

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. *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.

**JOCKEY AND DRIVER
WELFARE COMMITTEE**

Commissioner Chuck Winner, Chairman
Commissioner Bo Derek, Member
Kirk E. Breed, Executive Director

STAFF ANALYSIS
DISCUSSION AND ACTION REGARDING THE FEASIBILITY
OF ADDING THE PROPOSED CHRB
RULE 1500.2, RANDOM DRUG TESTING OF RACING PARTICIPANTS,
TO ALLOW RANDOM DRUG TESTING OF EXERCISE RIDERS
AND/OR RACING OFFICIALS AND STEWARDS WHOSE NAMES
APPEAR ON THE OFFICIAL PROGRAMS, AS WELL AS
OUTRIDERS, AND THE STARTING GATE CREW

Jockey and Driver Welfare Committee Meeting
July 19, 2013

BACKGROUND

Business and Professions Code section 19420 provides that the Board has jurisdiction and supervision in this State 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 this chapter. Responsibilities of the Board include, but are not limited to, adopting rules and regulations for the protection of the public and the control of horse racing. 19520 states every person who participates in, or has anything to do with the racing of horses shall be licensed by the Board pursuant to rules and regulations that the Board may adopt. Business and Professions Code section 19521 provides that an original license issued pursuant to this article shall be issued for a period of the calendar year in which it is issued, and shall be renewable for a period, not to exceed three years, which the Board may, by regulation establish. The license shall be valid at all horse racing meetings in this state during the period for which it is issued, unless it is suspended or revoked prior to the expiration of the period.

In October 2011 the Board added Rule 1500.1, Random Drug Testing, to allow for random drug testing of California jockeys, apprentice jockeys and drivers. The regulation called for random drug testing of a narrow class of licensees, as the Board believed it was more critical get a limited program in place to test those who are directly involved with the horse and whose actions could affect both riders/drivers and the horse. When adopting Rule 1500.1 the Board indicated it would return at a later time to add additional classes of licensees who may work closely with horses or who may be responsible for the integrity of the sport.

ANALYSIS

The proposed addition of Rule 1500.2, Random Testing of Racing Participants, is closely modeled after Rule 1500.1. The proposed regulation provides a framework under which California exercise rider may be subjected to random drug testing. The proposed addition of Rule 1500.1 (draft "A") provides that exercise rider are subject to random drug testing as well as testing for cause and that failure to submit to or to complete a drug test

constitutes a refusal to be tested. Exercise riders who refuse a drug test shall automatically be prohibited from participating in any race meeting at a facility under the jurisdiction of the Board until a negative test result is achieved.

The proposed regulation states random drug testing will be conducted at the direction of the Executive Director on an unannounced basis and before or after the performance of duties. Persons to be tested will be chosen from among exercise riders who work horses the day random drug testing is conducted. The regulation requires the stewards to draw at least nine names, and if a name is selected more than once during a race meeting, it shall be eliminated and another selection made.

The frequency of random drug testing will depend on the duration of the race meeting. For race meeting of up to five months, random drug testing shall occur at least once during the meeting. If a race meeting lasts six months or more, random drug testing shall occur at least twice during the meet. For the purpose of the regulation, the Northern California Fair circuit shall be considered one race meeting. These minimum requirements mean that most race meetings, including the combined fair race meetings, will have at least one race day with random drug testing. The longer meeting, which for exercise riders would be Los Alamitos, will have at least two race days with random drug testing.

The proposed regulation provides for a split sample program, and a method of informing the exercise rider if a confirmed positive finding of an illegal drug, controlled substance or prescription drug is reported. Exercise riders will have the option of requesting the testing of the split sample provided he or she pays for the transporting and testing of the split. The results of the drug test and the split sample test are confidential and will remain confidential unless or until the Board files an official complaint or accusation. While the proposed split sample provisions are modeled on California's equine split sample program outlined in Board Rule 1859.25, Split Sample Testing, many racing jurisdictions provide for a human split sample. Delaware, Illinois and Louisiana provide for split sample testing as does the ARCI Model Rule. In all cases the split results from urine samples.

Finally, the proposed regulation reserves the right to direct an exercise rider to submit to a drug test by methods including, but not limited to, blood, hair follicle or skin. This provides the Board with flexibility in testing methods should it determine it wishes to go beyond urine. In the past, the Board has required testing by such methods as hair, and it has had a contract with a laboratory to draw blood.

An alternative draft regulation "B" expands the random drug testing program to include multiple classes of licensees whose duties take them into direct contact with the horse or whose duties involve the integrity of the sport. The additional classes of licensees are:

- Racing officials and stewards whose names appear on the official program
- Outriders
- Starting gate crew
- Exercise riders

The draft regulation "B" is also modeled closely after Rule 1500.1, provides for a split sample program and reserves the right to direct a racing participant to submit to drug testing by methods including, but not limited to, blood, hair follicle or skin.

RECOMMENDATION

This item is presented for Board discussion and action.

Draft A

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 4. OCCUPATIONAL LICENSES
PROPOSED ADDITION OF
RULE 1500.2. RANDOM DRUG TESTING OF RACING PARTICIPANTS

Jockey and Driver Welfare Committee Meeting
July 19, 2013

1500.2. Random Drug Testing of Racing Participants.

(a) To ensure the safety and integrity of horse racing, exercise riders are subject to random drug testing, as well as testing based upon reasonable suspicion, as provided in this Division. Failure to submit to or to complete a drug test at the time, location, and manner directed by the Board or its representatives shall constitute a refusal to be tested. An exercise rider who fails to submit to or to complete a drug test shall immediately be prohibited from participating in any race meeting at a facility under the jurisdiction of the Board until a negative test result is achieved.

(b) Random drug testing shall be conducted at the direction of the Executive Director on an unannounced basis before or after the exercise rider's performance of duties. The names of the exercise riders who work horses the day random drug testing is conducted shall be placed in a secured container which shall be in the custody of the supervising investigator. Prior to the first race of the program, the supervising investigator shall draw nine names. If a name is selected more than once during a race meeting, it shall be eliminated and another selection made.

(c) For race meetings with duration of up to five months, random drug testing shall occur at least once during the course of the meeting. For the purposes of this regulation, the Northern California fair circuit shall be considered as one race meeting.

Draft A

(d) For race meetings with duration of six or more months, random drug testing shall occur at least twice during the course of the meeting.

(e) Each urine specimen received from an exercise rider shall be divided into two separate parts. One portion shall be designated as the racing participant official test sample and shall be tested by a Board approved official laboratory. The remaining portion of the specimen shall be known as the racing participant split sample and shall be available for testing at a Board approved independent laboratory upon the request of the exercise rider who provided the specimen. The Board makes no guarantees as to the amount of the specimen that will be available for the racing participant split sample. All specimens taken by representatives of the Board are under the jurisdiction of and shall remain the property of the Board at all times.

(f) For the purposes of this regulation “Board approved official laboratory” and “Board approved independent laboratory” means a California laboratory certified by the United States Department of Health and Human Services under the National Laboratory Certification Program as meeting the minimum standards to engage in urine drug testing for federal agencies. A list of certified laboratories shall be available at the CHRB headquarters office.

(g) Each urine specimen shall be tested for the following prohibited drugs or classes of drugs:

- (1) Marijuana metabolites.
- (2) Cocaine metabolites.
- (3) Amphetamines.
- (4) Opiate metabolites.

Draft A

(5) Phencyclidine (PCP).

(h) The Board approved official laboratory shall immediately and confidentially report to the Executive Director or his designee any positive finding for any of the drugs or classes of drugs described in subsection (g)(1) through (g)(5) of this regulation. The Board approved official laboratory shall also transmit a confidential written report of the finding to the Executive Director within five working days after the notification is made.

(i) When the Executive Director or his designee is notified of a positive finding by the Board approved official laboratory, the Executive Director or his designee shall notify a supervising investigator. The supervising investigator shall confidentially notify the exercise rider who shall:

(1) Immediately be prohibited from participating in any race meeting at a facility under the jurisdiction of the Board, and

(2) Shall have 72 hours from the date he or she is notified to request that the racing participant split sample of the official racing participant test sample that was found to contain a prohibited drug or class of drug, be tested by an Board approved independent laboratory.

(j) If the exercise rider wishes to have the racing participant split sample tested, he or she shall comply with the following procedures:

(1) The request shall be made on the form CHRB-217B (New 7/13) Request to Release Racing Participant Split Sample, which is hereby incorporated by reference. Form CHRB-217B shall be made available at all CHRB offices, and at the CHRB website.

Draft A

(2) The exercise rider requesting to have the racing participant split sample tested shall be responsible for all charges and costs incurred in transporting and testing the racing participant split sample. By signing CHR-217B the exercise rider certifies he or she has made arrangements for payment to the designated independent Board approved laboratory for laboratory testing services.

(3) Verification of payment for costs incurred in transporting and testing the racing participant split sample must be received by the CHR within five working days from the CHR receipt of CHR-217B. If such verification of payment is not received, the racing participant split sample will not be released or shipped to the designated Board approved independent laboratory and the exercise rider will have relinquished his/her right to have the split sample tested. If a complaint issues, the only test results that will be considered will be the results from the Board approved official laboratory.

(k) Upon receipt of a valid request on CHR-217B, CHR-217C (New 7/13) Authorization to Release Racing Participant Split Sample Evidence, which is hereby incorporated by reference, shall be completed and the Board shall ensure that the racing participant split sample is sent to the designated Board approved independent laboratory for testing.

(1) If the findings by the Board approved independent laboratory fail to confirm the findings of a prohibited drug or class of drug as reported by the Board approved official laboratory, it shall be presumed that a prohibited drug or class of drug was not present in the official racing participant test sample.

Draft A

(l) An exercise rider who fails to request the testing of the racing participant split sample in accordance with the procedures specified in this rule shall be deemed to have waived his or her right to have the split sample tested.

(m) Unless or until the Board files an official complaint or accusation, results of the official racing participant test sample and the racing participant split sample shall be, and shall remain confidential. No test results may be released to any person or organization unless such release is explicitly required under this regulation. Only the Executive Director or the Executive Director's designee, the Board, and the exercise rider shall receive the results.

(n) The Board may take into consideration the possession of a valid and current Medical Marijuana Program Identification Card issued in accordance with the Medical Marijuana Program of the California Department of Public Health in determining whether or not to file an official complaint or accusation against an exercise rider who tests positive for marijuana metabolites.

(o) For the purposes of this regulation, random drug testing shall be accomplished by the taking of urine specimens; however, the Board retains the right to direct an exercise rider to submit to a drug test by methods including, but not limited to, blood, hair follicle or skin.

Authority: Sections 19420, 19440 and 19520,
Business and Professions Code.

Reference: Sections 19440, 19520 and 19521,
Business and Professions Code.

Draft B

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 4. OCCUPATIONAL LICENSES
PROPOSED ADDITION OF
RULE 1500.2. RANDOM DRUG TESTING OF RACING PARTICIPANTS

Jockey and Driver Welfare Committee Meeting
July 19, 2013

1500.2. Random Drug Testing of Racing Participants.

(a) To ensure the safety and integrity of horse racing, the following classes of license are subject to random drug testing, as well as testing based upon reasonable suspicion, as provided in this Division:

- (1) Racing officials and stewards whose names appear on the official program;
- (2) Outriders;
- (3) Starting gate crew;
- (4) Exercise riders.

Failure to submit to or to complete a drug test at the time, location, and manner directed by the Board or its representatives shall constitute a refusal to be tested. A licensee who fails to submit to or to complete a drug test shall immediately be prohibited from participating in any race meeting at a facility under the jurisdiction of the Board until a negative test result is achieved.

(b) Random drug testing shall be conducted at the direction of the Executive Director on an unannounced basis before or after the licensee's performance of duties. The names of the outriders, the starting gate crew, and all racing officials and stewards who appear on the official program the day random drug testing is conducted shall be placed in a secured container which shall be in the custody of the supervising investigator. Prior to the first race of the program, the supervising investigator shall draw

Draft B

nine names. If a name is selected more than once during a race meeting, it shall be eliminated and another selection made.

(c) For race meetings with duration of up to five months, random drug testing shall occur at least once during the course of the meeting. For the purposes of this regulation, the Northern California fair circuit shall be considered as one race meeting.

(d) For race meetings with duration of six or more months, random drug testing shall occur at least twice during the course of the meeting.

(e) Each urine specimen received from a selected licensee shall be divided into two separate parts. One portion shall be designated as the racing participant official test sample and shall be tested by a Board approved official laboratory. The remaining portion of the specimen shall be known as the racing participant split sample and shall be available for testing at a Board approved independent laboratory upon the request of the individual who provided the specimen. The Board makes no guarantees as to the amount of the specimen that will be available for the racing participant split sample. All specimens taken by representatives of the Board are under the jurisdiction of and shall remain the property of the Board at all times.

(f) For the purposes of this regulation “Board approved official laboratory” and “Board approved independent laboratory” means a California laboratory certified by the United States Department of Health and Human Services under the National Laboratory Certification Program as meeting the minimum standards to engage in urine drug testing for federal agencies. A list of certified laboratories shall be available at the CHRB headquarters office.

Draft B

(g) Each urine specimen shall be tested for the following prohibited drugs or classes of drugs:

(1) Marijuana metabolites.

(2) Cocaine metabolites.

(3) Amphetamines.

(4) Opiate metabolites.

(5) Phencyclidine (PCP).

(h) The Board approved official laboratory shall immediately and confidentially report to the Executive Director or his designee any positive finding for any of the drugs or classes of drugs described in subsection (g)(1) through (g)(5) of this regulation. The Board approved official laboratory shall also transmit a confidential written report of the finding to the Executive Director within five working days after the notification is made.

(i) When the Executive Director or his designee is notified of a positive finding by the Board approved official laboratory, the Executive Director or his designee shall notify a supervising investigator. The supervising investigator shall confidentially notify the licensee who shall:

(1) Immediately be prohibited from participating in any race meeting at a facility under the jurisdiction of the Board, and

(2) Shall have 72 hours from the date he or she is notified to request that the racing participant split sample of the official racing participant test sample that was found to contain a prohibited drug or class of drug, be tested by an Board approved independent laboratory.

Draft B

(j) If the racing participant wishes to have the racing participant split sample tested, he or she shall comply with the following procedures:

(1) The request shall be made on the form CHRB-217B (New 7/13) Request to Release Racing Participant Split Sample, which is hereby incorporated by reference. Form CHRB-217B shall be made available at all CHRB offices, and at the CHRB website.

(2) The racing participant requesting to have the racing participant split sample tested shall be responsible for all charges and costs incurred in transporting and testing the racing participant split sample. By signing CHRB-217B the racing participant certifies he or she has made arrangements for payment to the designated independent Board approved laboratory for laboratory testing services.

(3) Verification of payment for costs incurred in transporting and testing the racing participant split sample must be received by the CHRB within five working days from the CHRB receipt of CHRB-217B. If such verification of payment is not received, the racing participant split sample will not be released or shipped to the designated Board approved independent laboratory and the racing participant will have relinquished his/her right to have the split sample tested. If a complaint issues, the only test results that will be considered will be the results from the Board approved official laboratory.

(k) Upon receipt of a valid request on CHRB-217B, CHRB-217C (New 7/13) Authorization to Release Racing Participant Split Sample Evidence, which is hereby incorporated by reference, shall be completed and the Board shall ensure that the racing participant split sample is sent to the designated Board approved independent laboratory for testing.

Draft B

(l) If the findings by the Board approved independent laboratory fail to confirm the findings of a prohibited drug or class of drug as reported by the Board approved official laboratory, it shall be presumed that a prohibited drug or class of drug was not present in the official racing participant test sample.

(l) A licensee who fails to request the testing of the racing participant split sample in accordance with the procedures specified in this rule shall be deemed to have waived his or her right to have the split sample tested.

(m) Unless or until the Board files an official complaint or accusation, results of the official racing participant test sample and the racing participant split sample shall be, and shall remain confidential. No test results may be released to any person or organization unless such release is explicitly required under this regulation. Only the Executive Director or the Executive Director's designee, the Board, and the licensee shall receive the results.

(n) The Board may take into consideration the possession of a valid and current Medical Marijuana Program Identification Card issued in accordance with the Medical Marijuana Program of the California Department of Public Health in determining whether or not to file an official complaint or accusation against a racing participant who tests positive for marijuana metabolites.

(o) For the purposes of this regulation, random drug testing shall be accomplished by the taking of urine specimens; however, the Board retains the right to direct a racing participant to submit to a drug test by methods including, but not limited to, blood, hair follicle or skin.

Authority: Sections 19420, 19440 and 19520,
Business and Professions Code.

Draft B

Reference: Sections 19440, 19520 and 19521,
Business and Professions Code.

POSITIVE TEST NOTIFICATION

CHRB-71 (possibly re-number to 71A)

I, _____, (*exercise rider*) acknowledge that I have been confidentially notified of a positive test finding for _____.

In the California Horse Racing Board (CHRB) official test sample# _____

from the *exercise rider* _____ On the below date by (CHRB)

Investigator _____.

I understand that I have 72 hours from this notification to complete a Request to Release Evidence and Request (CHRB- 217) requesting a split sample analysis from the California Horse Racing Board approved laboratory.

I further understand that to request the split sample be tested, I must contact a CHRB approved laboratory from the list provided and arrange to make payment. I agree to submit a check for _____ made payable to the California Horse Racing Board for split sample processing fees.

I also understand that CHRB approved laboratory selected is not obligated to accept my sample. In the event that the laboratory selected does not accept my sample, I will have 72 hours to select another laboratory from the CHRB approved list.

Failure to comply with the above instructions will result in the forfeiture of my rights to have the split sample tested. I also understand that if no split analysis is requested within 72 hours after this notification, a hearing on this matter will proceed forthwith.

I acknowledge that I have read and understand the above instructions.

(*Exercise Rider*)

(CHRB Representative)

(Date)

(Time)

STATE OF CALIFORNIA

REQUEST TO RELEASE RACING PARTICIPANTSPLIT SAMPLE

CHRB- 217B (New 7/13)

CALIFORNIA HORSE RACING BOARD

CONFIDENTIAL

To: CALIFORNIA HORSE RACING BOARD
Attn: RACING PARTICIPANT SPLIT SAMPLE PROGRAM
1010 Hurley Way, Suite 300
Sacramento, CA 95825

I am requesting the California Horse Racing Board (CHRB) to release to a Board approved independent laboratory the

Racing Participant test sample identified as # _____ which has been detected to contain:

I fully understand that I am responsible for all costs incurred by the transporting and testing of the racing participant test sample identified as # _____ to the laboratory I have chosen:

Laboratory Name and Address

I have enclosed payment of \$ _____ to cover costs of materials, packing, shipping and handling.

I have selected and will make payment to the designated laboratory named above, to test the racing participant split sample.

I understand that verification of payment for all shipping and laboratory fees must be received by the CHRB within five (5) working days from the date of this form. If such verification of payment is not received, I understand that the racing participant split sample will not be released or shipped to the above laboratory and a hearing will be held based on the original confirmation report from the Board approved official laboratory.

Racing Participant Signature and Date

Telephone No.

Email address:

Original: Laboratory
Duplicate: California Horse Racing Board

STATE OF CALIFORNIA

AUTHORIZATION TO RELEASE RACING PARTICIPANT SPLIT SAMPLE EVIDENCE

CHRB-217C (New 7/13)

CALIFORNIA HORSE RACING BOARD

AUTHORIZATION TO RELEASE RACING PARTICIPANT SPLIT SAMPLE EVIDENCE

To: Custodial Officer of the California Horse Racing Board

Upon the petition and request of: _____

You are authorized to notify the Board approved official laboratory that the racing participant split sample identified as # _____ is to be sent to:

Laboratory Name and Address

Date

California Horse Racing Board

ACKNOWLEDGMENT OF CUSTODIAL OFFICER

This is to confirm that on _____ I notified the Board approved official laboratory that the racing participant split sample identified as: # _____ was to be sent to:

Laboratory Name

Laboratory Address

at _____ by _____
Time Carrier

Date Custodial Officer

The Custodial Officer must retain the Request to Release Racing Participant Split Sample, CHRB-217B, for the evidence log and forward the original document with the return receipt for shipment to the designated laboratory.

**CALIFORNIA HORSE RACING BOARD
ENFORCEMENT**



EXERCISE RIDER RANDOM DRUG TESTING /ENFORCEMENT PROTOCOL

1. Executive Director (E.D.) decides when to conduct test.
 - a. Notifies Supervising Investigator by phone or e-mail.
 - b. Supervising Investigator replies with confirmation e-mail to E.D.
2. Supervising Investigator notifies Board of Stewards at a minimum of four (4) hours prior to first post on the day drawing of names and test are to be conducted. You are encouraged to pull names earlier in order to acquire adequate urine samples.
 - a. Place names of all the **trainers racing horses at your meet** in a secured container for drawing of names.
 1. Suggest all CHRB locations place Trainer's names on 3x5 index cards and maintain in an alpha card index file at each track. Should additional Trainers be involved, have spare index cards available and place their names on them and add to secured container.
 2. Drawing will be held as early as possible prior to first post two (2) hours before first post for date of testing.
 3. The Supervising Investigator will draw names from the secured container.

After drawing a Trainer's name from the container, pull his or her work list for your meet and note who is listed as an exercise rider. Contact each exercise rider listed on the Trainer's work list and advise them to report to the Enforcement office for testing. If a trainer does not have a sufficient amount of exercise riders on his work list, move on to the next trainer whose name was drawn and repeat the process.

Attempt to conduct testing of all exercise riders the same day as the drawing of names. This may require testing some individuals during live racing to facilitate insuring that all are tested the same day.

Note: It is recommended that if an exercise rider's name is drawn more than once during a meet, it shall be eliminated and another selection made.

4. The Supervising Investigator will notify the exercise rider of the time and place for testing.

3. Testing Procedures

“Quest Diagnostics” has been designated as the CHRB Official Laboratory. In addition, a list of certified laboratories shall be made available at the CHRB headquarters office and disseminated to all CHRB Field offices (for split sample testing).

www.workplace.samhsa.gov

www.drugfreeworkplace.gov

a. Board Investigators shall conduct the test.

1. Quest forms and testing cups will be provided for a primary and split samples.

Note: Use ballpoint pen, press hard, print all information with the exception of signatures, and check all copies of the form for legibility.

•Quest Diagnostics Urine Kit

One sealed single-use container with a temperature strip

Two single-use specimen bottles with locking lids

Specimen transportation bag

Federal Custody and Control form

(Quest Diagnostics “Forensic Drug Testing Custody and Control Form”)

•Materials on Site

Bluing agent for toilet

Gloves and Lab Coat (coat optional)

Lock-box with key (for valuables of person tested)

Tamper-evidence tape for securing the collection site (restrict water)

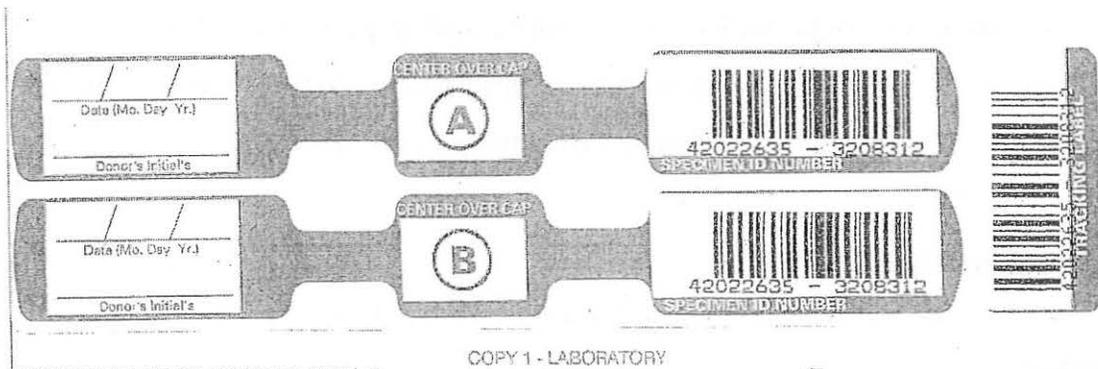
I-Cup field test kit

2. Investigators ensure that the Specimen ID number on the top of the CCF (Quest Custody and Control Form) matches the specimen ID number on the labels/seals.

3. Investigator gives a collection container (plastic 60ml with temperature label) to donor for providing a specimen. (For a proper split, a 45ml specimen will be needed)

4. After the donor gives the specimen to the Investigator, the Investigator checks the temperature of specimen within four (4) minutes and marks the appropriate temperature box in STEP 2 on the CCF. The Investigator provides a remark if the temperature is outside the acceptable range.

5. The Investigator will check the Split Specimen Box. If no specimen is collected, that box is checked and a remark is provided. If no specimen is collected, Copy 1 is discarded and the remaining copies are distributed as required.
6. The donor will watch the Investigator pour the specimen from the collection container into the specimen bottles (vials), placing the cap(s) on the specimen bottle(s) and affixing the label(s)/seal(s) on the specimen bottle(s).
7. Investigator dates the bottle label(s) after they are placed on the specimen bottle(s).



8. Donor initials the specimen bottle label(s) after they are placed on the specimen bottle(s). If there is a sufficient sample initial A, B, and pour the remaining sample into an I-Cup for a field sample testing.

NOTE: If the I-Cup field test is positive, the exercise rider will be immediately removed from his duties by the Board of Stewards (suggest they suspend). Photograph the I-Cup results, print and initial the results and have a back-up Investigator initial same. Then proceed with the following steps listed below.

9. Investigator instructs the donor to read the certification statement in STEP 5 and to sign, print name, date, provide phone numbers and date of birth after reading the certification statement. If the donor refuses to sign the certification statement, the Investigator provides a remark in STEP 2 on Copy 1.

Note: Ask the donor if he or she is taking any medications (prescribed or over the counter) and if so, document this information in remarks in section 2. If he or she is not taking any medications also note this in remarks in section 2. Have the donor **initial these remarks.**

CHRB HUMAN SAMPLE REPORT -- At the bottom of page 2 under comments, repeat above comments with initials of exercise rider being tested.

NOTE: Marijuana cards are not to be considered as admissible evidence or an excuse to use marijuana and exercise a race horse.

10. Investigator completes STEP 4 (I.E., provides signature, printed name, date, time of collection and name of delivery service), immediately places the sealed specimen bottle(s) and Copy 1 of the CCF in a leak proof plastic bag, places the tracking label from the CCF on the specimen package, releases specimen package to the delivery service and distributes the other copies as outlined by CHRB procedures as required.

Testing of female exercise riders

When there are only male Investigators available the following steps shall be followed:

Prior to giving a collection container (plastic 60ml with temperature label) to female donor for providing a specimen, place a blue dissolving tablet into the toilet bowl(s) and seal the faucet(s) with evidence tape.

Follow steps four (4) through ten (10) above

Note: The same process can be used when female Investigators are required to test male Exercise riders

- b. Request for Split Samples
 1. The exercise rider requesting a split shall be responsible for all charges and cost incurred in transportation and testing of the exercise rider split sample.
 2. By signing the CHRB-217 the Exercise rider certifies he or she has made arrangements for payment to the designated independent Board approved laboratory for laboratory testing services. **(NOTE, "This form will have to be revised to read "Exercise Rider")**
 3. Verification of payment for costs incurred in transportation and testing the exercise rider split sample must be received by the CHRB within five (5) working days from the CHRB

receipt of CHRB-217. If such verification of payment is not received, the exercise rider split sample will not be released or shipped to the designated Board approved independent laboratory and the exercise rider will have relinquished his/her right to have the split sample tested. If a complaint issues, the only test results that will be considered will be the results from the Board approved official laboratory.

4. Upon receipt of a valid request on CHRB-217, CHRB-217A (New 3/11) Authorization to Release exercise rider Split Sample Evidence shall be completed and the Board shall ensure that the exercise rider split sample is sent to the designated Board approved independent laboratory for testing. If the findings by the Board approved independent laboratory fail to confirm the findings of a prohibited drug or class of drug as reported by the Board approved official laboratory, it shall be presumed that a prohibited drug or class of drug was not present in the official exercise rider test sample.
5. An exercise rider who fails to request the testing of the exercise rider split sample in accordance with the procedures specified in this rule shall be deemed to have waived his or her right to have a split sample tested.
6. Unless or until the Board files an official complaint or accusation, results of the official exercise rider test sample and exercise rider split sample shall be, and shall remain confidential. No test results may be released to any person or organization unless such release is explicitly required under CHRB Rule **BLANK**. Only the Executive Director or the Executive Director's designee, the Board, and the exercise rider shall receive the results.

NOTE: Marijuana cards are not to be considered as admissible evidence or an excuse to use marijuana and exercise a race horse.

7. For the purpose of CHRB Rule **BLANK**, random drug testing shall be accomplished by the taking of urine specimens; however, the Board retains the right to direct an exercise rider to submit to a drug test by methods including, but not limited to, blood, hair follicle or skin.

Addition information

As required by CHRB Rule **BLANK**, Quest Laboratories will test for the following:

- a. Marijuana metabolites
- b. Cocaine metabolites

- c. Amphetamines
- d. Opiate metabolites
- e. Phencyclidine (PCP)

Positive Notifications:

The Board approved official laboratory shall immediately and confidentially report to the Executive Director or his designee any positive finding for any of the drugs or classes of drugs described above. The Board approved official laboratory shall also transmit a confidential written report of the finding to the Executive Director within five (5) working days after the notification is made.

When the Executive Director or his designee is notified of a positive finding by the Board approved official laboratory, the Executive Director or his designee shall notify the Supervising Investigator. The Supervising Investigator shall confidentially notify the Board of Stewards, and the exercise rider who shall:

1. Immediately be prohibited from exercising in race horses in any facility under the jurisdiction of the Board, and
2. Shall have 72 hours from the date he or she is notified to request that the exercise rider split sample of the official exercise rider test sample that was found to contain a prohibited drug or class of drug, be tested by a Board approved independent laboratory.
3. If the exercise rider wishes to have the exercise rider split sample tested, he or she shall comply with guidelines in CHRB Rules.

Federal Government Website for a current list of Laboratories and Instrumented Initial Facilities which meet Minimum Standards to engage in Urine Drug Testing for Federal Agencies:

www.workplace.samhsa.gov

www.drugfreeworkplace.gov

Note: This list is updated the first week of each month and Supervising Investigators should continually update their independent laboratory list on a monthly basis.

Required DOT Urine Drug Testing Certification

All sworn Investigative personnel will be required to take an online certification examination prior to administering drug test. A package of information will be provided for your review prior to taking the examination. This same package (power point presentation) is available online with added video clips which may be of assistance. The on-line review will take approximately 45 minutes to one hour and the examination follows. The test/examination is comprised of 31 questions and you must receive a score of 85 percent to pass. The examination can be re-taken at anytime should you miss more than four questions. Once you pass this examination, you will be able to print your certification certificate. Quest Diagnostics will also save this information in their database. Send a copy of your certification to Jami Eaton at Headquarters and provide your supervisor with a copy.

STAFF ANALYSIS
DISCUSSION AND ACTION REGARDING
THE PROPOSED DEVELOPMENT OF A NEW RULE
TO ALLOW RANDOM ALCOHOL TESTING OF JOCKEYS

Jockey and Driver Welfare Committee Meeting
July 19, 2013

BACKGROUND

Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper 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 19460 states all licenses granted under this chapter 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 and the purposes of this chapter.

Board Rule 1874, Disorderly Conduct, states "No licensee shall be under the influence of any alcoholic beverage, and/or any illegal substance while performing their respective duties while within the inclosure of any racing association." Board Rule 1902, Conduct Detrimental to Horse Racing, provides that no licensee shall engage in any conduct prohibited by this division nor shall any licensee engage in any conduct which by its nature is detrimental to the best interest of horse racing.

ANALYSIS

Currently CHRB Enforcement Division only test jockeys for alcohol with reasonable cause. Normally, the Board of Stewards will receive reliable information that a jockey is either under the influence of alcohol or is emitting a strong odor of alcohol on his or her breath. The jockey would then be ordered to submit to a breathalyzer test to be administered by a CHRB Enforcement Investigator. On occasion, enforcement will become aware of a jockey who has been drinking and require him or her to submit to a breathalyzer test. CHRB Rule 1874, Disorderly Conduct, is most commonly used by CHRB enforcement when it involves a jockey and alcohol related violations.

Due to the testing requirements of Rule 1500.1, Random Drug Testing, and Rule 1498, Physical Examination, the Board may be informed of possible alcohol abuse by jockeys, but it cannot act on the information. This is because Quest Diagnostics Laboratories which tests for the presence of prohibited drug substances in samples submitted under the random drug testing rule or the physical examination rule also tests for the presence of alcohol in the same testing procedure, even though it is not a requirement of the regulations. If tested through Quest Diagnostics Laboratories as mentioned, an alcohol screening will also be listed in the lab results.

Below is a chart of various states and their information related to testing of jockeys for alcohol.

Other Racing Jurisdiction Rules Regarding Jockey Alcohol Testing:

State	Is there BAC testing of jockeys/drivers?	State Rule or In-House Track Policy?	BAC Threshold	Differ between TB/HB/Etc.?
Nebraska	Yes with Cause	State Rule	0.05	No
Delaware	Random or Probable Cause	DTRC Rules	0.04	TB and Arabian
Illinois	Yes with Cause	IRB Rules	0	No
Wyoming	Yes with Cause	State Rule	0.05	No
New Jersey	Random or Probable Cause	State Rule	0.05	No
Washington	Random or Probable Cause	State Rule	0.02	No
Minnesota	Yes with Cause	State Rule	0.04	No
Oregon	Yes with Cause	State Rule	0.02	TB and Quarter
Michigan	Yes with Cause	State Rule	0.05	No
Maryland	Random or Probable Cause	State Rule	0.05	No
Louisiana	Yes - Mandatory	State Rule	0.05	TB and Quarter
New York	Yes - Mandatory - Drivers	State Rule	0.05	Yes
Indiana	Yes - Mandatory	State Rule	0.05	No
Ontario	Yes - Mandatory	State Rule	0.02	No
Ohio	Yes - Mandatory	State Rule	0.035	No
Kentucky	Yes - All, Random or Probable Cause. Policy is to test daily.	State Rule	0.05	No

The Ontario Racing Commission regulates a number of different testing programs to ensure the fair and safe operation of racing in Ontario to include breathalyzer testing. Each day of live racing, the judges, racing official, trainers, drivers and jockeys are required to submit to a breath analysis test for blood alcohol levels. Any reading over the accepted limits is reported to the judges for action and any participant programmed to ride or drive will be relieved of their duties. Any person refusing to submit to the test will also be relieved of their duties. The program is in place to ensure a safe racing environment for all participants.

The British Horse Racing Authority has been testing Jockeys for alcohol for approximately ten years. Their emphasis is on testing jockeys for any product that is performance impairing (e.g. alcohol, cocaine and cannabis). They note that any impairment of performance could not only pose a serious risk to the safety of the jockey concerned but it could also put other jockey's lives at risk. The Testing days for the British Horse Racing Authority are split between breathalyzer-only days and urine-only days:

- On breathalyzer testing days, all the jockeys riding at that particular meeting will be tested, and anyone failing the test twice will be stood down from riding for the day. Further disciplinary action will depend on the levels of alcohol found.
- On urine testing days, up to 12 riders are chosen by ballot and the urine is tested for performance impairing drugs as mentioned above.

A draft of a proposed Rule, 1500.3, Jockey Breath Alcohol Testing, has been included in the committee package. The proposed regulation states that every jockey is subject to breath alcohol testing prior to each race program in which he or she participates, and provides for recourse should the jockey refuse or fail such a test. The proposed regulation addresses only jockey breath alcohol testing, but could easily be modified to include apprentice jockeys and harness drivers.

RECOMMENDATION

This item is presented for committee discussion and action.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 16. GENERAL CONDUCT.
PROPOSED ADDITION OF
RULE 1500.3. JOCKEY BREATH ALCOHOL TESTING

Jockey and Driver Welfare Committee Meeting
July 19, 2013

1500.3. Jockey Breath Alcohol Testing.

(a) Every jockey is subject to a breath alcohol test prior to each race program in which he or she participates. No jockey shall refuse to submit to a breath alcohol test. Failure to submit to a breath alcohol test will result in the jockey being treated as though he or she had taken a breath alcohol test that demonstrated a concentration of 0.05 percent or more, by weight, of alcohol in the blood.

(b) If a breath alcohol test demonstrates a concentration of 0.05 percent or more, by weight, of alcohol in the blood a second breath alcohol test shall be administered, and the lesser of the two measurements shall prevail. If a jockey fails to submit to a breath alcohol test, or if an actual breath alcohol test demonstrates a concentration of 0.05 percent or more, by weight, of alcohol in the blood:

(1) The jockey shall not be permitted to ride in the race program for which the test was administered,

(2) Shall be referred to the stewards, and

(3) Shall submit to a breath alcohol test before the commencement of the next race program in which the jockey participates.

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

Reference: Sections 19460 and 19520,
Business and Professions Code.

STAFF ANALYSIS
DISCUSSION AND ACTION REGARDING
THE PROPOSED AMENDMENT TO
CHRB RULE 1536, STEWARDS MINUTES,
TO REQUIRE THE NEW
NOTIFICATION INFORMATION OF TRAINING ACCIDENTS FORM
BE ATTACHED TO THE STEWARD'S MINUTES

Jockey and Driver Welfare Committee Meeting
July 19, 2013

BACKGROUND

Business and Professions Code section 19420 provides that jurisdiction and supervision over meetings in this State 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 California Horse Racing Board. Business and Professions Code section 19440 states the Board shall have all powers necessary and proper to enable it carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include administration and enforcement of all laws, rules, and regulations affecting horse racing and pari-mutuel wagering. Business and Professions Code section 19432 provides that the executive director shall keep a full and true record of all proceedings of the Board, and preserve at the Board's general office all books, documents, and papers of the Board. Business and Professions Code section 19481.3 provides that the stewards shall investigate and prepare a report with respect to all on-track accidents involving jockeys that occur during the performance of their duties. Rule 1536, Stewards' Minutes, provides that the stewards shall maintain minutes and records of all proceedings before the stewards, and report all on-track accidents involving jockeys or drivers.

ANALYSIS

At the May 2013 Medication and Track Safety Committee Meeting the committee discussed jockey and exercise rider injuries by horse activity and incident location within the inclosure. During the discussion the committee learned that although jockey and driver accidents are reported with the stewards' minutes, no reports of exercise rider accidents are generated. This means the Board has no way of tracking the numbers of exercise rider accidents or their severity. The proposed amendment to Rule 1536 provides that a report of all on-track accidents involving exercise riders shall be forwarded to the Board as an attachment to the stewards' minutes. The accident report shall be made on form Training Accident Report CHRB-201A (New 07/13). The Training Accident Report requires the name of the track; date and time of the incident; the name of the trainer and the exercise rider; and the condition of the exercise rider and the horse. In addition a description of the actions of the horse and the accident is required. The stewards must provide the circumstances of the accident, and whether it occurred in the barn area or the track. The attached draft of the form CHRB-201A was provided by Southern California safety stewards.

RECOMMENDATION

This item is presented for committee discussion and action.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 5. RACING OFFICIALS
RULE 1536. STEWARDS' MINUTES

Jockey and Driver Welfare Committee Meeting
July 19, 2013

(a) The stewards shall maintain minutes and records of all proceedings before the stewards that shall contain:

- (1) the record of votes,
- (2) a record of all actions taken, and
- (3) the penalties imposed along with the reasons for the actions.

A majority vote of the stewards shall govern and, in the event of a split vote, each steward shall file a separate report on the matter. The stewards shall submit their original minutes to the Executive Director weekly, and shall deliver a copy of their minutes to each member of the Board.

(b) A report of all on-track accidents involving jockeys or drivers on form Jockey/Driver Accident Report CHRB-201 (New 07/06), which is hereby incorporated by reference, shall be attached to the stewards' minutes.

(c) A report of all on-track accidents involving exercise riders on form Training Accident Report CHRB-201A (New 07/13), which is hereby incorporated by reference, shall be attached to the stewards' minutes.

Authority: Sections 19420, 19440 and 19481.3(e),
Business and Professions Code.

Reference: Sections 19432, 19440 and 19481.3(e),
Business and Professions Code.

TRAINING ACCIDENT REPORT

TRACK: _____

DATE/ TIME OF INCIDENT: _____

NAME OF TRAINER: _____

NAME OF EXERCISE RIDER: _____

CONDITION/STATUS OF EXERCISE RIDER: (NOTE IF TAKEN TO THE HOSPITAL, WHAT IS HIS OR HER CONDITION)

CONDITION/STATUS OF
HORSE: _____

ACTION OF THE HORSE AND EXERCISE RIDER: (HORSE FELL, STUMBLER, BROKE DOWN OR KICKED)

EXPLAIN HOW THE ACCIDENT OCCURRED AND WHY:

ACCIDENT OCCURRED IN THE BARN/
TRACK: _____

TRACK SURFACE
(DIRT/TURF) _____

STAFF ANALYSIS
DISCUSSION AND ACTION REGARDING THE
PROPOSED ADDITION OF
CHRB RULE 1498.1 EXERCISE RIDER PHYSICAL EXAMINATION,
TO REQUIRE THAT EXERCISE RIDERS UNDERGO AN
ANNUAL PHYSICAL EXAMINATION PRIOR TO THE
FIRST RACE MEETING OF THE YEAR IN WHICH THEY
PARTICIPATE

Jockey and Driver Welfare Committee Meeting
July 19, 2013

BACKGROUND

Business and Professions Code section 19420 provides that the Board has jurisdiction and supervision in this State 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 this chapter. Responsibilities of the Board include, but are not limited to, adopting rules and regulations for the protection of the public and the control of horse racing. Business and Professions Code section 19520 states every person who participates in, or has anything to do with the racing of horses shall be licensed by the Board pursuant to rules and regulations that the Board may adopt. Business and Professions Code section 19521 provides that an original license issued pursuant to this article shall be issued for a period of the calendar year in which it is issued, and shall be renewable for a period, not to exceed three years, which the Board may, by regulation establish. The license shall be valid at all horse racing meetings in this state during the period for which it is issued, unless it is suspended or revoked prior to the expiration of the period.

Board Rule 1498, Physical Examination currently requires that jockeys and apprentice jockeys pass a physical examination at least once a year before the commencement of the first race meeting in which such jockey or apprentice jockey intends to participate, or at such other time as the Board may direct. The Board or the stewards may refuse to allow any jockey or apprentice jockey to ride until he or she has successfully passed such examination.

ANALYSIS

At the May 2013 Medication and Track Safety Committee Meeting the committee discussed jockey and exercise rider injuries by horse activity and incident location within the inclosure. The committee learned that while jockeys are required to have at least one physical examination at the beginning of the racing year, exercise riders are not. This means the industry has no information regarding the physical capabilities of licensees who perform a dangerous job. An exercise rider who has pre-existing injuries, or who is injured on the job, can return to riding without undergoing any type of examination. Injuries to exercise riders result in continued high costs for the industry, and impaired riders can be a danger to themselves, and other exercise riders and horses. The proposed addition of Rule 1498.1, Exercise Rider Physical Examination,

will require that every licensed exercise rider undergo a physical examination at least once a year before the commencement of the first race meeting of the year in which the exercise rider intends to participate, or at such other times as the Board may direct. In addition, the proposed rule states the Board or the stewards may require that any exercise rider be re-examined at any time, and the Board or the stewards may refuse to allow any exercise rider to exercise a horse until he or she has successfully passed such examination.

RECOMMENDATION

This item is presented for committee discussion and action.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 4. OCCUPATIONAL LICENSES
PROPOSED ADDITION OF
RULE 1498.1 EXERCISE RIDER PHYSICAL EXAMINATION

Jockey and Driver Welfare Committee Meeting
July 19, 2013

1498.1 Exercise Rider Physical Examination.

(a) All exercise riders must pass a physical examination at least once a year before the commencement of the first race meeting of the year in which such exercise rider intends to participate, or at such other time as the Board may direct. Such examination will be given by a doctor designated or approved by the Board, and the examination shall include a visual acuity examination and a hearing examination.

(c) The Board or the stewards may require that any exercise rider be re-examined at any time, and the Board or the stewards may refuse to allow any exercise rider to exercise a horse until he or she has successfully passed such examination.

Authority: Sections 19420, 19440 and 19520,
Business and Professions Code.

Reference: Sections 19440, 19520 and 19521,
Business and Professions Code.

CALIFORNIA HORSE RACING BOARD

JULY 19, 2013
JOCKEY AND DRIVER WELFARE
COMMITTEE MEETING

There is no package material for Item 5

CALIFORNIA HORSE RACING BOARD

JULY 19, 2013
JOCKEY AND DRIVER WELFARE
COMMITTEE MEETING

There is no package material for Item 6