

CALIFORNIA HORSE RACING BOARD
TITLE 4. DIVISION 4. CALIFORNIA CODE OF REGULATIONS
NOTICE OF PROPOSAL TO AMEND
RULE 1842. VETERINARIAN REPORT

The California Horse Racing Board (Board) proposes to amend the regulation described below after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Board Rule 1842, Veterinarian Report, to require every veterinarian who treats a horse within the inclosure to use an electronic, on-line form prescribed by the Board to report such treatment to the official veterinarian.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, March 19, 2020**, or as soon after that as business before the Board will permit, at the **Clubhouse** at the **California Exposition and State Fair Grandstand, 1600 Exposition Boulevard, Sacramento, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representatives, may submit written comments about the proposed regulatory action to the Board. The written comment period closes on **March 9, 2020**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Zachary Voss, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone (916) 263-6036
Fax: (916) 263-6022
E-mail: zavoss@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority: Sections 19440, 19580, and 19583, Business and Professions Code (BPC).
Reference: Sections 19440, 19580, and 19583, BPC.

BPC sections 19440, 19580, and 19583 authorize the Board to adopt the proposed regulation, which would implement, interpret, or make specific sections 19440, 19481, and 19562 of the BPC.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

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, of the 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. 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 the state. BPC section 19583 provides that 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 or her, the name of the horse treated, the name of the trainer of the horse, the time of treatment, any medication administered to the horse, and any other information requested by the official veterinarian. BPC section 19481 states that in performing its responsibilities, the Board shall establish safety standards governing the uniformity and content of, among other things, veterinary services and designate a safety steward at all horse racing meetings to be responsible for enforcing compliance with safety standards in order to improve the safety of horses, riders, and workers at the racetrack. BPC section 19562 provides that the Board may prescribe rules, regulations, and conditions, consistent with the provisions of Chapter 4 of the BPC, under which all horse races with wagering on their results shall be conducted in this state.

Board Rule 1842 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 contents 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 Veterinarian Report Confidential CHRB-24 (Rev. 01/18) (CHRB-24). Under this paper-based veterinary reporting procedure, official veterinarians can easily become inundated with a high volume of CHRB-24s¹. 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, a common bleeder medication authorized by the Board, may appear as LXA, LXAM, LXW, or any number of acronyms. The hand-written CHRB-24 presents a problem with regards to drug violations or other issues, as it is cumbersome and time consuming to sort through them to find a specific report. While

¹ The Del Mar July through September 2019 meeting will provide stalls for 2,500 horses. The Golden Gate Fields August through September 2019 meeting will provide stalls 1,500 horses. Veterinarians are required to report all treatments. With the high numbers of horses on the grounds, the official veterinarian may literally receive hundreds of CHRB-24s. At the April 2019 Regular Board meeting the Equine Medical Director reported that the official veterinarian at Santa Anita Park Race Track received 233 CHRB-24 veterinarian reports the week of April 8, 2019.

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. Because of the disadvantages of the current paper CHRB-24, the Board has proposed that Board Rule 1842 be amended to require that veterinarians who treat horses within the inclosure shall report such treatments to the official veterinarian in an electronic, on-line form prescribed by the Board.

Subsection 1842(a) of the proposed amendment to Board Rule 1842 provides that every veterinarian who treats a horse within the inclosure shall report the treatment to the official veterinarian using an electronic, on-line form prescribed by the Board. Electronic reporting will improve efficiency for the veterinarian and the horse racing jurisdiction, while improving accuracy and precision of data entry. The software will offer a wide range of functionality that cannot be achieved with the current paper version of CHRB-24. The improved functionality of an electronic, on-line version of form CHRB-24 will include centralized electronic storage of all treatment records, which will enhance inter-jurisdictional collaboration to assist investigations and analytical efforts, improve efficiency in filing reports, provide resources that can be readily retrieved and analyzed, and facilitate the monitoring of horses of interest in pre-race examination and post-race testing.

All other changes to the text of Board Rule 1842 are for the purposes of clarity and consistency.

CONSISTENCY EVALUATION

During the process of developing the proposed amendments, the Board has conducted a search of any similar regulation on this topic and has concluded that the regulation is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURE REGARDING THE PROPOSED ACTION/RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code (GC) sections 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment to Board Rule 1842 will not have a significant statewide adverse economic impact directly affecting

businesses including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: none.

Cost impact on representative private persons or businesses: none.

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

RESULT OF ECONOMIC IMPACT ANALYSIS

The adoption of the proposed amendment to Board Rule 1842 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) expand businesses currently doing business in California. The proposed amendment of Board Rule 1842 promotes the safety and welfare of all horses participating in recognized race meetings. The proposed amendment will require that veterinarians report treatments performed within the inclosure using an electronic on-line form prescribed by the Board. The electronic reporting of veterinary procedures will provide reporting consistent with the current paper form CHRB-24. Electronic reporting of veterinary procedures will have the advantage of being easier to manage, legibility, and will provide a data base that is easier to search for purposes of enforcement and analysis.

The proposed amendment to Board Rule 1842 will provide a data base that will allow a thorough analysis of the relationship between veterinary procedures and horses' health and safety. A better understanding of veterinary practices and horses' health and safety will benefit worker safety. The proposed amendment to Board Rule 1842 will not benefit the state's environment.

Effects on small businesses: none. The proposal to amend Board Rule 1842 does not affect small businesses because horse racing is not a small business under GC section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with GC section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome on affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Zachary Voss, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6036
Fax: (916) 263-6022
E-mail: zavoss@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Amanda Drummond,
Policy and Regulations Manager
Telephone: (916) 263-6033
E-mail: amdrummond@chrb.ca.gov

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies of these documents, or any of the information upon which the proposed rulemaking is based on, may be obtained by contacting Zachary Voss, or the alternative contact persons at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Zachary Voss at the

address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS:

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Zachary Voss at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation, and the initial statement of reasons. The Board's web site address is: www.chrb.ca.gov.

CALIFORNIA HORSE RACING BOARD
TITLE 4. DIVISION 4. CALIFORNIA CODE OF REGULATIONS
RULE 1842. VETERINARIAN REPORT
INITIAL STATEMENT OF REASONS

SPECIFIC PURPOSE OF THE REGULATION

The proposed amendment of California Horse Racing Board (Board) Rule 1842, Veterinarian Report, will require every veterinarian who treats a horse within the inclosure to use an electronic, on-line form prescribed by the Board to report such treatment to the official veterinarian.

PROBLEM

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 contents 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 Veterinarian Report Confidential CHRB-24 (Rev. 01/18) (CHRB-24). Under this paper-based veterinary reporting procedure, the official veterinarians can easily become inundated with a high volume of CHRB-24's. 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, a common bleeder medication authorized by the Board, may appear as LXA, LXAM, LXW, or any number of acronyms. The handwritten CHRB-24 presents a problem with regards to drug violations or other issues, as it is cumbersome and time consuming to sort through them to find a specific report. 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. Because of the disadvantages of the current paper CHRB-24, the Board proposes to amend Board Rule 1842 to require that veterinarians who treat horses within the inclosure shall report such treatments to the official veterinarian in an electronic, on-line form prescribed by the Board.

NECESSITY

Subsection 1842(a) of the proposed amendment to Board Rule 1842 has been amended to provide that every veterinarian who treats a horse within the inclosure shall report the treatment to the official veterinarian using an electronic, on-line form prescribed by the Board. The report shall provide 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 Board has determined it is necessary to require veterinarians to report treatments performed within the inclosure in an electronic, on-line form to provide consistency, legibility, and manageability, as well as to create an easily searchable database for purposes of enforcement and analysis. Under the Board's current paper-based veterinary reporting procedure, the official veterinarians can easily become inundated with a high volume of CHRB-24s. As an example, the Del Mar July through September 2019 race meet provided stalls for 2,500 horses, and the Golden Gate Fields August through September 2019 race meet provides stalls for 1,500

horses. Veterinarians are required to report all treatments for horses at these race meets. With the high numbers of horses on the grounds, the official veterinarian may receive hundreds of CHRB-24's per week. At the April 2019 regular Board meeting the Equine Medical Director reported that the official veterinarian at Santa Anita Park Race Track received 233 CHRB-24 veterinarian reports during the week of April 8, 2019. By switching to an electronic, on-line reporting format, the Board hopes to reduce the high volume of paper veterinary records and improve efficiency for veterinarians, while improving accuracy and precision of data entry.

The CHRB-24 presents a problem with regards to drug violations or other issues, as it is cumbersome for Board investigators to sort through them and handwritten reports do not guarantee legibility. The lack of a database also prevents a thorough analysis of the relationship between veterinary procedures and horses' health and safety. An electronic reporting format will offer a wide range of functionality that cannot be achieved with the current paper CHRB-24. The improved functionality of an electronic, on-line version of form CHRB-24 will include centralized electronic storage of all treatment records, which will enhance investigations and analytical efforts, improve efficiency in filing reports, provide resources that can be readily retrieved and analyzed, and facilitate the monitoring of horses of interest in pre-race examination and post-race testing.

All other changes to Board Rule 1842 are for the purposes of clarity and consistency.

BENEFITS ANTICIPATED FROM THE REGULATORY ACTION

Subsection 1842(a) of the proposed amendment to Board Rule 1842 provides that every veterinarian who treats a horse within the inclosure shall report the treatment to the official veterinarian using an electronic, on-line form prescribed by the Board. Transitioning from paper records to an electronic reporting format will have the benefit of improving efficiency for the veterinarian and the Board, while improving accuracy and precision of data entry. More accurate and precise veterinary records will promote the health and safety of race horses, and, by extension, the health and safety of jockeys and drivers. Accordingly, the amendment to Board Rule 1842 benefits the health and safety of California workers.

The proposed implementation of an electronic database for veterinary treatment records will have the benefit of offering a wide range of functionality that cannot be achieved with the current paper version of CHRB-24. The improved functionality will include centralized electronic storage of all treatment records, which will assist investigations and analytical efforts, improve efficiency in filing reports, provide resources that can be readily retrieved and analyzed, and facilitate the monitoring of horses of interest in pre-race examination and post-race testing. This will aid in a thorough analysis of the relationship between veterinary procedures and horses' health and safety. Accordingly, the amendment to Board Rule 1842 will benefit the racing industry by streamlining access to veterinary records, increasing efficiency for Board veterinarians, investigators, and analysts. This increased efficiency and functionality benefits the California horse racing industry by making horse racing safer and promoting public confidence in the capability of Board officials to responsibly manage the horse racing industry.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS OR DOCUMENTS

None.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

The results of the Board's Economic Impact Assessment as required by Government Code (GC) section 11346.3(b) are as follows:

- The proposed regulation will not impact the creation or elimination of jobs within the state of California.
- The proposed regulation will not have an impact on the creation of new businesses or the elimination of existing businesses within the state of California.
- The proposed regulation will not have an impact on the expansion of existing businesses within the state of California.
- The proposed regulation will benefit the State of California by increasing horse racing veterinary treatment reporting functionality and efficiency. The proposed regulation will not benefit the state of California's environment.

The Board has made the initial determination that the proposed amendment of Board Rule 1842 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states. The proposed regulation will require every veterinarian who treats a horse within the inclosure to use a confidential electronic, on-line form prescribed by the Board to report such treatment to the official veterinarian.

Purpose:

The proposed amendment of Board Rule 1842 will require veterinarians to complete a confidential electronic, on-line 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 purpose of the proposed regulation is to create an electronic, on-line report and database that will replace the paper-based CHRB-24, ensuring that the veterinarian reporting process is less cumbersome so that official veterinarians do not become inundated with high volumes of paper-based veterinarian reports. The creation of the on-line report and electronic database will aid official veterinarians and Board investigators in conducting thorough analysis of the relationship between veterinary procedures and horses' health and safety by increasing legibility, manageability and accuracy.

The Creation or Elimination of Jobs Within the State of California

The amendment of Board Rule 1842 will require every veterinarian who treats a horse within the inclosure to report to the official veterinarian the name of the horse treated, the name of the trainer of the horse, the time and date of treatment and any other information requested by the official veterinarian via an electronic, on-line form prescribed by the Board. The report is confidential and may only be disclosed in a proceeding before the stewards, or in an exercise of the Board's jurisdiction. The proposed regulation will impact veterinarians reporting treatments to a horse within a Board inclosure. The proposed regulation will not have an effect on any other type of California business. Therefore, the Board has determined that this regulatory action will not have a significant impact on the creation or elimination of jobs within the state of California.

The Creation of New Businesses or the Elimination of Existing Businesses within the State of California

The amendment of Board Rule 1842 will require every veterinarian who treats a horse within the inclosure to report to the official veterinarian the name of the horse treated, the name of the trainer of the horse, the time and date of treatment, and any other information requested by the official veterinarian via an electronic, on-line form prescribed by the Board. The report is confidential and may only be disclosed in a proceeding before the stewards, or in an exercise of the Board's jurisdiction. The proposed regulation will impact veterinarians reporting treatments to a horse within a Board inclosure. The proposed regulation only has an effect on a limited number of Board licensees, and as such only has an effect on horseracing and not any other type of California business. Therefore, the Board has determined this regulatory proposal will not have an impact on the creation of new businesses or the elimination of existing businesses within the state of California.

The Expansion of Businesses Currently Doing Business Within the State of California

The amendment of Board Rule 1842 will require every veterinarian who treats a horse within the inclosure to report to the official veterinarian the name of the horse treated, the name of the trainer of the horse, the time and date of treatment, and any other information requested by the official veterinarian via an electronic, on-line form prescribed by the Board. The report is confidential and may only be disclosed in a proceeding before the stewards, or in an exercise of the Board's jurisdiction. The proposed regulation will impact veterinarians reporting treatments to a horse within a Board inclosure. The proposed regulation only has an effect on a limited number of Board licensees, and as such only has an effect on horseracing and not any other type of California business. Therefore, the Board has determined that the proposed regulatory action is not relevant to the expansion of businesses currently doing business within the state of California.

Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The improved functionality of an electronic reporting system for veterinary treatment records will have the benefit of allowing for a thorough analysis of the relationship between veterinary procedures and horses' health and safety. This will help ensure that horses entered to race are sound, which will promote jockey/driver safety. Accordingly, the proposed regulation benefits the health and welfare of California residents who work in the state's horse racing industry and improves worker safety. The regulation does not benefit the state's environment.

ALTERNATIVE TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON AFFECTED PRIVATE PERSONS OR BUSINESSES

The Board has determined that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION

The proposed amendment to Board Rule 1842 was discussed at the June 2019 regular Board meeting. No alternatives to the recommendation were proposed by the Board or by any other individual or entity at the meeting. No subsequent alternative

recommendations were made prior to the notice. The Board invites any interested party to submit comments which offer any alternative proposal.

California Horse Racing Board

January 24, 2020

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.