

Amendment to Rule 1581.1, Entries, and
Rule 1597.5, Microchips Required for All Race Horses on Grounds
Filed with the Secretary of State August 8, 2019
Effective October 1, 2019

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2019-0627-04S	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

NOTICE	REGULATIONS
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ENDORSED - FILED
In the office of the Secretary of State
of the State of California

AUG 08 2019

1:43 pm

2019 JUN 27 P 3:48

OFFICE OF ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY
California Horse Racing Board

AGENCY FILE NUMBER (if any)
Z-2019-0415-01

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2019-17-2	PUBLICATION DATE 4/26/2019

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Microchips Required for All Horses on Grounds	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADAPT
	AMEND 1581.1 and 1597.5
TITLE(S) 4	REPEAL

3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.3)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify)			

7. CONTACT PERSON Harold Coburn	TELEPHONE NUMBER (916) 263-6026	FAX NUMBER (Optional) (916) 263-6022	E-MAIL ADDRESS (Optional) haroldc@chr.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Jacqueline Wagner</i>	DATE <i>6/27/19</i>
TYPED NAME AND TITLE OF SIGNATORY Jacqueline Wagner, Assistant Executive Director	

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ENDORSED APPROVED

AUG 08 2019

Office of Administrative Law

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 6. ENTRIES AND DECLARATIONS
PROPOSED AMENDMENT OF
RULE 1581.1. ENTRIES

1581.1. Entries.

(a) No person shall enter or attempt to enter a horse for a race unless such entry is a bonafide entry made with the intention that such horse is to compete in the race for which entry is made.

(1) No horse having been drawn for a post position for any race to be run shall be entered for any subsequent race, other than for a stakes race, until or unless excused by the stewards from the race in which drawn for valid reason or until the race in which it has drawn has been run.

(2) No person shall attempt to enter or enter any horse for a race unless such person is authorized to do so in accordance with the rules.

(3) Every horse drawn in for a post position in a race shall have a jockey or driver named to ride or to drive such horse before the draw is finalized and no jockey or driver shall be named to ride or to drive more than one such drawn horse in each race.

~~(4) No horse shall be entered for a race that does not carry a microchip, or has not received a waiver from the stewards, in compliance with Rule 1597.5.~~

Authority: Section 19440 and 19590,
Business and Professions Code.

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

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 6. ENTRIES AND DECLARATIONS
PROPOSED AMENDMENT OF
RULE 1597.5. MICROCHIPS REQUIRED FOR ALL RACE HORSES ON GROUNDS

1597.5. Microchips Required for All Race Horses on Grounds

(a) All race horses (horse/horses) present within the inclosure of a licensed racing association, racing fair, or authorized training facility shall carry a microchip unless it is exempt under the provisions of this Rule. For purposes of this Division, a “microchip” is any International Organization for Standardization compliant (ISO 11784/11785) fifteen digit, 134.2-kHz, FDX-B passive transponder microchip. Microchips shall be ICAR (International Committee of Animal Recording) approved (9xx series) with an unshared manufacturer code.

(1) ~~The trainer and/or owner of a horse that comes into the inclosure of a licensed racing association, racing fair, or training facility without a microchip shall.~~ If a horse without a microchip comes into the inclosure of a licensed racing association, racing fair, or authorized training facility, the trainer or owner of the horse shall:

(A) Immediately notify the ~~stable superintendent~~ horse identifier that the horse does not carry a microchip;

(B) Complete CHRB Form 236, Microchip Request (New 04/16), which is hereby incorporated by reference, and submit it to the horse identifier. ~~Board of Stewards;~~

~~(C) Post CHRB Form 235, Horse Not Microchipped (New 04/16), which is hereby incorporated by reference, on the individual stall that the horse is stabled in until the horse has successfully been implanted with a microchip;~~

~~(D) Have the horse implanted with a microchip within 72 hours of arriving on the racing~~

~~association, racing fair, or training facility grounds in accordance with subsection (a)(6);~~

(2) If a horse has not received a microchip after ~~72 hours~~ 7 days from the time it arrives at the inclosure, it shall be removed from the grounds of the racing association, racing fair, or authorized training facility unless a request for an extension is made in writing to the Board of Stewards by the horse's owner or trainer and the request is granted.

(3) A trainer or owner may apply to the Board of Stewards for a waiver from the microchip requirements in this Rule ~~when shipping a horse in from another racing jurisdiction~~ for the purpose of the horse's participation in a single ~~stakes~~-race. The request for a waiver shall be made on CHRB Form 237, Microchip Waiver Request (~~Rev new 04/1904/16~~), which is hereby incorporated by reference, and shall be submitted to the stewards when the horse is entered to race at least 24 hours before the horse is to arrive on the grounds. If a waiver is granted, the trainer shall post CHRB Form 235, Horse Not Microchipped (~~new 04/16~~), on the individual stall that the horse is stabled in until the horse is removed from the grounds of the racing association, racing fair, or training facility. All waivers will expire ~~72 hours~~ 7 days after the running of the race for which the waiver is granted. No horse shall be granted more than one waiver per race meeting.

(4) A horse that has not been implanted with a microchip, or has not been granted a waiver in accordance with subsection (a)(3), shall not be eligible to ~~enter a race or participate~~ start in a race.

~~(5) The racing secretary shall not accept an entry to any race if it cannot be verified that the horse carries a microchip or has otherwise been granted a waiver in accordance with subsection (a)(3).~~

~~(6)~~ Anytime a horse is implanted with an identifying microchip while in the inclosure of a licensed racing association, racing fair, or training facility, the following procedures shall be followed:

(A) The horse identifier ~~Board of Stewards~~ will assign the microchip number for each horse to

be implanted.

(B) The microchip shall be implanted by a Board-licensed veterinarian, registered veterinary technician, or other licensee who has been authorized by the official veterinarian and while under the supervision of the horse identifier ~~and a steward~~.

(C) The licensed owner of the horse shall be responsible for any veterinary service fees for implantation of the microchip.

D) The horse identifier, ~~in collaboration with the Board of Stewards~~, shall verify the individual microchip identification number assigned to the horse. The horse identifier ~~Board of Stewards~~ will record the individual horse microchip identification number with the racing secretary in a searchable electronic format that is subject to Board approval. Records of the microchip identification numbers shall be maintained by the racing secretary and in accordance with Rule 1597.

(7) A horse that comes into the inclosure of a licensed racing association, racing fair, or authorized training facility, and carries a microchip but has not had its individual microchip identification number recorded by the racing secretary, shall have its microchip verified and recorded in accordance with subsection (a)(~~65~~)(D). No person shall prevent the Board of Stewards, the horse identifier, or the racing secretary from assigning, verifying, or recording a horse's microchip number.

Authority Section 19420, 19440, and 19562,
Business and Professions Code.

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

CALIFORNIA HORSE RACING BOARD



HORSE NOT MICROCHIPPED

STATE OF CALIFORNIA
CALIFORNIA HORSE RACING BOARD
HORSE NOT MICROCHIPPED
CHRB-235 (New 04/16)

STATE OF CALIFORNIA
CALIFORNIA HORSE RACING BOARD
MICROCHIP WAIVER REQUEST
CHRB-237 (New 04/16 Rev. 04/19)

MICROCHIP WAIVER REQUEST

REQUESTER NAME: _____

HORSE NAME: _____ TATTOO #: _____

HORSE AGE: _____ SEX: _____ COLOR: _____

RACING JURISDICTION HORSE IS COMING FROM: _____

~~STAKES~~ RACE HORSE WILL PARTICIPATE IN: _____

NAME OF RACETRACK: _____ DATE OF RACE: _____

TRAINER: _____

OWNER: _____

DATE OF REQUEST: _____ TIME: _____

WAIVER GRANTED? Yes _____ NO _____

(CHRB Steward Name Printed)

(CHRB Steward Signature)