) Ketoprofen (≥ 50 ng/ml)	Phenylbutazone (≥ 5.0 mcg/ml) Flunixin (≥ 100 ng/ml) Ketoprofen (≥ 50 ng/ml)
1st offense	2nd offense (within 365-day period)	3rd offense (within 365-day period)
<ul style="list-style-type: none"> • Minimum fine of \$1,000 to a maximum fine of \$2,500. 	<ul style="list-style-type: none"> • Minimum fine of \$2,500 to a maximum fine of \$5,000. 	<ul style="list-style-type: none"> • Minimum fine of \$5,000 to a maximum fine of \$10,000.
LICENSED OWNER:	Phenylbutazone (≥ 5.0 mcg/ml) Flunixin (≥ 100 ng/ml) Ketoprofen (≥ 50 ng/ml)	Phenylbutazone (≥ 5.0 mcg/ml) Flunixin (≥ 100 ng/ml) Ketoprofen (≥ 50 ng/ml)
1st offense	2nd offense (within 365-day period)	3rd offense (within 365-day period)
<ul style="list-style-type: none"> • Horse must pass Board-approved examination pursuant to Rule 1846 before being eligible to run. 	<ul style="list-style-type: none"> • Disqualification of horse and loss of purse. If same horse, placed on veterinarian’s list for up to 45-days, must pass Board-approved examination pursuant to Rule 1846 before being eligible to run. 	<ul style="list-style-type: none"> • Disqualification of horse and loss of purse. Minimum \$5,000 fine. If same horse, placed on veterinarian’s list for 60 days, must pass Board-approved examination pursuant to Rule 1846 before being eligible to run.

- (e) Violations due to the presence of a drug substance in an official test sample, which CHRB drug classification is categorized as warranting a Category “D” penalty, may result in a written warning to the licensed trainer and owner.

CATEGORY “D” PENALTIES

1 st offense (within 365 day period)	2 nd offense (within 365 day period)	3 rd offense (within 365 day period)
<ul style="list-style-type: none"> • Minimum of an official written warning to a maximum fine of \$250. 	<ul style="list-style-type: none"> • Minimum of a \$250 fine to a maximum fine of \$500. 	<ul style="list-style-type: none"> • Minimum of a \$500 fine to a maximum fine of \$750.

- (f) If a licensee has received a penalty for a Class A, B or C medication violation, and within a 365 day period has a subsequent lesser violation (e.g. an A violation followed by a B violation), the earlier violation shall count as a “prior violation” for the purposes of determining the penalty for the subsequent lesser violation.
- (g) If a licensee has received a penalty for a Class B, C or D medication violation, and within a 365 day period has a subsequent greater violation (e.g. a D violation followed by a C violation), the earlier violation shall count as an aggravating factor for the purpose of determining the penalty for the subsequent greater violation.
- (h) Any drug or its metabolite or analogue thereof found to be present in an official test sample that is not classified in Rule 1843.2 of this division shall be classified as a Class 1 substance and a Category “A” penalty until classified by the Board.
- (i) The administration of a drug substance to a race horse must be documented by the treating veterinarian through the process described in Rule 1842 of this division.
- (j) Any veterinarian and other licensee found to be responsible for the administration of Extracorporeal Shock Wave Therapy (EWST), pursuant to CHRB Rule 1866.2, or any drug substance resulting in a positive test may be subject to the same penalties set forth for the licensed trainer and ~~his~~their presence may be required at any and all hearings relative to the case.
- (1) Any veterinarian found to be involved in the administration of any drug substance resulting in a positive test in Penalty Category “A” shall be referred to the California Veterinary Medical Board (CVMB) for consideration of further disciplinary action.
- (2) Any veterinarian found to be involved in the administration of any drug substance resulting in a positive test in Penalty Category “B” or “C” may be referred to the CVMB for consideration of further disciplinary action upon the recommendation of the Equine Medical Director, the board of stewards or hearing officers.
- (k) A licensee who is suspended because of a medication violation is not able to benefit financially during the period of suspension. This includes, but is not limited to, ensuring that horses are not transferred to licensed family members or, for any licensee whose suspension is for more than 30 days, to any other licensee who has been an employee of the suspended licensee within the previous year.
- (1) A licensee whose license is revoked because of a medication violation is not able to benefit financially following the revocation of his or her license. This includes, but is not limited to, ensuring that horses are not transferred to licensed family members or to any other licensee who has been an employee of the licensee whose license is revoked within the previous year.
- (l) “Licensed family members” means any person who holds an occupational license issued by the CHRB and who is related to the suspended licensee, or the licensee whose license is revoked, by blood, or by marriage or domestic partnership, or who is related by blood to the spouse or domestic partner of such licensee.
- (1) Licensed trainers suspended 60 days or more shall be banned from all inclosures under the

jurisdiction of the CHRB. In addition, during the period of suspension, such trainer shall forfeit all assigned stall space and shall remove from the inclosures all signage, colors, advertisements, training-related equipment, tack, office equipment, and any other property.

- (2) A trainer whose license is revoked shall be banned from all inclosures under the jurisdiction of the CHRB. In addition, such trainer shall forfeit all assigned stall space and shall remove from the inclosures all signage, colors, advertisements, training-related equipment, tack, office equipment, and any other property.

NOTE: Authority cited: Sections 19440, 19461 and 19580, Business and Professions Code.
Reference: Sections 19461, 19580, 19581 and 19582, Business and Professions Code; and Section 11425.50, Government Code.

HISTORY:

New rule filed 5-23-08; effective 5-23-08.

Amendment filed 2-14-12; effective 3-15-12.

Amendment filed 6-6-12; effective 7-6-12.

Amendment filed 10-17-16; effective 1-1-17.

Amendment filed 11-20-18; effective 1-1-19.

UNIFORM CLASSIFICATION OF FOREIGN SUBSTANCES
Version 14.1 (January, 2020)

PENALTY GUIDELINES

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PENALTY CATEGORY “A”

The following are recommended penalties for violations due to the presence of a drug carrying a Category “A” penalty and for violations of ARCI-011-015 and ARCI-025-015: Prohibited Practices:

LICENSED TRAINER:		
1st Offense	2nd LIFETIME offense in any jurisdiction	3rd LIFETIME offense in any jurisdiction
<ul style="list-style-type: none"> • Minimum one-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a three-year suspension <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Minimum fine of \$10,000 or 10% of total purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$25,000 or 25% of purse (greater of the two). <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • May be referred to the Commission for any further action deemed necessary by the Commission. 	<ul style="list-style-type: none"> • Minimum three-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of license revocation with no reapplication for a three-year period. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Minimum fine of \$25,000 or 25% of total purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$50,000 or 50% purse (greater of the two). <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • May be referred to the Commission for any further action deemed necessary by the Commission. 	<ul style="list-style-type: none"> • Minimum five-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of license revocation with no reapplication for a five-year period. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Minimum fine of \$50,000 or 50% of total purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$100,000 or 100% purse (greater of the two). <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • May be referred to the Commission for any further action deemed necessary by the Commission.
LICENSED OWNER:		
1st Offense	2nd LIFETIME offense in owner’s stable any jurisdiction	3rd LIFETIME offense in owner’s stable in any jurisdiction
<ul style="list-style-type: none"> • Disqualification and loss of purse <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Horse shall be placed on the Veterinarian’s List for 180 days and must pass a commission-approved examination before becoming eligible to be entered. 	<ul style="list-style-type: none"> • Disqualification and loss of purse <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Horse shall be placed on the Veterinarian’s List for 180 days and must pass a commission-approved examination before becoming eligible to be entered. 	<ul style="list-style-type: none"> • Disqualification, loss of purse and \$50,000 fine <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Horse shall be placed on the Veterinarian’s List for 180 days and must pass a commission-approved examination before becoming eligible to be entered. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Referral to the Commission with a recommendation of a suspension for a minimum of 90 days.

PENALTY CATEGORY “B”

The following are recommended penalties for violations due to the presence of a drug carrying Category “B” penalty, for the detection of two or more NSAIDs in a plasma/serum and/or urine sample, the detection of two or more corticosteroids in a plasma/serum and/or urine sample subject to the provisions set forth in ARCI-011-020(E) and ARCI-025-020(E) and for violations of the established levels for total carbon dioxide:

LICENSED TRAINER:		
1st Offense	2nd offense (365-day period) in any jurisdiction	3rd offense (365-day period) in any jurisdiction
<ul style="list-style-type: none"> Minimum 15-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 60-day suspension <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> Minimum fine of \$500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$1,000. 	<ul style="list-style-type: none"> Minimum 30-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> Minimum fine of \$1,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$2,500. 	<ul style="list-style-type: none"> Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a one-year suspension. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> Minimum fine of \$2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$5,000 or 5% purse (greater of the two). <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> May be referred to the Commission for any further action deemed necessary by the Commission.
LICENSED OWNER:		
1st Offense	2nd offense (365-day period) in owner’s stable any jurisdiction	3rd offense (365-day period) in owner’s stable in any jurisdiction
<ul style="list-style-type: none"> Disqualification and loss of purse [in the absence of mitigating circumstances]* <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> Horse must pass a commission-approved examination before becoming eligible to be entered. 	<ul style="list-style-type: none"> Disqualification and loss of purse [in the absence of mitigating circumstances]* <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> Horse must pass a commission-approved examination before becoming eligible to be entered. 	<ul style="list-style-type: none"> Disqualification, loss of purse, and in the absence of mitigating circumstances a \$5,000 fine.* <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> Horse shall be placed on the Veterinarian’s List for 45 days and must pass a commission-approved examination before becoming eligible to be entered.

PENALTY CATEGORY “C”

The following are recommended penalties for violations due to the presence of a drug carrying a Category “C” penalty and overages for permitted NSAIDs and furosemide: **(All concentrations are for measurements in serum or plasma.)**

LICENSED TRAINER	Furosemide (>100 ng/ml) and/or no furosemide when identified as administered	Phenylbutazone (>0.3 mcg/ml) Flunixin (> 5.0 ng/ml) Ketoprofen (> 2.0 ng/ml) and CLASS C Violations
1 st Offense (365-day period) in any jurisdiction	Minimum of a written warning to maximum fine of \$500	Minimum fine of \$1,000 absent mitigating circumstances
2 nd Offense (365-day period) in any jurisdiction	Minimum of a written warning to maximum fine of \$750	Minimum fine of \$1,500 and 15-day suspension absent mitigating circumstances
3 rd Offense (365-day period) in any jurisdiction	Minimum fine of \$500 to a maximum fine of \$1,000	Minimum fine of \$2,500 and 30-day suspension absent mitigating circumstances
LICENSED OWNER	Furosemide (>100 ng/ml) and/or no furosemide when identified as administered	Phenylbutazone (>0.3 mcg/ml) Flunixin (> 5.0 ng/ml) Ketoprofen (> 2.0 ng/ml) and CLASS C Violations
1 st Offense (365-day period) in any jurisdiction	Horse may be required to pass commission-approved examination before being eligible to run	Disqualification and loss of purse in the absence of mitigating circumstances. Horse must pass commission-approved examination before being eligible to run.
2 nd Offense (365-day period) in any jurisdiction	Horse may be required to pass commission-approved examination before being eligible to run	Disqualification and loss of purse in the absence of mitigating circumstances. If same horse, placed on veterinarian’s list for 45 days, must pass commission-approved examination before being eligible to run
3 rd Offense (365-day period) in any jurisdiction	Disqualification and loss of purse. Horse must pass commission-approved examination before being eligible to run	Disqualification and loss of purse in the absence of mitigating circumstances. Minimum \$5,000 fine. If same horse, placed on veterinarian’s list for 60 days, must pass commission-approved examination before being eligible to run

*If the trainer has not had more than one violation within the previous two years, the Stewards/Judges are encouraged to issue a warning in lieu of a fine provided the reported level is below 3.0 mcg/ml absent of aggravating factors.

After a two-year period, if the licensee has had no further violations, any penalty due to an overage in the 2.0-5.0 category will be expunged from the licensee’s record for penalty purposes.

PENALTY CATEGORY “D”

The recommended penalty for a violation involving a drug that carries a Category “D” penalty is a written warning to the trainer and owner. Multiple violations may result in fines and/or suspension.

MMV Point System

Multiple Medication Violation Model Rule.

ARCI-011-020 (B)(13)

Officials are advised to check a licensee’s ARCI regulatory record to see if multiple medication violations should be considered as an aggravating factor in the determination of an appropriate penalty.

- (1) Multiple Medication Violations (MMV)
- (a) A trainer who receives a penalty for a medication violation based upon a horse testing positive for a Class 1-5 medication with Penalty Class A-C, as provided in the most recent version of the ARCI Uniform Classification Guidelines for Foreign Substances, or similar state regulatory guidelines, shall be assigned points as follows:

Penalty Class	Points If Controlled Therapeutic Substance	Points If Non-Controlled Substance
Class A	N/A	6
Class B	2	4
Class C	½ for first violation with an additional ½ point for each additional violation within 365 days ¹	1 for first violation with an additional ½ point for each additional violation within 365 days
Class D	0	0

¹ Points for NSAID violations only apply when the primary threshold of the NSAID is exceeded. Points are not to be separately assigned for a stacking violation.

If the Stewards or Commission determine that the violation is due to environmental contamination, they may assign lesser or no points against the trainer based upon the specific facts of the case.

- (b) The points assigned to a medication violation by the Stewards or Commission ruling shall be included in the ARCI official database. The ARCI shall record points consistent with Section 13(a) including when appropriate, a designation that points have been suspended for the medication violation. Points assigned by such regulatory ruling shall reflect, in the case of multiple positive tests as described in paragraph (d), whether they constitute a single violation. The Stewards’ or Commission Ruling shall be posted on the official website of the Commission and within the official database of the Association of Racing Commissioners International. If an appeal is pending, that fact shall be noted in such Ruling. No points shall be applied until a final adjudication of the enforcement of any such violation.

- (c) A trainer’s cumulative points for violations in all racing jurisdictions shall be maintained by the ARCI. Once all appeals are waived or exhausted, the points shall immediately become part of the trainer’s official ARCI record and shall be considered by the Commission in its determination to subject the trainer to the mandatory enhanced penalties by the Stewards or Commission as provided in this regulation.
- (d) Multiple positive tests for the same medication incurred by a trainer prior to delivery of official notice by the commission may be treated as a single violation. In the case of a positive test indicating multiple substances found in a single post-race sample, the Stewards may treat each substance found as an individual violation for which points will be assigned, depending upon the facts and circumstances of the case.
- (e) The official ARCI record shall be used to advise the Stewards or Commission of a trainer’s past record of violations and cumulative points. Nothing in this administrative regulation shall be construed to confer upon a licensed trainer the right to appeal a violation for which all remedies have been exhausted or for which the appeal time has expired as provided by applicable law.
- (f) The Stewards or Commission shall consider all points for violations in all racing jurisdictions as contained in the trainer’s official ARCI record when determining whether the mandatory enhancements provided in this regulation shall be imposed.
- (g) In addition to the penalty for the underlying offense, the following enhancements shall be imposed upon a licensed trainer based upon the cumulative points contained in his/her official ARCI record:

Points	Suspension in days
5-5.5	15 to 30
6-8.5	30 to 60
9-10.5	90 to 180
11 or more	180 to 360

MMV penalties are not a substitute for the current penalty system and are intended to be an additional uniform penalty when the licensee:

- (i) Has had more than one medication violation for the relevant time period, and
- (ii) Exceeds the permissible number of points.

The Stewards and Commission shall consider aggravating and mitigating circumstances, including the trainer's prior record for medication violations, when determining the appropriate penalty for the underlying offense. The MMP is intended to be a separate and additional penalty for a pattern of violations.

- (h) The suspension periods as provided in Section 13(g) shall run consecutive to any suspension imposed for the underlying offense.
- (i) The Stewards' or Commission Ruling shall distinguish between the penalty for the underlying offense and any enhancement based upon a Stewards or Commission review of the trainer's cumulative points and regulatory record, which may be considered an aggravating factor in a case.
- (j) Points shall expire as follows:

Penalty Classification	Time to Expire
A	3 years
B	2 years
C	1 year

In the case of a medication violation that results in a suspension, any points assessed expire on the anniversary date of the date the suspension is completed.

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REVISIONS TO ARCI UNIFORM CLASSIFICATION GUIDELINES FOR FOREIGN SUBSTANCES

Version	Date	Drug/Substance	Notes
14.1	December 2019	Ethamsylate	Added as Drug Class 4, Penalty Class B.
14.1	December, 2019	Botulinum Toxin	Added as Drug Class 2, Penalty Class A.
14.1	December, 2019	Selective Androgen Receptor Modulators (SARMs)	Entire Class of drugs added with specific entries for Andarine, Ostarine, Ligandrol, and Testolone. Drug Class 2, Penalty Class A.
14.1	December, 2019	Bisphosphonates	Entire Class added with specific entries for Tildronate Sodium and Clodronate. Drug Class 3, Penalty Class A.
14.1	December, 2019	Altrenogest	Modified footnote.
14.1	December, 2019	Methoxyprogesterone	Modified footnote.
14.1	December, 2019	Acetylcysteine	Added. Class 4 Substance, Penalty Class C.
14	January, 2019	1-testosterone, Bolandiol, Drostanolone, Drostanolone, Metandienone, Metenolone, Metribolone	Added. Class 3 Substance, Penalty Class A.
14	January, 2019	Androstenediol, Androstenedione, Dihydrotestosterone, Prasterone	Added. Class 3 Substances, Penalty Class B.
14	January, 2019	5a-androstane-3(x)	Numerous testosterone metabolites added as Class B Substance, Penalty Class B.
14	January, 2019	Androstenediols that are converted to testosterone.	Added. Class 3 Substances, Penalty Class B.
14	January, 2019	Androst-5-ene-3 α ,17 β -diol, Androst-5-ene-3 β ,17 α -diol, 5-androstenedione	Added. Class 3 Substances, Penalty Class B.
14	January, 2019	ARA-290, Asialo EPO, Carbamylated EPO	Non-erythroietic EPO-Receptor antagonists added as Class 1 Substances, Penalty Class A.
14	January, 2019	CNTO 530, Peginesatide, Methoxypolyethylene glycol-epoetin beta (CERA)	EPO-mimetic peptides (EMP) added as Class 1 Substances, Penalty Class A.
14	January, 2019	Epitestosterone	Added. Class 3 Substance, Penalty Class B.
14	January, 2019	Etiocholanolone	Added. Class 3 Substance, Penalty Class B.
14	January, 2019	7 α -hydroxy-dhea, 7 β -hydroxy-dhea, 7-keto-dhea;19-	Added. Class 3 Substances, Penalty Class B.
14	January, 2019	Norandrosterone, 19-noretiocholanolone	Added. Class 3 Substances, Penalty Class B.
14	January, 2019	Tibolone	Added. Class 3 Substances, Penalty Class A.
14	January, 2019	Darbepoetin (depo)	Added. Class 1 Substance, Penalty Class A.
14	January, 2019	EPO-Fc	Added. Class 1 Substance, Penalty Class A.
13.4.1	August 2018	Altrenogest	Added a missing footnote.
13.4	January 2018	Dipyron	Penalty Classification changed from C to B; Drug Class remains 4
13.4	January 2018	Tolfenamic Acid	Added as Drug Class 4, Penalty Class B
13.4	January 2018	Pimobendan	Added as Drug Class 2, Penalty Class B
13.4	January 2018	Mitragynine	Added as Drug Class 1, Penalty Class A
13.4	January 2018	Metformin	Added as Drug Class 2, Penalty Class B
13.4	January 2018	Letrozole	Added as Drug Class 3, Penalty Class A
13.4	January 2018	Capsaicin	Added as Drug Class 2, Penalty Class B
13.4	January 2018	Altrenogest	Added as Drug Class 4, Penalty Class C in male horses only; no restriction in female horses.
13.3	July 2017	Penalty C Guideline Modification	Added "[in the absence of mitigating circumstances]" for owner 1st offense
13.2	April 2017	Penalty A Guideline Modification	Increase time on vets list to 180 days
13.2	April 2017	Articaine, Carticaine, and Priolocaine	Penalty Class Changed from A to B
13.2	April 2017	Cinchocaine	Penalty Class Changed from A to B
13.2	April 2017	Formebolone	Penalty Class Change from B to A

Version	Date	Drug/Substance	Notes
13.2	April 2017	Methyltestosterone	Penalty Class Change from A to B
13.2	April 2017	Methyl-1-testosterone	Added; Class 3, Penalty Class A
13.2	April 2017	Oxymesterone	Penalty Class Change from B to A
13.2	April 2017	Sulindac	Penalty Class Change from A to B
13.2	April 2017	Valdecoxib	Penalty Change from A to B
13.2	April 2017	Benazepril	Penalty Class Changed to A
13.2	April 2017	Eszopiclone	Added Class 2; Penalty Class A
13.2	April 2017	Propantheline	Penalty Class B assigned.
13	January 11, 2017		Version 13.00 Publication Date
13	December 2016	Methdilazine	Changed from Class 4 to Class 3
13	December 2016	Naepaine	Changed from Class 4/Penalty C to Class 2/Penalty A
13	December 2016	Nortestosterone	Changed from Class 4/Penalty C to Class 3/Penalty B
13	December 2016	Olsalazine	Changed from Class 4/Penalty B to Class 5/Penalty C
13	December 2016	Oxaprozín	Changed from Penalty C to Penalty B
13	December 2016	Pentoxifylline	Changed from Penalty C to Penalty D
13	December 2016	Terfenadine	Changed from Penalty B to Penalty C
13	December 2016	Thiosalicylate	Changed from Penalty C to Penalty B
13	December 2016	Tripolidine	Changed from Class 4 to Class 3
13	December 2016	Anisindione	Changed from Penalty C to Penalty D
13	December 2016	Cilostazol	Changed from Class 5/Penalty C to Class 4/Penalty B
13	December 2016	Cromolyn	Changed from Penalty C to Penalty D
13	December 2016	Dimethylsulphone (MSM)	Removed from classifications; recommended "do not report"
13	December 2016	Misoprostol	Changed from Penalty C to Penalty D
13	December 2016	Nedocromil	Changed from Penalty C to Penalty D
13	December 2016	Phenindione	Changed from Penalty C to Penalty D
13	December 2016	Polyethylene Glycol	Changed from Penalty C to Penalty D
13	December 2016	Warfarin	Changed from Penalty C to Penalty D
13	December 2016	Pirbuterol	Changed from Penalty A to Penalty B
13	December 2016	Piroxicam	Changed from Class 3 to Class 4
13	December 2016	Prostanazol	Changed from Penalty B to Penalty A
13	December 2016	Quinbolone	Changed from Penalty B to Penalty A
13	December 2016	Scopolamine	Changed from Class 3/Penalty B to Class 4/Penalty C
13	December 2016	Stenbolone	Changed from Penalty B to Penalty A
13	December 2016	TCO ₂	Changed from Unclassified with Penalty B recommended to Class 3/Penalty B
13	December 2016	Acetazolamide	Changed from Penalty B to Penalty C
13	December 2016	Ambroxol	Changed from Penalty C to Penalty B
13.01	December 2016	Cocaine and Morphine	Added a footnote inadvertently excluded from V.13.0
13	December 2016	Brompheniramine	Changed from Class 4 to Class 3
13	December 2016	Butacaine	Changed from Class 4/Penalty C to Class 2/Penalty A
13	December 2016	Carbazochrome	Changed from Penalty C to Penalty B
13	December 2016	Ciclesonide	Changed from Penalty B to Penalty C
13	December 2016	Cinchocaine	Changed from Class 4/Penalty C to Class 2/Penalty A
13	December 2016	Clibucaine	Changed from Class 4/Penalty C to Class 2/Penalty A
13	December 2016	Clormecaine	Changed from Class 4/Penalty C to Class 2/Penalty A
13	December 2016	Cyclizine	Changed from Class 4 to Class 3
13	December 2016	Cyproheptadine	Changed from Class 4/Penalty C to Class 3/Penalty B
13	December 2016	Dibucaine	Changed from Class 4/Penalty C to Class 2/Penalty B
13	December 2016	Eltenac	Changed from Penalty C to Penalty B
13	December 2016	Ethoheptazine	Changed from Class 4/Penalty C to Class 2/Penalty A
13	December 2016	Fluorometholone	Changed from Penalty B to Penalty C
13	December 2016	Fluoroprednisolone	Changed from Penalty C to Penalty B
13	December 2016	Hexylcaine	Changed from Class 4/Penalty C to Class 2/Penalty B
13	December 2016	Isoxsuprine	Changed from Penalty C to Penalty D
13	December 2016	Letosteine	Changed from Penalty C to Penalty B
13	December 2016	Loratidine	Changed from Penalty B to Penalty C
13	December 2016	Meclizine	Changed from Class 4 to Class 3
13	December 2016	Methapyrilene	Changed from Class 4 to Class 3

Version	Date	Drug/Substance	Notes
13	December 2016	Amyl Nitrite	Changed from Class 3 to Class 2
13	December 2016	Arformoterol	Changed from Penalty A to Penalty B
13	December 2016	Calusterone	Changed from Penalty B to Penalty A
13	December 2016	Clostebol	Changed from Penalty B to Penalty A
13	December 2016	Dehydrochloromethyltestosterone	Changed from Penalty B to Penalty A
13	December 2016	Desoxymethyltestosterone	Changed from Penalty B to Penalty A
13	December 2016	Enalapril	Changed from Penalty B to Penalty A
13	December 2016	Felbamate	Changed from Penalty A to Penalty B
13	December 2016	Furazabol	Changed from Penalty B to Penalty A
13	December 2016	Glycopyrrolate	Changed from Class 3/Penalty B to Class 4/Penalty C
13	December 2016	Mepenzolate	Changed from Penalty A to Penalty B
13	December 2016	Mestanolone	Changed from Penalty B to Penalty A
13	December 2016	Mesterolone	Changed from Penalty B to Penalty A
13	December 2016	Methandrostenolone (Methandienone)	Added alternate name, Changed from Penalty B to Penalty A
13	December 2016	Methandriol (Methylandrostenediol)	Added alternate name, Changed from Penalty B to Penalty A
13	December 2016	Metenolone	Changed from Penalty B to Penalty A
13	December 2016	Methyldienolone	Changed from Penalty B to Penalty A
13	December 2016	Methylnortestosterone (Trestolone)	Added alternate name, Changed from Penalty B to Penalty A
13	December 2016	Methsuximide	Changed from Class 3/Penalty A to Class 4/Penalty B
13	December 2016	Methyltestosterone	Changed from Penalty B to Penalty A
13	December 2016	Naloxone	Changed from Penalty A to Penalty B
13	December 2016	Naltrexone	Changed from Penalty A to Penalty B
13	December 2016	N-Butylscopolamine	Changed from Class 3/Penalty B to Class 4/Penalty C
13	December 2016	Nitroglycerin	Changed from Class 3 to Class 2
13	December 2016	Norbolethone/Norbolethone	Added alternate spelling, Changed from Penalty B to Penalty A
13	December 2016	Norclostebol	Changed from Penalty B to Penalty A
13	December 2016	Oxabolone	Changed from Penalty B to Penalty A
13	December 2016	Oxprenolol	Changed from Penalty B to Penalty A
13	December 2016	Physostigmine	Changed from Penalty B to Penalty A
13	December 2016	Pindolol	Changed from Penalty A to Penalty B
13	December 2016	Amitraz	Changed from Penalty A to Penalty B
13	December 2016	Alprenolol	Changed from Class 3 to Class 2
13	December 2016	Zomepirac	Changed from Penalty A to Penalty B
13	December 2016	Yohimbine	Changed from Penalty A to Penalty B
13	December 2016	Snake Venoms	Changed from Class 2 to Class 1
13	December 2016	Romifidine	Changed from Class 2 to Class 3
13	December 2016	Rofecoxib	Changed from Penalty A to Penalty B
13	December 2016	Reserpine	Changed from Penalty A to Penalty B
13	December 2016	Midazolam	Changed from Class 2/Penalty A to Class 3/Penalty B
13	December 2016	Loperamide	Changed from Class 2/Penalty A to Class 3/Penalty B
13	December 2016	Isoxicam	Changed from Penalty A to Penalty B
13	December 2016	Fluphenazine	Changed from Penalty A to Penalty B
13	December 2016	Fenclozic Acid	Changed from Penalty A to Penalty B
13	December 2016	Erythropoietin	Changed from Class 2 to Class 1
13	December 2016	Diazepam	Changed from Class 2 to Class 3
13	December 2016	Darbepoetin	Changed from Class 2 to Class 1; Corrected spelling under "Prohibited Practices"
13	December 2016	Chlorpromazine	Changed from Class 2 to Class 1
13	December 2016	Benoxaprofen	Changed from Penalty A to Penalty B

Version	Date	Drug/Substance	Notes
13	December 2016	Alclofenac	Changed from Penalty A to Penalty B
13	December 2016	Atipamazole	Added to Uniform Classification Guide as Class 2, Penalty B
13	December 2016	Cocaine	Changed from Penalty B to Penalty A
13	December 2016	Ethylphenidate	Added to Uniform Classification Guide as Class 1, Penalty A
13	December 2016	Meldonium	Added to Uniform Classification Guide as Class 1, Penalty A
13	December 2016	Morphine	Changed from Penalty B to Penalty A
13	December 2016	Strychnine	Changed from Penalty B to Penalty A
12	March 2016	Methamphetamine	Added footnote language recommending Penalty B if testing can prove presence of only levo-methamphetamine is present in sample.
12	March 2016	Tramadol	Changed from Penalty A to Penalty B
12	March 2016	Cetirizine	Changed from Penalty B to Penalty C after inclusion into ARCI Controlled Therapeutic Medication Schedule
12	March 2016	Morphine	Added footnote language recommending Penalty A if intentional administration can be proven by regulators.
12	March 2016	Cocaine	Added footnote language recommending Penalty A if intentional administration can be proven by regulators.
12	March 2016	Methacholine	Corrected spelling error in Alphabetical Listing by Substance Section and Listing by Classification Section
12	March 2016	myo-inositol trispyrophosphate (ITPP)	Corrected spelling error in Alphabetical Listing by Substance Section and Listing by Classification Section
11	December 2015	2-Aminoheptane	Corrected typographical error to reflect Class 4, Penalty B Substance
11	December 2015	Xylometazoline	Corrected typographical error to reflect Class 4, Penalty B Substance
11	December 2015	Rivastigmine	Corrected typographical error to reflect Class 2, Penalty A Substance
11	December 2015	Rabeprazole	Corrected typographical error to reflect Class 5, Penalty D Substance
11	December 2015	Prilocaine	Corrected typographical error to reflect Class 2, Penalty A Substance
11	December 2015	Hexocyclium	Corrected typographical error to reflect Class 4, Penalty B Substance
11	December 2015	Gabapentin	Corrected typographical error to reflect Class 3, Penalty B Substance
11	December 2015	Ergoloid Mesylates	Corrected typographical error to reflect Class 2, Penalty A Substance
11	December 2015	Butacaine	Corrected typographical error to reflect Class 4, Penalty B Substance
11	December 2015	Budesonide	Corrected typographical error to reflect Class 4, Penalty C Substance
11	December 2015	Brimonidine	Corrected typographical error to reflect Class 2, Penalty A Substance
11	December 2015	Benazepril	Corrected typographical error to reflect Class 3, Penalty B Substance
11	December 2015	Amlodipine	Corrected typographical error to reflect Class 3, Penalty B Substance
11	December 2015	3-Methoxytyramine	Added as Class 2, Penalty A Substance
10	July 2015	Methylhexanamine	Added alternative spelling
10	July 2015	Gamma Aminobutyric Acid (GABA)	Added as Class 3, Penalty B Substance

Version	Date	Drug/Substance	Notes
9	April 2015	Cobalt	Added as Class 3, Penalty B with note to refer to ARCI Endogenous, Dietary, or Environmental Substances Schedule for threshold and penalty information for concentrations of less than 50 parts per billion (ppb) in blood serum or plasma.
8	December 2014	Firocoxib	Changed Penalty Class from "B" to "C" to conform to the ARCI Controlled Therapeutic Medication Schedule
8	December 2014	Acenocoumarol	Had been previously omitted from Listing by Classification Section, Added to section
8	December 2014	Deracoxib	Corrected Spelling in Alphabetical Listing by Substance Section
8	December 2014	Norclostebol	Corrected Spelling in Alphabetical Listing by Substance Section
8	December 2014	Rizatriptan	Corrected Spelling in Alphabetical Listing by Substance Section
8	December 2014	Dehydrochloromethyl testosterone	Corrected Spelling in Alphabetical Listing by Substance Section
8	December 2014	Amiodarone	Corrected Spelling in Listing by Classification Section
8	December 2014	2-Aminoheptane	Corrected Spelling in Listing by Classification Section
8	December 2014	Bupropion	Corrected Spelling in Listing by Classification Section
8	December 2014	Alclofenac	Assigned Penalty Class A
8	December 2014	Recommended Penalties for Ketoprofen	Updated the recommended penalty for Ketoprofen to comply with the primary threshold established in the ARCI Controlled Therapeutic Medication Schedule.
8	December 2014	Class B Recommended Penalties	Corrected typographical error on recommended penalties for Class B substances for licensed owners. Version 7.00 incorrectly recommended penalties for second or third offense in the owner's lifetime. Version 8.00 corrects error and recommends penalty for second or third offense in 365-day period.
8	December 2014	Aminorex	Addition is not a change of the Uniform Classification Guidelines. Aminorex has been a DEA Schedule 1 substance. All DEA 1 substances are considered Class 1, Penalty A substances by reference. By request, Aminorex has been listed to avoid confusion.
8	December 2014	Bufotenine	Corrected the precursor to 5-methoxy-N-N dimethyltryptamine
7	January 2014	Pergolide	Added as Class 3, Penalty B
6	December 2013	Methylhexanamine	Added as Class 1, Penalty A
5	December 2012	Zilpaterol hydrochloride	Moved from Class 3 to Class 2 Substance, Penalty Remains Unchanged
5	December 2012	Tetramisole hydrochloride	Removed from Non-Classified Substance list
5	December 2012	Ambroxol	Moved from Class 4, Penalty B to Class 4, Penalty C
4.01	October 2012	Ractopamine	Corrected typographical error in Drug Class (Incorrectly listed as a Class 3 substance)
4.01	October 2012	Pyrimilamine	Corrected typographical error on Penalty Class (Listed as Penalty Class A in "Listing by Classification" section).
4	July 2012	myo-inositol trispyrophosphate (ITPP)	Added as Class 1, Penalty A
4	July 2012	Benzonatate	Added as Class 2, Penalty A
3	December 2011	Almotriptan	Corrected Penalty Class omission in Alphabetical Listing section of document

Version	Date	Drug/Substance	Notes
3	December 2011	Naltrexone	Corrected Penalty Class omission in Alphabetical Listing section of document
3	December 2011	Amiloride	Corrected Penalty Class omission in Alphabetical Listing section of document
3	December 2011	Butanilicaine	Corrected Penalty Class omission in Alphabetical Listing section of document
3	December 2011	3,4-methylenedioxy-pyrovalerone, aka MDPV, "Bath Salts"	Corrected typographical error in Trade Name sections
3	December 2011	Carbazochrome	Added as Class 4, Penalty C
2.01	August 2011	Dimethylsulfoxide (DMSO)	Edited Drug Classification definitions to remove mention of DMSO from Class 5 definition
2	July 2011	<<Drugs Not Listed>>	Language pertaining to all drugs/substances not found in this document shall be considered a Class I, Penalty A Substance
2	July 2011	Phenylbutazone	Penalties for tests over 2.0 micrograms per milliliter of plasma or serum but less than 5.0 micrograms per milliliter of plasma or serum added.
2	July 2011	Dermorphin	Added as Class 1, Penalty A
2	July 2011	3,4-methylenedioxy-pyrovalerone, aka MDPV, "Bath Salts"	Added as Class 1, Penalty A
2	July 2011	Synthetic cannabis	Added as Class 1, Penalty A
2	July 2011	Alclomethasone	Corrected typographical error in spelling
1.01	January 2011	Methocarbamol	Corrected typographical error on Penalty Class from Class B to Class C
1	December 2010	Zilpaterol	Added as Class 3, Penalty a
1	December 2010	Dimethylsulfoxide (DMSO)	Changed from Class 5 to Class 4

STAFF ANALYSIS
DISCUSSION AND ACTION BY THE BOARD REGARDING THE PROPOSAL TO
PARTIALLY SUSPEND THE CHRB EMERGENCY RULE 1843.5, MEDICATION,
DRUGS AND OTHER SUBSTANCES PERMITTED AFTER ENTRY IN A RACE,
PURSUANT TO CHRB RULE 1406, SUSPENSION OF RULE.

Regular Board Meeting
March 26, 2020

ISSUE:

At its regularly scheduled public meeting on January 22, 2020, the California Horse Racing Board (Board) voted to approve emergency regulations addressing authorized medication in racing. No objection was made during the public comments portion of the meeting. The emergency regulatory amendment was then approved and filed with the Secretary of State on February 26, 2020. Shortly thereafter, considerable concern and confusion was raised by members of the industry over the enacted text of the emergency regulation. One area of concern was the amendment of subsection (a) of [Board Rule 1843.5](#) amending the definition of when a horse is deemed entered. Previously, a horse was deemed entered in a race 48-hours before post time of the running of the race. The emergency amendment changed that subsection to redefine “entered” at midnight the day entries close for the race. Throughout California, different racetracks take entries at different times. For example, a racing association may close entries as much as 120 hours (5 days) out from a race. During this period of time, feed supplements, electrolytes, and other medications or substances may not be administered.

ANALYSIS:

[Board Rule 1406](#), Suspension of Rule, allows the Board, for good cause, with or without a hearing, to temporarily suspend the application of any of its rules upon any conditions it may impose. Every application for such action and any such action by the Board shall, insofar as possible, be in writing. If not in writing, it shall be confirmed in writing as soon thereafter as possible.

Should the Board desire to utilize Board Rule 1406, staff believes the Board could suspend a portion of the rule upon any condition it wishes to impose. The Board could impose a condition that the prior approved text, which defines entered as “48 hours before post time of the running of the race” be reinstated.

BACKGROUND:

[Business and Professions Code \(BPC\) section 19420](#) provides that the Board shall have jurisdiction and supervision over meetings in California where horse races with wagering

on their results are held or conducted, and over all persons or things having to do with the operation of such meetings. [BPC section 19440](#) states the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of Chapter 4, BPC. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering.

RECOMMENDATION:

This item is presented for Board discussion and action.

CALIFORNIA HORSE RACING BOARD
TITLE 4., CALIFORNIA CODE OF REGULATIONS
ARTICLE 15. VETERINARY PRACTICES
PROPOSED AMENDMENT OF
RULE 1843.5. MEDICATION, DRUGS AND OTHER SUBSTANCES PERMITTED
AFTER ENTRY IN A RACE

1843.5. Medication, Drugs and Other Substances Permitted After Entry in a Race.

(a) In this article a horse is deemed "entered" in a race at midnight the day entries close for the race.

(b) Water, hay, and grain may be provided to the horse up until post time.

(c) Drugs, medications or any other substances shall not be administered by any means to a horse after it is deemed entered to race except:

(1) Topical medications, (such as antiseptics, ointments, salves, leg rubs, leg paints, hoof dressings, liniments and antiphlogistics) which do not contain anesthetics or other prohibited drugs.

(d) Any drug, medication or any other substance found in a test sample taken from a horse which is not authorized under this rule shall be deemed a prohibited drug substance.

(e) Any of the following substances may be administered by injection until 24 hours before the post time of the race in which the horse is entered:

(1) Injectable Vitamins;

(2) Tetanus Antitoxin or Tetanus Toxoid, if the horse has sustained a wound.

(f) Approved anti-ulcer medications may be administered until 24 hours before the post time of the race in which the horse is entered. A list of approved anti-ulcer medications, and route of administration, shall be posted at each racetrack in the office of the official veterinarian.

(g) In addition to the substances named in subsection (c)(1), any of the following substances may be administered under Rule 1845 of this division within 24 hours of the post time of the race in which the horse is entered:

(1) Furosemide;

(2) Only water may be used to wash the horse's mouth on race day.

(h) Drugs, medications or any other substances may not be administered to a horse by injection, via nasogastric tube (stomach tubing) or any other means after the horse is entered to race, except under these regulations.

Authority: Sections 19580, 19581 and 19582,
Business and Professions Code.

Reference: Sections 19580, 19581 and 19582,
Business and Professions Code;
Section 337 (f), (g) and (h), Penal Code.

STAFF ANALYSIS
DISCUSSION AND ACTION REGARDING THE PROPOSED AMENDMENTS OF
CHRB RULE 1843.3, PENALTIES FOR MEDICATION VIOLATIONS; CHRB RULE
1843.5, MEDICATION, DRUGS AND OTHER SUBSTANCES PERMITTED AFTER
ENTRY IN A RACE AND CHRB RULE 1844, AUTHORIZED MEDICATION, TO
CODIFY THE BOARD'S PRIOR TEMPORARY SUSPENSION OF AUTHORIZED
MEDICINE FOR ALL HORSES PARTICIPATING IN ALL LICENSED HORSE RACING
MEETINGS

Regular Board Meeting
March 26, 2020

ISSUE:

In February 2020 the California Horse Racing Board (Board) adopted the proposed amendments of Board Rule 1843.3, Penalties for Medication Violations; Board Rule 1843.5, Medication, Drugs and Other Substances Permitted After Entry in a Race and Board Rule 1844, Authorized Medication. Subsequent to the February 2020 regular meeting, concerns were raised regarding proposed changes to the definition of "entered to race" under Board Rule 1843.5.

ANALYSIS:

The proposed amendment to Board Rule 1843.5 was noticed to the public on January 3, 2020 and was adopted by the Board in February 2020. The amendment to Board Rule 1843.5 modified subsection (a) to change the rule's definition of "entered." The new definition provides that a horse is deemed "entered" at midnight the day entries close for the race. The change will mean most horses would be considered "entered" as much as 72 hours before the race. Concerns have been raised, however, regarding the effect of the proposed amendment's definition of "entered" and the time frame for administering Nonsteroidal anti-inflammatory drugs (NSAIDs), and other permitted treatments.

If the text of Board Rule 1843.5 is amended, an additional 15-day public comment period will be required.

BACKGROUND:

[Business and Professions Code \(BPC\) section 19440](#) provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. [BPC section 19562](#) states the Board may prescribe rules, regulations, and conditions under which all horse races with wagering on their results shall be conducted in California. [BPC section 19580](#) requires the Board to adopt regulations to establish policies,

guidelines, and penalties relating to equine medication to preserve and enhance the integrity of horse racing in California. [BPC section 19581](#) provides that no substance of any kind shall be administered by any means to a horse after it has been entered to race, unless the Board has, by regulation, specifically authorized the use of the substance and the quantity and composition thereof. [BPC section 19582](#) provides that violations of section 19581, as determined by the Board, are punishable as set forth in regulations adopted by the Board.

RECOMMENDATION:

This item is presented for Board discussion and action.

CALIFORNIA HORSE RACING BOARD
TITLE 4., CALIFORNIA CODE OF REGULATIONS
ARTICLE 15. VETERINARY PRACTICES
PROPOSED AMENDMENT OF
RULE 1843.3. PENALTIES FOR MEDICATION VIOLATIONS

Regular Board Meeting
March 19, 2020

1843.3. Penalties for Medication Violations.

(a) In reaching a decision on a penalty for a violation of Business and Professions Code section 19581, the Board, the board of stewards, the hearing officer or the administrative law judge shall consider the penalties set forth in subsections (d) and (e) of this Rule and any aggravating and mitigating circumstances. Deviation from these penalties is appropriate where the facts of the particular case warrant such a deviation, for example: there may be mitigating circumstances for which a lesser or no penalty is appropriate, and aggravating factors for which a greater penalty is appropriate.

(b) Mitigating circumstances and aggravating factors, which must be considered, include but are not limited to:

(1) The past record of the licensee regarding violations of Business and Professions Code section 19581;

(2) The potential of the drug(s) to influence a horse's racing performance and the amount of the drug present;

(3) The legal availability of the drug and whether the drug was prescribed to the horse by a California Horse Racing Board (CHRB) licensed veterinarian;

(4) Whether there is reason to believe the responsible party knew of the administration of the drug or intentionally administered the drug;

(5) The steps taken by the trainer to safeguard the horse;

(6) The steps taken by an owner to safeguard against subsequent medication violations including, but not limited to, the transfer of the horse(s) to an unaffiliated trainer;

(A) "Unaffiliated trainer" means a trainer or an assistant trainer who is not related by blood, marriage or domestic partnership, or who is not or was never employed by the trainer from whose care such horse(s) were transferred.

(7) The probability of environmental contamination or inadvertent exposure due to human drug use or other factors;

(8) The purse of the race;

(9) Whether the drug found to be present in the official test sample was one for which the horse was receiving treatment as determined and documented through the process described in Rule 1842 of this division;

(10) Whether there was any suspicious wagering pattern on the race;

(11) Whether the licensed trainer was acting under the advice of a CHRB licensed veterinarian.

(c) The Board shall consider the classification of a drug substance as referred to in Rule 1843.2 of this division and the California Horse Racing Board (CHRB) Penalty Categories Listing by Classification, (Revised 4/15), which is hereby incorporated by reference, if a determination is made that an official test sample from a horse contained:

(1) Any drug substance, medication, metabolites or analogues thereof foreign to the horse, whose use is not expressly authorized in this division, or

(2) Any drug substance, medication or chemical authorized by this article in excess of the authorized level or other restrictions as set forth in the article.

(d) Penalties for violation of each classification level are as follows:

CATEGORY “A” PENALTIES

Penalties for violations due to the presence of a drug substance in an official test sample, which CHRB drug classification is categorized as warranting a Category A penalty are as follows:

LICENSED TRAINER:		
1st offense	2nd LIFETIME offense	3rd LIFETIME offense
<ul style="list-style-type: none"> ◦ Minimum one - year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a three-year suspension. <p>AND</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$10,000 or 10% of gross purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$25,000 or 25% of purse (greater of the two). <p>AND</p> <ul style="list-style-type: none"> ◦ May be referred to the Board for any further action deemed necessary by the Board. 	<ul style="list-style-type: none"> ◦ Minimum two-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a three-year suspension. <p>AND</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$20,000 or 25% of gross purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$50,000 or 50% of purse (greater of the two). <p>AND</p> <ul style="list-style-type: none"> ◦ May be referred to the Board for any further action deemed necessary by the Board. 	<ul style="list-style-type: none"> ◦ Minimum three-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of permanent license revocation. <p>AND</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$25,000 or 50% of gross purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$100,000 or 100% of purse (greater of the two). <p>AND</p> <ul style="list-style-type: none"> ◦ May be referred to the Board for any further action deemed necessary by the Board.
LICENSED OWNER:		
1st offense	2nd LIFETIME offense in owner’s stable	3rd LIFETIME offense in owner’s stable
<ul style="list-style-type: none"> ◦ Disqualification of horse and loss of purse. <p>AND</p> <p>Horse may be placed on the veterinarian’s list for up to 90 days and must pass a Board - approved examination pursuant to Rule 1846 before becoming eligible to be entered.</p> <p>AND</p> <ul style="list-style-type: none"> ◦ Be subject to drug testing at the owner’s expense and be negative for prohibited drug substances as defined in Rule 1843.1. 	<ul style="list-style-type: none"> ◦ Disqualification of horse and loss of purse. <p>AND</p> <ul style="list-style-type: none"> ◦ Horse shall be placed on the veterinarian’s list for up to 120 days and must pass a Board - approved examination pursuant to Rule 1846 before becoming eligible to be entered. <p>AND</p> <ul style="list-style-type: none"> ◦ Be subject to drug testing at the owner’s expense and be negative for prohibited drug substances as defined in Rule 1843.1. 	<ul style="list-style-type: none"> ◦ Disqualification of horse, loss of purse and absent mitigating circumstances, minimum fine of \$10,000. The presence of aggravating factors could be used to impose a maximum fine of \$50,000. <p>AND</p> <ul style="list-style-type: none"> ◦ Horse shall be placed on the veterinarian’s list for up to 180 days and must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered. <p>AND</p> <ul style="list-style-type: none"> ◦ Be subject to drug testing at the owner’s expense and be negative for prohibited drug substances as defined in Rule 1843.1. <p>AND</p> <ul style="list-style-type: none"> ◦ Referral to the Board with a recommendation of a suspension of owners license for a minimum of 90 days.

CATEGORY “B” PENALTIES

Penalties for violations due to the presence of a drug substance in an official test sample, which CHRB drug classification is categorized as warranting a Category B penalty are as follows:

LICENSED TRAINER:		
1st offense	2nd offense (within two year time period)	3rd offense (within five year time period)
<ul style="list-style-type: none"> ◦ Minimum 30 -day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 60-day suspension. <p>AND/OR</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$10,000. 	<ul style="list-style-type: none"> ◦ Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension. <p>AND/OR</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$1,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$20,000. 	<ul style="list-style-type: none"> ◦ Minimum 90-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a one-year suspension. <p>AND/OR</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$50,000 or 10% of purse (greater of the two). <p>AND</p> <ul style="list-style-type: none"> ◦ May be referred to the Board for any further action deemed necessary by the Board.
LICENSED OWNER:		
1st offense	2nd offense in stable (within two year time period)	3rd offense in stable (within five year time period)
<ul style="list-style-type: none"> ◦ Disqualification of horse and loss of purse. <p>AND</p> <ul style="list-style-type: none"> ◦ Horse must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered. <p>AND</p> <ul style="list-style-type: none"> ◦ Be subject to drug testing at the owner’s expense and be negative for prohibited drug substances as defined in Rule 1843.1. 	<ul style="list-style-type: none"> ◦ Disqualification of horse and loss of purse. <p>AND</p> <ul style="list-style-type: none"> ◦ Horse must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered. <p>AND</p> <ul style="list-style-type: none"> ◦ Be subject to drug testing at the owner’s expense and be negative for prohibited drug substances as defined in Rule 1843.1. 	<ul style="list-style-type: none"> ◦ Disqualification of horse, loss of purse and absent mitigating circumstances minimum fine of \$5,000. The presence of aggravating factors could be used to impose a maximum fine of \$20,000. <p>AND</p> <ul style="list-style-type: none"> ◦ Horse shall be placed on the veterinarian’s list for up to 45 days and must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered. <p>AND</p> <ul style="list-style-type: none"> ◦ Be subject to drug testing at the owner’s expense and be negative for prohibited drug substances as defined in Rule 1843.1.

CATEGORY “B” PENALTIES FOR RULE 1843.6 TOTAL CARBON DIOXIDE (TCO₂) TESTING

Penalties for violations due to exceeding permitted levels of TCO₂ as defined in Rule 1843.6 are

LICENSED TRAINER:		
1st offense TCO₂ (> 37.0 mmol/l- <39 mmol/l)	2nd offense TCO₂ (> 37.0 mmol/l- <39 mmol/l)	3rd offense TCO₂ (> 37.0 mmol/l- <39 mmol/l)
<ul style="list-style-type: none"> ◦ Up to a 30-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 60-day suspension. <p>AND/OR</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$1,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$5,000. 	<ul style="list-style-type: none"> ◦ Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 120-day suspension. <p>AND/OR</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$10,000. 	<ul style="list-style-type: none"> ◦ Minimum 90-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension. <p>AND/OR</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$5,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$15,000.
LICENSED OWNER:		
1st offense TCO₂ (> 37.0 mmol/l- <39mmol/l)	2nd offense TCO₂ (> 37.0 mmol/l- <39 mmol/l)	3rd offense TCO₂ (> 37.0 mmol/l- <39 mmol/l)
<ul style="list-style-type: none"> ◦ Disqualification of horse and loss of purse. 	<ul style="list-style-type: none"> ◦ Disqualification of horse and loss of purse. 	<ul style="list-style-type: none"> ◦ Disqualification of horse, loss of purse and in the absence of mitigating circumstances, \$2,500 fine.
LICENSED TRAINER:		
1st offense TCO₂ (≥ 39.0 mmol/l)	2nd offense TCO₂ (≥ 39.0 mmol/l)	3rd offense TCO₂ (≥ 39.0 mmol/l)
<ul style="list-style-type: none"> ◦ Minimum 30-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 60-day suspension. <p>AND/OR</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$10,000. 	<ul style="list-style-type: none"> ◦ Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension. <p>AND/OR</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$5,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$15,000. 	<ul style="list-style-type: none"> ◦ Minimum 90-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 365-day suspension. <p>AND/OR</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$10,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$25,000.
LICENSED OWNER:		
1st offense TCO₂ (≥ 39.0 mmol/l)	2nd offense TCO₂ (≥ 39.0 mmol/l)	3rd offense TCO₂ (≥ 39.0 mmol/l)
<ul style="list-style-type: none"> ◦ Disqualification of horse and loss of purse. 	<ul style="list-style-type: none"> ◦ Disqualification of horse and loss of purse. 	<ul style="list-style-type: none"> ◦ Disqualification of horse, loss of purse and a fine ranging from a minimum of \$5,000, up to a maximum of \$20,000.

as set forth below. All concentrations are for measurements in serum or plasma.

CATEGORY “C” PENALTIES

Penalties for violations due to the presence of a drug substance in an official test sample, which CHRB drug classification is categorized as warranting a Category C penalty ~~and for the presence of more than one non-steroidal anti-inflammatory (NSAID) in a plasma/serum sample, as defined in Rule 1844 of this division, and furosemide as defined in Rule 1845 of this division in an official test sample~~ are as set forth below. All concentrations are for measurements in serum or plasma.

LICENSED TRAINER:		
1st offense	2nd offense (within 365-day period)	3rd offense (within 365-day period)
<ul style="list-style-type: none">◦ Minimum fine of \$500 to a maximum fine of \$1,000 absent mitigating circumstances.	<ul style="list-style-type: none">◦ Minimum fine of \$1,000 to a maximum fine of \$2,500, and up to a 15 - day suspension absent mitigating circumstances.	<ul style="list-style-type: none">◦ Minimum fine of \$2,500 and up to a 30 - day suspension absent mitigating circumstances

Penalties for a fourth violation within a 365-day period shall require a minimum 15-day suspension and \$2500 fine. Penalties for any subsequent violation within a 365-day period shall require a greater suspension and fine than the penalty imposed for the previous violation.

CATEGORY “C” PENALTIES FOR RULE 1844, AUTHORIZED MEDICATION (C) (1), (2), (3)

~~Penalties for violations due to overages for permitted non-steroidal anti-inflammatory drug substances (NSAIDs) as defined in Rule 1844 (c) (1), (2) and (3) of this division. All concentrations are for measurements in serum or plasma.~~

~~The official veterinarian shall consult with the treating veterinarian in all violations of 1844 (c). If the trainer has not had an 1844 (c) violation within the previous three years, the board of stewards may issue a warning in lieu of a fine for violations of 1844 (c)(1), phenylbutazone, provided the reported level is below 5.1 mcg/ml.~~

LICENSED TRAINER:	Phenylbutazone (2.1-<5.0 mcg/ml) Flunixin (20-<100 ng/ml) Ketoprofen (2-<50 ng/ml)	Phenylbutazone (2.1-<5.0 mcg/ml) Flunixin (20-<100 ng/ml) Ketoprofen (2-<50 ng/ml)
1st offense	2nd offense (within 365-day period)	3rd offense (within 365-day period)
⌚ Minimum fine of \$500 to a maximum fine of \$1,000.	⌚ Minimum fine of \$1,000 to a maximum fine of \$2,500.	⌚ Minimum fine of \$2,500 to a maximum fine of \$5,000.
LICENSED OWNER:	Phenylbutazone (2.1-<5.0 mcg/ml) Flunixin (20-<100 ng/ml) Ketoprofen (2-<50 ng/ml)	Phenylbutazone (2.1-<5.0 mcg/ml) Flunixin (20-<100 ng/ml) Ketoprofen (2-<50 ng/ml)
1st offense	2nd offense (within 365-day period)	3rd offense (within 365-day period)
No penalty administered.	No penalty administered.	No penalty administered.
LICENSED TRAINER:	Phenylbutazone (≥ 5.0 mcg/ml) Flunixin (≥ 100 ng/ml) Ketoprofen (≥ 50 ng/ml)	Phenylbutazone (≥ 5.0 mcg/ml) Flunixin (≥ 100 ng/ml) Ketoprofen (≥ 50 ng/ml)
1st offense	2nd offense (within 365-day period)	3rd offense (within 365-day period)
⌚ Minimum fine of \$1,000 to a maximum fine of \$2,500.	⌚ Minimum fine of \$2,500 to a maximum fine of \$5,000.	⌚ Minimum fine of \$5,000 to a maximum fine of \$10,000.
LICENSED OWNER:	Phenylbutazone (≥ 5.0 mcg/ml) Flunixin (≥ 100 ng/ml) Ketoprofen (≥ 50 ng/ml)	Phenylbutazone (≥ 5.0 mcg/ml) Flunixin (≥ 100 ng/ml) Ketoprofen (≥ 50 ng/ml)
1st offense	2nd offense (within 365-day period)	3rd offense (within 365-day period)
⌚ Horse must pass Board-approved examination pursuant to Rule 1846 before being eligible to run.	⌚ Disqualification of horse and loss of purse. If same horse, placed on veterinarian's list for up to 45 days, must pass Board-approved examination pursuant to Rule 1846 before being eligible to run.	⌚ Disqualification of horse and loss of purse. Minimum \$5,000 fine. If same horse, placed on veterinarian's list for 60 days, must pass Board-approved examination pursuant to Rule 1846 before being eligible to run.

(e) Violations due to the presence of a drug substance in an official test sample, which CHRB drug classification is categorized as warranting a Category "D" penalty, may result in a written warning to the licensed trainer and owner.

CATEGORY “D” PENALTIES

1 st offense (within 365-day period)	2 nd offense (within 365-day period)	3 rd offense (within 365-day period)
Minimum of an official written warning to a maximum fine of \$250.	Minimum of a \$250 fine to a maximum fine of \$500.	Minimum of a \$500 fine to a maximum fine of \$750.

(f) If a licensee has received a penalty for a Class A, B or C medication violation, and within a 365-day period has a subsequent lesser violation (e.g. an A violation followed by a B violation), the earlier violation shall count as a “prior violation” for the purposes of determining the penalty for the subsequent lesser violation.

(g) If a licensee has received a penalty for a Class B, C or D medication violation, and within a 365-day period has a subsequent greater violation (e.g. a D violation followed by a C violation), the earlier violation shall count as an aggravating factor for the purposes of determining the penalty for the subsequent greater violation.

(h) Any drug or its metabolite or analogue thereof found to be present in an official test sample that is not classified in Rule 1843.2 of this division shall be classified as a Class 1 substance and a Category “A” penalty until classified by the Board.

(i) The administration of a drug substance to a race horse must be documented by the treating veterinarian through the process described in Rule 1842 of this division.

(j) Any licensee found to be responsible for the administration of any drug substance resulting in a positive test may be subject to the same penalties set forth for the licensed trainer and his presence may be required at any and all hearings relative to the case.

(1) Any veterinarian found to be involved in the administration of any drug substance resulting in a positive test in Penalty Category “A” shall be referred to the California Veterinary Medical Board (CVMB) for consideration of further disciplinary action.

(2) Any veterinarian found to be involved in the administration of any drug substance resulting in a positive test in Penalty Category “B” or “C” may be referred to the CVMB for

consideration of further disciplinary action upon the recommendation of the Equine Medical Director, the board of stewards or hearing officers.

(k) A licensee who is suspended because of a medication violation is not able to benefit financially during the period of suspension. This includes, but is not limited to, ensuring that horses are not transferred to licensed family members or, for any licensee whose suspension is for more than 30 days, to any other licensee who has been an employee of the suspended licensee within the previous year.

(1) A licensee whose license is revoked because of a medication violation is not able to benefit financially following the revocation of his or her license. This includes, but is not limited to, ensuring that horses are not transferred to licensed family members or to any other licensee who has been an employee of the licensee whose license is revoked within the previous year.

(l) "Licensed family members" means any person who holds an occupational license issued by the CHRB and who is related to the suspended licensee, or the licensee whose license is revoked, by blood, or by marriage or domestic partnership, or who is related by blood to the spouse or domestic partner of such licensee.

(1) Licensed trainers suspended 60 days or more shall be banned from all inclosures under the jurisdiction of the CHRB. In addition, during the period of suspension, such trainer shall forfeit all assigned stall space and shall remove from the inclosures all signage, colors, advertisements, training-related equipment, tack, office equipment, and any other property.

(2) A trainer whose license is revoked shall be banned from all inclosures under the jurisdiction of the CHRB. In addition, such trainer shall forfeit all assigned stall space and shall remove from the inclosures all signage, colors, advertisements, training-related equipment, tack, office equipment, and any other property.

Authority: Sections 19440, 19461 and 19580,
Business and Professions Code.

Reference: Sections 19461, 19580, 19581 and 19582,
Business and Professions Code; and
Section 11425.50, Government Code.

CALIFORNIA HORSE RACING BOARD
TITLE 4., CALIFORNIA CODE OF REGULATIONS
ARTICLE 15. VETERINARY PRACTICES
PROPOSED AMENDMENT OF
RULE 1843.5. MEDICATION, DRUGS AND OTHER SUBSTANCES PERMITTED
AFTER ENTRY IN A RACE

Regular Board Meeting
March 19, 2020

1843.5. Medication, Drugs and Other Substances Permitted After Entry in a Race.

(a) In this ~~rule~~ article a horse is deemed "entered" in a race ~~48 hours before post time of the running of the race~~ at midnight the day entries close for the race.

(b) ~~Water, and feed, including hay, and grain, and feed supplements that do not contain prohibited drugs~~ may be provided to the horse up until post time.

(c) Drugs, medications or any other substances shall not be administered by any means to a horse after it is deemed enter to race ~~within 48 hours of the post time of the race in which the horse is entered~~ except:

(1) Topical medications, (such as antiseptics, ointments, salves, leg rubs, leg paints, hoof dressings, liniments and antiphlogistics) which do not contain anesthetics or other prohibited drugs.

(d) Any drug, medication or any other substance found in a test sample taken from a horse which is not authorized under this rule shall be deemed a prohibited drug substance.

(e) Any of the following substances may be administered by injection until 24 hours before the post time of the race in which the horse is entered:

(1) Injectable Vitamins;

~~(2) Electrolyte Solutions;~~

~~(3) Amino Acid Solutions;~~

~~(4)~~(2) Tetanus Antitoxin or Tetanus Toxoid, if the horse has sustained a wound.

(f) Approved anti-ulcer medications may be administered until 24 hours before the post time of the race in which the horse is entered. A list of approved anti-ulcer medications, and route of administration, shall be posted at each racetrack in the office of the official veterinarian.

~~(g) One of the following non-steroidal anti-inflammatory medications may be administered until 24 hours before the post time of the race in which the horse is entered under Rule 1844 of this division:~~

~~(1) Phenylbutazone;~~

~~(2) Flunixin;~~

~~(3) Ketoprofen.~~

~~(g)~~(h) In addition to the substances named in subsection (c)(1), any of the following substances may be administered under Rule 1845 of this division within 24 hours of the post time of the race in which the horse is entered:

(1) Furosemide;

~~(2) Other Authorized Bleeder Medication.~~

(2) Only water may be used to wash the horse's mouth on race day.

~~(h)~~(i) Drugs, medications or any other substances may not be administered to a horse by injection, via nasogastric tube (stomach tubing) or any other means after the horse is entered to race, except under these regulations.

Authority: Sections 19580, 19581 and 19582,
Business and Professions Code.

Reference: Sections 19580, 19581 and 19582,
Business and Professions Code;
Section 337 f, g and h, Penal Code.

CALIFORNIA HORSE RACING BOARD
TITLE 4., CALIFORNIA CODE OF REGULATIONS
ARTICLE 15. VETERINARY PRACTICES
PROPOSED AMENDMENT OF
RULE 1844. AUTHORIZED MEDICATION

Regular Board Meeting
March 19, 2020

1844. Authorized Medication.

Consistent with the intent of these rules, drug substances and medications authorized by the Board for use may be administered to safeguard the health of the horse entered to race provided that:

(a) No person shall administer a drug substance to any horse entered to race except upon authorization of the official veterinarian in conformance with these rules.

(b) No drug substance, other than authorized bleeder medication, shall be administered to a horse entered to race within 24 hours of the race in which entered.

~~(c) Not more than one approved non-steroidal anti-inflammatory drug substance (NSAID) may be administered to a horse that is entered to race and shall be only one of the following authorized drug substances:~~

~~(1) Phenylbutazone in a dosage amount that the test sample shall contain not more than 2 micrograms of the drug substance per milliliter of blood plasma or serum.~~

~~(2) Flunixin in a dosage amount that the test sample shall contain not more than 20 nanograms of the drug substance per milliliter of blood plasma or serum.~~

~~(3) Ketoprofen in a dosage amount that the test sample shall contain not more than 2 nanograms of the drug substance per milliliter of blood plasma or serum.~~

~~(4) Metabolites or analogues of approved NSAIDs may be present in post race test samples.~~

~~(d) If the official chemist reports that a blood test sample contains an authorized NSAID in excess of the limit for that drug substance under this rule, the official veterinarian shall, in conjunction with the veterinarian who administered or prescribed the authorized drug substance, establish a dosage amount or time of administration of the drug substance that will comply with the limits under this rule; or the official veterinarian may, if in his/her judgment no such reduced dosage amount or amendment to time of administration will result in a test sample level within the limits of this rule, withdraw authorization for the use of any one NSAID.~~

~~(e)~~ Official urine test samples may contain one of the following drug substances, their metabolites and analogs, in an amount that does not exceed the specified levels:

(1) Acepromazine; 10 nanograms per milliliter

(2) Mepivacaine; 10 nanograms per milliliter

(3) Albuterol; 1 nanograms per milliliter

(4) Procaine; 25 nanograms per milliliter

(5) Salicylates; 750 micrograms per milliliter

(6) Detomidine; 2 nanograms per milliliter

(7) Nandrolone; 1 nanograms per milliliter for geldings, fillies and mares; 45 nanograms for males other than geldings.

(8) Boldenone; 15 nanograms per milliliter in males other than geldings.

(9) Testosterone; 20 nanograms per milliliter in geldings.

(A) Testosterone at any level in males other than geldings is not a violation of this regulation.

(10) Testosterone; 55 nanograms per milliliter in fillies or mares (unless in foal)

(11) Butorphanol 300 nanograms per milliliter

(fd) Official blood test samples may contain the following drug substances, their metabolites and analogs, in an amount that does not exceed the specified levels in serum or plasma:

~~(1) Bethamethasone; 10 picograms per milliliter~~

~~(12) Dantrolene; 100 picograms per milliliter~~

~~(23) Detomidine; 1 nanogram per milliliter~~

~~(4) Dexamethasone; 5 picograms per milliliter~~

~~(5) Diclofenac; 5 nanograms per milliliter~~

~~(36) Dimethylsulfoxide (DMSO); 10 micrograms per milliliter~~

~~(7) Firocoxib; 20 nanograms per milliliter~~

~~(48) Lidocaine; 20 picograms per milliliter~~

~~(59) Methocarbamol; 1 nanogram per milliliter~~

~~(10) Methylprednisolone; 100 picograms per milliliter~~

~~(644) Glycopyrrolate; 3 picograms per milliliter~~

~~(12) Prednisolone; 1 nanogram per milliliter~~

~~(13) Triamcinolone Acetonide; 100 picograms per milliliter~~

~~(744) Xylazine; 200 picograms per milliliter~~

~~(845) Butorphanol; 2 nanograms per milliliter~~

~~(16) Isoflupredone; 100 picograms per milliliter~~

(~~917~~) Cetirizine; 6 nanograms per milliliter

(~~1048~~) Cimetidine; 400 nanograms per milliliter

(~~1149~~) Guaifenesin; 12 nanograms per milliliter

(~~1220~~) Omeprazole; 10 nanograms per milliliter

(~~1324~~) Ranitidine; 40 nanograms per milliliter

(~~eg~~) Official blood test samples shall not contain any of the drug substances, or their metabolites or analogs listed in subsection (~~ec~~)(1) to (5) and (~~ec~~)(7) to (10).

(~~fh~~) Procaine, following administration of procaine penicillin, is an authorized medication provided:

(1) Official blood test samples shall not contain any procaine, or its metabolites or analogs in excess of 25 nanograms per milliliter.

(2) all procaine penicillin administrations have been reported pursuant to Rule 1842 of this division,

(3) procaine penicillin was not administered after entry to race,

(4) the horse was under surveillance for a minimum of six hours prior to racing.

(~~gi~~) All expenses related to surveillance and testing for procaine under subsection (h) of this regulation shall be paid by the owner of the horse.

Authority: Sections 19440 and 19562,
Business and Professions Code.

Reference: Sections 19580 and 19581,
Business and Professions Code.

STAFF ANALYSIS
PUBLIC HEARING AND ACTION BY THE BOARD REGARDING
THE PROPOSED AMENDMENT TO CHRB RULE 1503. QUALIFICATIONS FOR
LICENSE AS TRAINER OR ASSISTANT TRAINER, TO REQUIRE THAT
INDIVIDUALS WHO HOLD AN ASSISTANT TRAINER LICENSE IN GOOD
STANDING, FOR AT LEAST ONE YEAR AS A
PERQUISITE FOR A TRAINERS LICENSE

Regular Board Meeting
March 26, 2020

ISSUE:

Applicants for a California Horse Racing Board (Board) license as trainer do not necessarily need on-track experience. Any person who can pass the trainer examination required under Board Rule 1503, Qualifications for License as Trainer or Assistant Trainer, pay the fee, and in the case of trainers, provide evidence that liability for worker's compensation has been secured in accordance with California's Labor Code, may obtain a Board trainer license. The proposed amendment to Board Rule 1503, Qualifications for License as Trainer or Assistant Trainer, is intended to ensure that all candidates for license as trainer have on-track experience by requiring applicants who have never held a trainer license to first be licensed as an assistant trainer, and to work as an assistant trainer under a Board licensed trainer for at least one year.

ANALYSIS:

The proposed amendment to Board Rule 1503 changes the title of the regulation from "Qualifications for License as Trainer or Assistant Trainer" to "Qualifications for License as Assistant Trainer and Trainer." The change more accurately reflects the steps an applicant who has never held a trainer license must take to ultimately be licensed as trainer.

Currently, Board Rule 1503 requires applicants for license as trainer and assistant trainer to take the same Board trainer examination. The examination consists of written, oral, and practical portions. The candidate for license as trainer or assistant trainer must pass each portion of the examination with a score of at least 80 percent. An applicant who fails any portion of the examination must wait one month, and then re-apply to take the failed portion of the exam. The applicant does not have to re-test for those portions of the exam he or she passed.

The proposed amendment to Board Rule 1503 will change the requirements for taking and for passing the trainer examination. A "first time" applicant who passes the test may no longer receive a trainer license. Instead, the applicant will receive a license as an assistant trainer. Failure to achieve 80 percent on any portion of the trainer test will mean the entire test must be re-taken. The proposed amendment to Board Rule 1503 also extends the timeframes for re-taking a test. The proposed amendment requires the

applicant to wait at least 90 days from the date of the failed exam to apply for re-examination, and the applicant must re-take the entire examination. An applicant who fails the trainer examination three times in a calendar year, may not re-apply for at least one year from the date of the third failed exam.

New Licensee: Passing the trainer examination will not result in an applicant's ability to become a trainer. Instead, the proposed amendment provides that a person who has never held a trainer license must:

- (1) Pass the trainer examination;
- (2) Hold an assistant trainer license in good standing for one year; and
- (3) Must work for a Board licensed trainer for one year.

The person who fulfills these requirements must then be recommended for licensing as a trainer by the stewards and by the trainer(s) who employed him or her as an assistant trainer.

Current Licensees: Applicants for trainer's license who currently hold a Board trainer or assistant trainer license, but are switching from harness to flat racing, or flat racing to harness will be subject to the appropriate trainer examination. In addition, persons who are already licensed in another racing jurisdiction as trainers or assistant trainers may be subject to any portion of the trainer examination as determined by the stewards. Current licensees will have the same constraints on re-taking any failed examination. The candidate must wait 90 days to re-take a failed exam, and one year if he or she fails the exam three times in a calendar year.

BACKGROUND:

[Business and Professions Code \(BPC\) section 19420](#) provides that jurisdiction and supervision over meetings in California where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings, is vested in the Board. [BPC section 19440](#) states the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. [BPC section 19460](#) provides that all licenses granted under this chapter are subject to all rules, regulations, and conditions from time to time prescribed by the Board. Board Rule 1503, Qualifications for License as Trainer or Assistant Trainer describes the requirements and license examination process for license as trainer or assistant trainer.

RECOMMENDATION:

This item is presented for Board discussion and action. No comments were received during the 45-day public comment period.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 4. OCCUPATIONAL LICENSES
PROPOSED AMENDMENT OF
RULE 1503. QUALIFICATIONS FOR LICENSE AS TRAINER OR ASSISTANT
TRAINER

Regular Board Meeting
March 19, 2020

1503. Qualifications for License as Assistant Trainer ~~and or Assistant Trainer~~.

(a) Except as otherwise provided under this article, an applicant for an original license as ~~trainer or assistant trainer~~ shall, prior to ~~pass a trainers examination before~~ issuance of a license, ~~An applicant shall:~~

~~——~~ (1) Pass the written, oral and practical portions of the trainer examination as prescribed by the Board and administered by its agents.

(1~~b~~) A score of 80% percent for each portion constitutes a passing grade for the trainer examination.

(2~~e~~) An applicant who fails any ~~the written, practical or oral~~ portion of the trainer examination may not apply for reexamination for at least 90 days from the date of the failed examination. ~~and take the failed portion after a period of at least one month, but not more than six months, from the date of the failed examination.~~

(3) An applicant who fails the trainer examination three (3) times in a calendar year may not apply for reexamination for at least one year from the date of the third failed examination.

~~(1) An applicant who fails to apply for reexamination under subsection (c) must reapply for license as trainer or assistant trainer, and reexamine under subsections (a)~~

and (b).

(42) The trainer examination for license as trainer or assistant trainer shall be scheduled not less than once a month at a time and location designated by the Board.

(b) Except as otherwise provided under this article, an applicant for an original license as trainer shall:

(1) Hold a CHRB assistant trainer license in good standing for a minimum of one year prior to application for license as trainer.

(2) Have worked in this state as an assistant trainer in the employment of a CHRB licensed trainer for at least one year.

(3) Submit a California Horse Racing Board Trainer Recommendation Card, Form CHRB-59C (New 09/19) (CHRB-59C), which is hereby incorporated by reference. The CHRB-59C shall be signed by a steward and a CHRB-licensed trainer who is in good standing, and who has employed the applicant. An applicant who has been employed by more than one CHRB licensed trainer may submit multiple recommendation cards if he or she worked as an assistant trainer in this state for a total of at least one year. The CHRB-59C is available at CHRB licensing offices at live race meetings, and CHRB headquarters offices.

(i) By signing the CHRB-59C, the trainer certifies that the applicant worked for him or her as an assistant trainer, and satisfactorily performed the duties of an assistant trainer while under his or her employ. The trainer shall also include the length of time he or she employed the applicant as an assistant trainer on the recommendation card.

(ii) By signing the CHRB-59C, the steward certifies that the applicant has passed the written, practical, and oral portions of the trainer examination, and has maintained an

assistant trainer license for a minimum of one year in good standing.

(~~c~~d) Notwithstanding the above, an applicant who is currently licensed by another racing jurisdiction as a trainer or assistant trainer, and has held the license for a minimum of one year in good standing, shall make an application for license as trainer or assistant trainer under Rules 1481 and 1483 of this division. The applicant shall appear before the Board of Stewards and they may subject him/her to any portion of the trainer examination described in subsection (a).

(1) An applicant who fails ~~either the written, practical or oral~~ to achieve a passing score of 80 percent on the portion(s) of the trainer examination administered under ~~subsection (d) this subsection shall be subject to the provisions of subsections (a)(2) and (a)(3) of this regulation may reapply for reexamination and take the failed portion after a period of at least one month, but not more than six months, from the date of the failed examination.~~

~~(2) An applicant who fails to apply for reexamination under subsection (d)(1) must reapply for license as trainer or assistant trainer, and reexamine under subsections (a) and (b).~~

(~~d~~e) An individual ~~who is~~ currently licensed as a trainer or assistant trainer who wishes to change his or her license from harness to other types of flat racing, or other types of flat racing to harness, is subject to the requirements examination under subsections (a) through (a)(3) of this regulation ~~and (b).~~

(1) An applicant who fails ~~either the written, practical, or oral portions of the trainer examination administered under subsection (e) may reapply for reexamination and take the failed portion after a period of at least one month, but not more than six months, from~~

~~the date of the failed examination.~~

~~(2) An applicant who fails to reapply for reexamination under subsection (e)(1) must reapply for change of license and reexamine under subsections (a) and (b).~~

Authority: Sections 19420, 19440 and 19460,
Business and Professions Code.

Reference: Sections 19420, 19440, and 19460 ~~and 19510~~,
Business and Professions Code.

STAFF ANALYSIS
PUBLIC HEARING AND ACTION BY THE BOARD REGARDING THE PROPOSED
AMENDMENT TO CHRB RULE 1842, VETERINARIAN REPORT, TO REQUIRE SUCH
REPORTS BE SUBMITTED ELECTRONICALLY

Regular Board Meeting
March 26, 2020

ISSUE:

California Horse Racing Board (Board) Rule 1842, Veterinarian Report, requires every veterinarian who treats a horse within the inclosure to report to the official veterinarian in writing in a manner prescribed by him the name of the horse treated, the name of the trainer of the horse, the time of treatment, and any other information requested. The proposed amendment to Board Rule 1842 will remove the words “in writing” from the text and instead will require the treating veterinarian to use an electronic on-line form prescribed by the Board.

ANALYSIS:

Board Rule 1842, Veterinarian Report, requires veterinarians to complete a confidential veterinarian report when treating a horse within the inclosure. The report asks for information regarding the name of the horse treated, the name of the trainer of the horse, the time and date of the treatment, and any other information requested by the official veterinarian. The report is confidential, and its content may not be disclosed except in a proceeding before the stewards, or in an exercise of the Board’s jurisdiction. The required form is the CHRB-24, Veterinarian Report. Under the current paper-based veterinary reporting procedure, the official veterinarians can easily become inundated with a high volume of CHRB-24s. The reports are hand-written, which does not guarantee legibility. In addition, there is no uniformity in the abbreviations used for different treatments. As an example, Lasix may appear as LXA, LXAM, LXW, BLAM or any number of acronyms. The CHRB-24 presents a problem with regards to drug violations or other issues, as it is cumbersome and time consuming to sort through them. While the official veterinarians usually understand the various abbreviations used, and can read the handwriting, Board investigators may have more difficulty. In addition, the lack of a database prevents a thorough analysis of the relationship between veterinary procedures and horses’ health and safety. The proposed amendment to Board Rule 1842 will require that veterinarians report treatments using an electronic on-line form prescribed by the Board. The electronic format is software developed by the Jockey Club. The Board’s Equine Medical Director has reported that the Jockey Club will provide the software, which provides reporting consistent with the CHRB-24, at no cost to the Board. Electronic reporting of veterinary procedures will have the advantage of being easier to manage, legibility, and will provide a database that is easier to search for purposes of enforcement and analysis.

BACKGROUND:

[Business and Professions Code \(BPC\) section 19440](#) states the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. [BPC section 19580](#) provides that the Board shall adopt regulations to establish policies, guidelines, and penalties relating to equine medication to preserve and enhance the integrity of horse racing in California. [BPC section 19583](#) provides every veterinarian who treats a horse within the inclosure shall, in writing, on a form prescribed by the Board, report to the official veterinarian in a manner prescribed by him, the name of the horse treated, the name of the trainer of the horse, the item of treatment, any medication administered to the horse, and any other medication requested by the official veterinarian.

Board Rule 1842 was initially discussed at the June 20, 2019 regular Board meeting, where proposed language was initially approved. The 45-day public comment period opened on January 24, 2020, and closed March 9, 2020.

RECOMMENDATION:

This item is presented for Board discussion and action. One comment was received during the 45-day comment period and is included for reference. Staff recommends that the Board adopt the proposed language as it is presented.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 15. VETERINARY PRACTICES
PROPOSED AMENDMENT OF
RULE 1842. VETERINARIAN REPORT

1842. Veterinarian Report.

(a) Every veterinarian who treats a horse within the inclosure shall ~~in writing on a~~ using an electronic on-line form prescribed by the Board, report to the official veterinarian in a manner prescribed by him;

(1) the name of the horse treated,

(2) the name of the trainer of the horse,

(3) the time of treatment, and

(4) any other information requested by the official veterinarian.

(b) Any such report is confidential, and its content shall not be disclosed except in a proceeding before the stewards or the Board, or in exercise of the Board's jurisdiction.

Authority: Sections 19440, 19580 and 19583,
Business and Professions Code.

Reference: Sections 19440, 19580 and 19583,
Business and Professions Code.

Dear CHRB,

I am writing about the amendment to Board Rule 1842-Veterinarian Report. In the explanation of this amendment it refers to the new electronic form as a form but also refers to it as software. It is not clear if this is just a digitized form of the current paper form we already fill out or if this is a new software program.

If it is a software program has it been tested by any veterinarians that will be actually using it to access its functionality and ease of use? Also, what types of operating systems will it be compatible with? I hope if it is a new software program that veterinarians who would be using the system would be consulted with first before the rule is implemented.

Thank you,

Cathy Canfield, DVM

Voss, Zachary@CHRB

From: Cathaleen Canfield [REDACTED]
Sent: Monday, March 9, 2020 8:59 PM
To: Voss, Zachary@CHRB
Subject: Re: Comments for rule 1842 veterinarian report

Hi Zachary,

Thank you for providing additional information on the digitized confidential reports. While I can't make recommendations to change the text I would like to bring certain points to their attention.

I would like to recommend that they board delays voting on this rule until multiple points can be addressed.

1. I am not aware of any racetrack in the United States who has implemented this system for private veterinary practitioners, thus we would be the first to use it.
2. Since private practitioners will be using this system we should have more of a say in how it is implemented and some sort of test run should occur first. Currently, most practitioners write out their confidential report in their vehicle throughout the day as work as done. It is difficult to use a computer in a vehicle and type out a report. We don't have an office on the racetrack to do all this data entry. Also, internet connection is a problem. At Santa Anita there is Wifi at the equine hospital that is very slow and sometimes isn't working at all. Santa Anita says it can't be fixed. Los Alamitos doesn't have any internet on the backside. Del Mar's wifi is hit and miss. This leaves us having to enter all the data in the evening. What will be the consequences if our internet at home is out? Currently we have to turn in our confidential reports by 10:00 am the next day. Can the system be used offline?
3. As I understand it the confidentials are "confidential" I don't see how this will remain when they are in a database that has the potential of being hacked. What security systems will be in place to make sure that the information we input can't be altered for nefarious intent?

Thank you,

Cathy Canfield, DVM

On Mon, Mar 9, 2020 at 9:48 AM Voss, Zachary@CHRB [REDACTED] wrote:

Good morning Dr. Canfield,

Thank you for your comment. All public comments received will be responded to in the Final Statement of Reasons pursuant to Government Code Section 11346.9. I would also like to take this opportunity to answer some of the questions posed in your comment. The amendment to Board Rule 1842 will digitize the Form CHRB-24, Veterinarian Report, so that the form can be submitted electronically and store the submitted reports in an electronic database developed by the Jockey Club. The database software is called the "Electronic Treatment Record Database", and veterinarians will be able to access the database through the Board's website. As such, access to the database software is not dependent on a specific operating system, but it does require internet access and a web browser. The software comes recommended by the Thoroughbred Safety Committee, and similar databases are in use nationally at racetracks in other racing jurisdictions. As for the software being tested by veterinarians before implementation, when

the Jockey Club first launched the program, they conducted a pilot program to test the software for various factors including functionality and ease of use.

Another note that I wanted to just bring to your attention regarding public comments, typically public comments are in the form of a recommendation to amend the proposed text, either by changing, adding or removing a section recommended by the commenter. Per the Administrative Procedure Act, the Board then summarizes the comment and responds to the recommendation in our Final Statement of Reasons which is submitted with the final rulemaking file. If you'd like, please feel free to submit a recommendation to modify the proposed text, but if not, we will include your questions in our final rulemaking file and respond to them in the rulemaking package. Thank you so much and have a great rest of your day!

Best,

Zachary Voss

Regulation Analyst

California Horse Racing Board

1010 Hurley Way, Suite 300

Sacramento CA 95825

Office: [REDACTED]

Fax: (916) 263-6022

Email: [REDACTED]



From: Cathaleen Canfield [REDACTED]
Sent: Friday, March 6, 2020 7:05 PM
To: Voss, Zachary@CHRB [REDACTED]
Subject: Comments for rule 1842 veterinarian report

Hi,

I've attached comments for the next board meeting in March.

Thank you,

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Cathaleen Canfield, DVM

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Cathaleen Canfield, DVM

STAFF ANALYSIS
PUBLIC HEARING AND ACTION BY THE BOARD REGARDING THE PROPOSED
ADDITION OF CHRB RULE 1842.5, TRAINERS TO MAINTAIN MEDICATION
TREATMENT RECORDS, OF ALL TREATMENTS GIVEN TO A HORSE, INCLUDING
VETERINARY PROCEDURES PERFORMED AND ALL MEDICATIONS
ADMINISTERED; SUCH RECORDS TO BE AVAILABLE FOR INSPECTION BY
REPRESENTATIVES OF THE CHRB IN THEIR OFFICIAL DUTIES.

Regular Board Meeting
March 26, 2019

ISSUE:

Currently, medication treatment records are not mandated by the California Horse Racing Board (Board) to be kept by trainers. Commonly, Board licensed veterinarians will prescribe a medication to a horse to be administered over a period of time. Unless the Board licensed veterinarian personally administers the medication, this information is not captured anywhere. As such, it is common for medication violation investigations to have difficulty in determining exactly how the overage occurred because there is no documentation. This ultimately leaves licensees who are nevertheless responsible for the medication violation, with little information about how to remedy the issue moving forward. Accordingly, the Board seeks to enhance equine health and safety in California by ensuring these medication treatment records are created whenever a horse is treated within the inclosure.

ANALYSIS:

The proposed addition of Board Rule 1842.5, Trainers to Maintain Medication Treatment Records, will establish the requirement that trainers maintain a record of all medication treatments administered to a horse under their care that are within the inclosure.

Subsection (a) states that every trainer shall maintain a record of all medication treatments administered to horses under their care that are within the inclosure. This subsection is necessary to clarify that the obligation is on the trainer to maintain a record of these medication treatments.

Subsection (b) identifies what is to be included in the medication treatment record. Subsection (b)(1) requires the name of the horse to be included in the medication treatment record. Subsection (b)(2) requires the date the medication treatment commenced and the prescribed duration of the treatment. Subsection (b)(3) requires that the name of the medication, the route of administration and the dosage regimen be provided. Subsection (b)(4) requires the name of the person administering the medication to be included. Subsection (b)(5) requires the date and time of each administration to be placed on the record. Subsection (b)(6) requires the name of the Board licensed veterinarian prescribing the medication treatment.

Subsection (c) states that medication treatment records shall be made available for inspection upon request by the Official Veterinarian, Board of Stewards, or Board investigators. These individuals are all tasked with ensuring the safety of the racecourse and addressing medication violations. It is necessary to provide these individuals with access to medication treatment records so they can effectively perform their duties.

Subsection (d) states that treatments administered by Board licensed veterinarians that are required to be reported under [Board Rule 1842](#) are exempt from the requirements of this regulation. This section is necessary to clarify that Board licensed veterinarians do not need to complete a duplicate report under this proposed regulation.

BACKGROUND:

[Business and Professions Code \(BPC\) section 19440](#) provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. [BPC section 19562](#) states the Board may prescribe rules, regulations and conditions under which all horse races with wagering on their results shall be conducted in California. [BPC section 19580](#) requires the Board to adopt regulations to establish policies, guidelines, and penalties relating to equine medication to preserve and enhance the integrity of horse racing in California. [BPC section 19581](#) states, no substance of any kind shall be administered by any means to a horse after it has been entered to race in a horse race, unless the board has, by regulation, specifically authorized the use of the substance and the quantity and composition thereof. The Board may require that the official veterinarian approve, in writing, the administration of those substances in accordance with the regulations of the Board. Any medication or equipment used to dispense medication that is located within the inclosure is subject to search and inspection at the request of any Board official.

RECOMMENDATION:

This item is presented for Board discussion and action. No comments were received during the 45-day comment period.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 15. VETERINARY PRACTICES
PROPOSED ADDITION OF
RULE 1842.5 TRAINER TO MAINTAIN MEDICATION TREATMENT RECORDS

1842.5 Trainer to Maintain Medication Treatment Records

(a) Every trainer shall maintain a record of all medication treatments administered a horse under their care that are within the inclosure.

(b) Each medication treatment record shall include:

(1) the name of the horse,

(2) the date the medication treatment commenced and the prescribed duration of the treatment,

(3) the name of the medication, the route of administration and the dosage regimen,

(4) the name of the person administering each medication treatment,

(5) the date and time of each administration, and

(6) the name of the CHRB licensed veterinarian prescribing the medication treatment.

(c) Medication treatment records shall be made available for inspection upon request by the Official Veterinarian, Board of Stewards, or CHRB investigators.

(d) Treatments administered by CHRB licensed veterinarians that are required to be reported under Rule 1842 are exempt from the requirements of this regulation.

Authority: Sections 19440 and 19580,
Business and Professions Code.

Reference: Section 19580,
Business and Professions Code.

STAFF ANALYSIS
PUBLIC HEARING AND ACTION BY THE BOARD REGARDING THE PROPOSED
AMENDMENT TO CHRB RULE 1845, AUTHORIZED BLEEDER MEDICATION, TO
CHANGE THE ALLOWABLE DOSAGE OF FUROSEMIDE THAT CAN BE
ADMINISTERED FROM NOT LESS THAN 150 MG AND NOT MORE THAN 500 MG
TO 250 MG; AND TO PROHIBIT THE ADMINISTRATION OF FUROSEMIDE
IN FOALS BORN IN 2018 AND SUBSEQUENT YEARS

Regular Board Meeting
March 26, 2020

ISSUE:

In March 2019, The Stronach Group and the Thoroughbred Owners of California (TOC) reached an agreement on several initiatives regarding racing and training at Santa Anita Park Race Track (SA) and Golden Gate Fields (GGF). One of the measures was limitations on the use of therapeutic furosemide (Lasix). All horses born in or after 2018 will race at SA and GGF with no race-day medication, including Lasix. This means that in 2020 all two-year-old horses will race medication free. All horses born prior to 2018 will race at SA and GGF with the same guidelines, however, based on veterinary recommendations, Lasix will be permitted in horses born prior to 2018 at half the current Board-authorized maximum level or 500 mg.

In April 2019, a group of racing entities, including Aqueduct, Belmont Park, Churchill Downs, Del Mar, Los Alamitos Race Course, Fair Grounds, Gulfstream, Keeneland, Oaklawn, Pimlico Race Course, and Saratoga, formed a coalition and agreed to restrict the use of Lasix beginning in 2019. Starting in 2020, two-year-old horses will not be treated with Lasix within 24-hours of racing. In 2021, the prohibition on race-day Lasix will be extended to all horses running in any stakes race at participating tracks.

ANALYSIS:

Lasix is a medication used for the treatment of Exercised-Induced Pulmonary Hemorrhage (EIPH) in racehorses. EIPH refers to the presence of blood in the airways of the lung in association with exercise and is seen in racehorses and other horses participating in equine sports. In March 2019, the Stronach Group and the TOC reached an agreement regarding the use of Lasix at SA and GGF. The agreement would reduce the maximum allowable level of Lasix for racing to no more than 250 mg. Currently, under Board Rule 1845, Authorized Bleeder Medication, the maximum level is 500 mg.

Board Rule 1845, subsections (e) and (f) currently provide for a race-day level of Lasix of 250 mg of furosemide intravenously unless an alternative dose of not less than 150 mg and not more than 500 mg has been determined after consultation between the trainer, owner, or owner's veterinarian and the furosemide veterinarian. From 1991 to

2005, the maximum level of furosemide was 250 mg, but in 2005 the maximum level was changed to a level of not less than 150 mg to a maximum level of 500 mg to produce national uniformity.

The proposed amendment to Board Rule 1845 will add a new subsection 1845(a)(1) to prohibit the use of furosemide in foals of the 2018 crop year and thereafter. This means that in 2020 all two-year-old horses will race medication free. All horses born prior to 2018 may still race on furosemide, however, based on veterinary recommendations, Lasix will be permitted at a level of half the current Board-authorized maximum level, a maximum of 250 mg. All other changes to the regulation are for the purposes of renumbering and clarity.

An alternative amendment to Board Rule 1845 has been proposed wherein subsection (a)(1) would prohibit the use of furosemide for two-year-old horses. The medication would be authorized in older horses at a maximum level of 250 mg. If the Board adopts the proposed modified version of the regulation and additional 15-day public comment period would be required.

BACKGROUND:

[Business and Professions Code \(BPC\) section 19440](#) provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. [BPC section 19562](#) states the Board may prescribe rules, regulations and conditions under which all horse races with wagering on their results shall be conducted in California. [BPC section 19580](#) requires the Board to adopt regulations to establish policies, guidelines, and penalties relating to equine medication to preserve and enhance the integrity of horse racing in California. [BPC section 19581](#) provides that no substance of any kind shall be administered by any means to a horse after it has been entered to race, unless the Board has, by regulation, specifically authorized the use of the substance and the quantity and composition thereof. [BPC section 19582](#) provides that violations of section 19581, as determined by the Board, are punishable as set forth in regulations adopted by the Board.

RECOMMENDATION:

This item is presented for Board discussion and action. One comment was received during the 45-day public comment period from the Pacific Coast Quarter Horse Racing Association and is included for reference.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 15. VETERINARY PRACTICES
RULE 1845. AUTHORIZED BLEEDER MEDICATION

Regular Board Meeting
March 19, 2020

1845. Authorized Bleeder Medication.

(a) The only authorized bleeder medication for the control of exercise-induced pulmonary hemorrhage (EIPH) shall be furosemide, and it shall only be administered by a single intravenous injection, in a dosage of not less than 150 mg and not more than ~~500~~250 mg, on the grounds of the racetrack where the horse will race, and no later than four hours prior to the post time of the race for which the horse is entered. It shall only be administered to a horse that is registered on the authorized bleeder medication list.

(1) Furosemide is prohibited for foals of the 2018 crop year and thereafter.

(ab) A horse is registered on the authorized bleeder medication list as follows:

(1) The trainer and the owner's veterinarian shall determine whether furosemide is medically necessary to control EIPH and is not otherwise contraindicated for that horse; and

(2) Prior to entry for race, the official veterinarian approves form CHRB-194 (Rev. 01/16), Authorized Bleeder Medication and Medical History Request, which is hereby incorporated by reference, submitted to the official veterinarian by the trainer and owner's veterinarian.

(bc) Once registered, any horse that will be administered furosemide shall:

(1) Arrive on the grounds of the racetrack where the horse will race no later than five hours prior to the post time of the race for which the horse is entered; and

(2) Be assigned to a pre-race security stall prior to the scheduled post time for the race in which it is entered, and shall remain there until it is taken to the receiving barn or the paddock to be saddled or harnessed for the race.

(A) The pre-race security stall shall be identified by the posting of a form CHRB-234 (New 09/15), Detention Stall Sign, which is hereby incorporated by reference. The trainer shall post the Detention Stall Sign no later than eight hours prior to the post time of the race for which the horse is entered or, for a horse arriving from off the grounds of the racetrack, when the horse is placed in the pre-race security stall.

(B) While in the pre-race security stall, the horse shall be in the care, custody, control, and constant view of the trainer, or a licensed employee assigned by the trainer. The trainer shall be responsible for the condition, care and handling of the horse while it remains in the pre-race security stall.

(C) The official veterinarian may permit a horse to leave the pre-race security stall to engage in track warm-up heats prior to a race.

(ed) Furosemide shall be administered only after:

(1) The trainer, owner, or the owner's veterinarian has consulted with the furosemide veterinarian regarding the condition of the horse and the furosemide veterinarian has examined the horse sufficient to establish a veterinary-client-patient relationship within the meaning of California Code of Regulations, title 16, section 2032.1; or

(2) The trainer, owner, or owner's veterinarian has consulted with the official veterinarian or racing veterinarian and the furosemide veterinarian has examined the horse sufficient to establish a veterinary-client-patient relationship within the meaning of

California Code of Regulations, title 16, section 2032.1, and that the consulting official veterinarian or racing veterinarian directly supervises the furosemide veterinarian, or California registered veterinary technician, who administers furosemide.

(~~de~~) The person who administers furosemide pursuant to subsection (~~ef~~)(1) of this regulation shall notify the official veterinarian of the treatment of the horse. Such notification shall be made on form CHRB-36 (New 08/04), Bleeder Treatment Report, which is hereby incorporated by reference, not later than two hours prior to post time of the race for which the horse is entered.

(1) The trainer or a licensed employee of the trainer shall be present and observe the furosemide administration.

(~~ef~~) The horsemen's organization, trainers' organization, and racing association shall enter into an agreement to provide for race-day furosemide administration. The agreement to provide for race-day furosemide administration shall be submitted to the Board in accordance with Rule 1433 of this Division. The agreement shall describe the racing association's program for the administration of race-day furosemide, the minimum level of staffing necessary to carry out the program, and the projected costs to horsemen for such administration.

(1) Furosemide shall be administered by a furosemide veterinarian or California-registered veterinary technician under the direct supervision of the furosemide veterinarian. The furosemide veterinarian or California registered veterinary technician who provides race-day furosemide administration shall be employed by the racing association and shall not have a current business relationship, or prior veterinarian-client-patient relationship, with participating licensees within 30 days of the date he or she is

employed to administer furosemide.

(2) All parties present during the administration of furosemide shall certify in writing that they have witnessed the furosemide administration by signing the form CHRB-36 (New 08/04), Bleeder Treatment Report. The furosemide veterinarian or California registered veterinary technician shall place the syringe used to administer furosemide in an evidence bag which will be sealed in front of the witnesses. The witnesses shall sign the sealed evidence bag. The syringe used to administer furosemide shall be provided to and securely stored by the Board in accordance with subsection (h~~i~~) of this regulation.

(3) "Furosemide veterinarian" is defined as the veterinarian, licensed by the Board, and hired by the racing association to administer race-day furosemide to horses registered on the authorized bleeder medication list.

(4) "Owner's veterinarian" is defined as the veterinarian, licensed by the Board, and hired by the owner to provide veterinary care to horses.

(f~~g~~) A horse registered to be administered furosemide shall receive 250 mg of furosemide intravenously unless an alternative dose of not less than 150 mg and not more than ~~500~~250 mg has been determined after consultation between the trainer, owner, or owner's veterinarian, and the furosemide veterinarian pursuant to subsection (e~~d~~).

(g~~h~~) In the event of an adverse reaction or other emergency related to the administration of furosemide, the furosemide veterinarian, or California registered veterinary technician, who administered furosemide shall attend the horse until the arrival of the owner's veterinarian.

(h~~i~~) The syringe used to administer furosemide shall be provided to and securely stored by the Board until all testing of the horse is completed. In the event of a positive

test finding as defined in this article, the Board may order, or the owner or trainer may request, the retained syringe be tested for prohibited substances. The results of the test may be used in any action before the Board.

(ij) A horse that has been administered furosemide must show a detectable concentration of the drug in post-race serum, plasma, or urine samples, as follows:

(1) The official laboratory shall measure the specific gravity of post-race urine samples to ensure samples are sufficiently concentrated for proper chemical analysis. The specific gravity of such samples shall not be below 1.010.

(2) If the specific gravity of the post-race urine sample is determined to be below 1.010, or if the urine sample is not available for testing, quantitation of furosemide in serum or plasma shall then be performed. Concentrations may not exceed 100 nanograms of furosemide per milliliter of serum or plasma.

(jk) A horse registered on the official authorized bleeder medication list must remain on the list unless the trainer or owner's veterinarian requests the horse be removed. The request must be made using form CHRB-194 (Rev. 01/16), and must be submitted to the official veterinarian prior to the time of entry. A horse removed from the authorized bleeder medication list may not be placed back on the list for a period of 60 calendar days unless the official veterinarian determines it is medically necessary for the horse. If a horse is removed from the authorized bleeder medication list a second time in a 365-day period, the horse may not be placed back on the list for a period of 90 calendar days.

(kl) If the official veterinarian observes a horse bleeding externally from one or both nostrils during or after a race or workout, and determines such bleeding is a direct result

of EIPH, the horse shall be ineligible to race for the following periods:

- First incident -14 days;
- Second incident within 365-day period -30 days;
- Third incident within 365-day period -180 days;
- Fourth incident within 365-day period -barred from racing lifetime.

For the purposes of counting the number of days a horse is ineligible to run, the day after the horse bled externally is the first day of such period.

(~~h~~) The owner(s) of a registered horse shall:

(1) Pay all costs associated with the materials used in the administration of furosemide, including the syringe and medication, and reasonable administrative costs as set under the race-day furosemide agreement entered into by the horsemen's organization, trainers' organization, and the racing association.

(2) Consent to the procedures in this section and agree that the pre-race examination conducted under the direction of the official veterinarian or racing veterinarian shall constitute a veterinary-client-patient relationship within the meaning of California Code of Regulations, title 16, section 2032.1.

Authority: Sections 19440 and 19562,
Business and Professions Code.

Reference: Sections 19580, 19581 and 19582,
Business and Professions Code.



Pacific Coast Quarter Horse Racing Association

February 28, 2020

Zachary Voss, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825

Dear Mr. Voss,

I am writing this letter on behalf of the Pacific Coast Quarter Horse Racing Association (PCQHRA) Board of Directors. As the statutory designated representative of racing quarter horse horsemen and women of California, PCQHRA, at this time, does not support a section of the proposed amendment to CHRB Rule 1845, Authorized Bleeder Medication.

The section of the amendment we have a concern with is; (1) Furosemide is prohibited for foals of the 2018 crop year and thereafter. At the beginning of our current race meet, we agreed to the reduction of not more than 250mg of furosemide but did not include, as the thoroughbreds, that furosemide be prohibited for foals of 2018.

Los Alamitos Race Course (LARC) has several major futurities throughout the year with nominations from across the nation, To prohibit the use of furosemide in the middle of the year without proper notification would be devastating to our current race meet and stakes schedule. PCQHRA respectfully requests the California Horse Racing Board wave this portion of the amendment for quarter horses until the 2021 race meet. This temporary waiver would give LARC and PCQHRA proper time to notify all participants of the amendments.

We have seen great support from horsemen around the country and want to continue with this trend. Our futurities are very strong, and with an agreeable timeline of amendments will continue to benefit quarter horse racing in California.

If you have any comments or questions, please feel free to contact me.

Sincerely,

Vince Genco
President

CALIFORNIA HORSE RACING BOARD

MARCH 26, 2020
REGULAR BOARD MEETING

There is no board package material for Item 17

CALIFORNIA HORSE RACING BOARD

MARCH 26, 2020
REGULAR BOARD MEETING

There is no board package material for Item 18