

**CALIFORNIA HORSE RACING BOARD**

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## MEDICATION, SAFETY AND WELFARE COMMITTEE MEETING

of the **California Horse Racing Board** will be held on **Wednesday, December 14, 2016**, commencing at **2:00 p.m.**, in the Finish Line Room at the **Los Alamitos Race Course, 4961 Katella Avenue, Los Alamitos, California**. Non-committee Board members attending the committee meeting may not participate in the public discussion, official committee vote, or committee closed session.

### AGENDA

#### Action Items:

1. Discussion and action regarding the **proposed amendment to CHRB Rule 1685, Equipment Requirement**, to change “whip” to “riding crop;” and to require that riding crops used during training meet the same regulatory standards as riding crops used during the running of a race.
2. Discussion and action regarding the **proposed amendment to CHRB Rule 1688, Use of Riding Crop**, to apply its provisions to training in addition to racing.
3. Discussion and action regarding the **proposed addition of CHRB Rule 1868, Authorized Medication During Workouts**, to establish threshold limits for the presence of certain drug substances and medications in official test samples taken from horses after they complete a timed workout.
4. **General Business:** Communications, reports, requests for future actions of the Committee.

Additional information regarding this meeting may be obtained from Jacqueline Wagner at the CHRB Administrative Office, 1010 Hurley Way, Suite 300, Sacramento, CA 95825; telephone (916) 263-6000; fax (916) 263-6042. A copy of this notice can be located on the CHRB website at [www.chrb.ca.gov](http://www.chrb.ca.gov). \*Information for requesting disability related accommodation for persons with a disability who require aids or services in order to participate in this public meeting, should contact Jacqueline Wagner.

### **MEDICATION, SAFETY AND WELFARE COMMITTEE**

Commissioner Madeline Auerbach, Chairman  
Commissioner Alex Solis, Member  
Rick Baedeker, Executive Director  
Jacqueline Wagner, Assistant Executive Director

## STAFF ANALYSIS

### DISCUSSION AND ACTION REGARDING THE PROPOSED AMENDMENT TO CHRB RULE 1685, EQUIPMENT REQUIREMENT, TO CHANGE "WHIP" TO "RIDING CROP;" AND TO REQUIRE THAT RIDING CROPS USED DURING TRAINING MEET THE SAME REGULATORY STANDARDS AS RIDING CROPS USED DURING THE RUNNING OF A RACE

Medication, Safety and Welfare Committee Meeting  
December 14, 2016

#### ISSUE

It is a priority of the Board to ensure humane treatment of the horse. In 2015 the Board amended Rule 1688, Use of Riding Crop, to replace the word "whip" with "riding crop." The rule was also updated to conform to developments regarding the use of riding crops in other racing jurisdictions. The modifications were intended to eliminate injuries to the horse caused by the riding crop. However, Board Rule 1685, Equipment Requirement, has not been updated to reflect the recent changes made to Rule 1688. The amendment to Rule 1685 is necessary to create consistency between Board rules and to be consistent with similar changes adopted by other racing jurisdictions.

#### ANALYSIS

The amendment to Board Rule 1685, Equipment Requirement, changes the text to replace the word "whip" with "riding crop." "Riding crop" is more specific, and is the word used by the horse racing industry to describe the tool used to encourage and help maintain control of race horses. The proposed amendment to Rule 1685 also amends subsection 1685(b) to require that riding crops used during training meet the same regulatory standards as riding crops used during the running of a race.

#### BACKGROUND

Business and Professions Code 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. Business and Professions Code 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, Business and Professions Code. 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. Business and Professions Code section 19481 provides that in performing its responsibilities, the Board shall establish safety standards governing equipment for horse and rider.

#### RECOMMENDATION

This item is presented for Board discussion and action.

CALIFORNIA HORSE RACING BOARD  
TITLE 4. CALIFORNIA CODE OF REGULATIONS  
ARTICLE 8. RUNNING THE RACE  
PROPOSED AMENDMENT OF  
RULE 1685. EQUIPMENT REQUIREMENT.

1685. Equipment Requirement.

(a) No bridle shall weigh more than two (2) pounds.

(b) Riding crops~~Whips~~ allowed for use in flat racing and training shall be unaltered from the original manufacturer; shall have shaft and flap (popper); shall weigh no more than 8 ounces and shall not be more than 30 inches in length.

(1) The minimum diameter of the shaft shall be 0.5 inches, with a smooth, padded contact area that has no protrusions or raised surface.

(c) The only allowed attachment to the shaft is the flap (popper), which shall not extend more than 1 inch beyond the end of the shaft.

(1) The flap (popper) shall have a width of not less than 1 inch, or more than 1.5 inches; shall have a minimum length of 7 inches; and a minimum circumference of 3 inches measured around the width. The flap (popper) shall have no reinforcements or additions beyond the end of the shaft, and no binding within 7 inches of the end of the shaft.

(2) The flap (popper) shall be folded over and sewn down each side. It shall have an inner layer consisting of memory foam, closed cell foam, or a similar shock-absorbing material, and an outer layer that is dark in color and made of a material that does not harden over time.

(d) All riding crops~~whips~~ are subject to inspection and approval by the stewards.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Sections 19441.2 and 19481, Business and Professions Code.

STAFF ANALYSIS  
DISCUSSION AND ACTION REGARDING THE PROPOSED AMENDMENT TO CHRB  
RULE 1688, USE OF RIDING CROP, TO APPLY ITS PROVISIONS TO TRAINING IN  
ADDITION TO RACING

Medication, Safety and Welfare Committee  
December 14, 2016

ISSUE

It is a priority of the Board to ensure humane treatment of horses. In 2015, the Board amended Rule 1688, Use of Riding Crop, to limit the number of times a jockey may use the riding crop on a horse before they must give the horse a chance to respond. Additionally, Rule 1688 also restricts where on a horse the jockey may use the crop, as well as other prohibitions meant to protect the horse. To date, however, CHRB regulations only place these restrictions on jockeys during the running of a race. No equivalent rules apply to exercise riders or jockeys when the horses are training in the morning.

BACKGROUND

Business and Professions Code 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. Business and Professions Code 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. As currently written, Rule 1688, Use of Riding Crop, prohibits jockeys from using a riding crop on a horse during a race:

- (1) on the head, flanks, or on any parts of its body other than the shoulders or hind quarters;
- (2) during the post parade except when necessary to control the horse;
- (3) excessively or brutally causing welts or breaks in the skin;
- (4) when the horse is clearly out of the race or has obtained its maximum placing;
- (5) persistently even though the horse is showing no response under the riding crop; or
- (6) more than three times in succession without giving the horse a chance to respond before using the riding crop again.

ANALYSIS

The proposed amendment to Rule 1688 would make the existing provisions regarding use of the riding crop (except subsections (b)(2) and (b)(4)) applicable to both jockeys and exercise riders during training. This expanded application of Rule 1688 would therefore prohibit jockeys and exercise riders from using a riding crop during training on any part of the horse except the shoulders and hind quarters; excessively or brutally causing welts or breaks in the skin; persistently even though the horse is showing no response; or more than three times in succession without giving the horse a chance to respond.

RECOMMENDATION

This item is presented to the Committee for discussion and action.

CALIFORNIA HORSE RACING BOARD  
TITLE 4. CALIFORNIA CODE OF REGULATIONS  
ARTICLE 8. RUNNING THE RACE  
PROPOSED AMENDMENT OF  
RULE 1688. USE OF RIDING CROP

1688. Use of Riding Crop.

(a) In all races where a jockey will not ride with a riding crop, an announcement shall be made over the public address system of such fact.

(b) Although the use of a riding crop is not required, any jockey or exercise rider who uses a riding crop during a race or training is prohibited from using a riding crop on a horse:

- (1) on the head, flanks, or on any parts of its body other than the shoulders or hind quarters;
- (2) during the post parade except when necessary to control the horse;
- (3) excessively or brutally causing welts or breaks in the skin;
- (4) when the horse is clearly out of the race or has obtained its maximum placing;
- (5) persistently even though the horse is showing no response under the riding crop; or
- (6) more than three times in succession without giving the horse a chance to respond before using the riding crop again.

(c) Subsections (b)(2) and (4) shall not apply to jockeys and exercise riders during training.

(d) Correct uses of the riding crop are:

- (1) showing horses the riding crop before hitting them;
- (2) using the riding crop in rhythm with the horse's stride; and
- (3) using the riding crop as an aid to maintain a horse running straight.

Authority: Sections 19420, 19440 and 19562,  
Business and Professions Code.

Reference: Sections 19440, 19481 and 19562,  
Business and Professions Code.

## STAFF ANALYSIS

DISCUSSION AND ACTION REGARDING THE PROPOSED ADDITION OF CHRB RULE  
1868, AUTHORIZED MEDICATION DURING WORKOUTS, TO ESTABLISH  
THRESHOLD LIMITS FOR THE PRESENCE OF CERTAIN DRUG SUBSTANCES AND  
MEDICATIONS IN OFFICIAL TEST SAMPLES TAKEN FROM HORSES AFTER THEY  
COMPLETE A TIMED WORKOUTMedication, Safety and Welfare Committee  
December 14, 2016

## ISSUE

The California Horse Racing Board (CHRB or Board) currently employs a rigorous post-race testing program intended to prevent and detect the unauthorized use of certain medications and drug substances during horse races. The purpose of these efforts is twofold: to guard the health and welfare of horse and rider, and to ensure the integrity of horse racing in this State so as to protect participating licensees and the wagering public.

To date, however, the industry has gone without similar protections when horses complete timed workouts at licensed racing facilities.<sup>1</sup> The proposed addition of Rule 1868, Authorized Medication During Workouts, is thus intended to address this issue by establishing restrictions on the use of local anesthetics, narcotic analgesics, and non-steroidal anti-inflammatory drug substances (NSAID) for horses engaging in timed workouts.

## BACKGROUND

Business and Professions Code 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. Business and Professions Code 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. Business and Professions Code 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.

Historically, the Board has focused its regulatory and enforcement efforts on preventing and penalizing the unauthorized use of certain medications and drug substances surrounding the running of a race via post-race testing.

One major purpose of this program has been to prevent horses from being administered medications that could increase the likelihood of them becoming injured during a race. These same risks exist, however, during timed workouts. In a timed workout, a horse will run at full speed or near full speed, meaning the same concerns about certain medications increasing the chance of injury during a race are equally applicable. One such medication is non-steroidal anti-

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<sup>1</sup> The one exception is that a horse required to complete a timed workout for removal from the Veterinarian's List is subject to the same medication restrictions as a horse participating in a race, pursuant to CHRB Rule 1866(e).

inflammatory drug substances (NSAID). NSAIDs are typically used to treat musculoskeletal and inflammatory processes in horses, but can also mask a horse's pain when used excessively. Such use potentially allows horses to train and race while injured and before they are fully healed. Masking a horse's condition with medications has the potential to obscure lameness and cause additional injuries to occur. Using pain-masking medications before a horse is fully healed can place a horse at a higher risk for breakdown, which can cause injury to horse and rider. Local anesthetics and narcotic analgesics can have similar masking-effects by deadening or reducing pain from an injury. The ability to detect signs of inflammation and/or lameness is critical for trainers, jockeys and other licensees to detect injuries, and thereby prevent injured horses from training.

Another primary purpose of the CHRB's post-race drug testing program is to ensure that horses do not have their performances enhanced, hindered, or altered by the use of unauthorized medications. Such efforts can give horses an unfair advantage or disadvantage in a race, which not only may impact the other trainers and owners with competing horses, but also defrauds the public wagering on the outcome of the race. Similar fraud, however, can result when the timed workout performance of a horse is enhanced, hindered, or altered as well. Many handicappers rely on the past performance of race horses to determine what they predict the order of finish will be in a particular race. Past performances often include the results of timed workouts, which means when these workouts are altered by the overuse of pain-masking medications, the wagering public is still being deceived as to the natural skill and ability of the horse over time.

#### ANALYSIS

The proposed addition of Rule 1868, Authorized Medication During Training, would address the issues described above by placing certain restrictions on the use of NSAIDs, local anesthetics, and narcotic analgesics for horses completing timed workouts. Specifically, the proposed rule would prohibit the administration of local anesthetics and narcotic analgesics to horses within 24 hours of their completing a timed workout. Furthermore, the rule would impose the same post-race testing threshold limitations for NSAIDs on horses having just completed a timed workout. The goal of these amendments would be to eliminate the overuse of pain-masking medications that increase the chance of injury for a horse running at full speed, and to prevent deception on the public as to the natural ability and skill of a horse that may be wagered on.

#### RECOMMENDATION

This item is presented to the Committee for discussion and action.

CALIFORNIA HORSE RACING BOARD  
TITLE 4. CALIFORNIA CODE OF REGULATIONS  
ARTICLE 15. VETERINARY PRACTICES  
PROPOSED ADDITION OF  
RULE 1868. AUTHORIZED MEDICATION DURING TRAINING.

Rule 1868. Authorized Medication During Workouts

(a) No person shall administer a local anesthetic or narcotic analgesic to any horse within 24 hours of a timed workout, nor shall any horse participating in a timed workout carry in its body any local anesthetic or narcotic analgesic.

(b) Not more than one approved non-steroidal anti-inflammatory drug substance (NSAID) may be detected in an official test sample taken from a horse after it completes a timed workout, 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 test samples collected after a timed workout.

(c) If the official laboratory reports that a blood test sample collected from a horse after it completes a timed workout 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.

(d) If a blood and/or urine test sample is taken from a horse after a timed workout, the penalty provisions of this article shall apply to such timed workout in the same manner as to a scheduled race.

(e) For the purpose of this regulation, "timed workout" means an exercise session, run in compliance with Rule 1878, in which a horse runs full speed or close to full speed for the purpose of having their performance officially timed and reported.

Authority cited: Sections 19440, 19562, and 19580, Business and Professions Code.

Reference cited: Section 19580, Business and Professions Code.