

CALIFORNIA HORSE RACING BOARD
NOTIFICATION OF MODIFICATION TO THE TEXT OF THE
PROPOSED ADDITION OF
RULE 1597.5, MICROCHIPS REQUIRED FOR ALL HORSES ON GROUNDS
RULE 1597.6, TAMPERING WITH MICROCHIPS
AND AMENDMENT TO
RULE 1554, DUTIES OF HORSE IDENTIFIER
RULE 1581.1, ENTRIES
RULE 1588, HORSE INELIGIBLE TO START IN A RACE
RULE 1597, ASSOCIATION TO MAINTAIN RECORDS OF HORSES ON ITS GROUNDS
RULE 1853, EXAMINATION REQUIRED

Pursuant to the requirements of Government Code Section 11346.8(c) and Section 44 of Title 1 of the California Code of Regulations, the California Horse Racing Board (CHRB or Board) is providing notice of changes that have been made to the text of the proposed addition of Rule 1597.5, Microchips Required for All Horses on Grounds, and Rule 1597.6, Tampering with Microchips, and amendments to Rule 1597, Association to Maintain Record of Horses on Its Grounds, Rule 1554, Duties of Horse Identifier, Rule 1581.1, Entries, Rule 1588, Horse Ineligible to Start in a Race, and Rule 1853, Examination Required.

Specifically, modifications to the text of Rule 1597, Association to Maintain Records of Horses on Its Grounds, have been made to require that microchip records be maintained in a searchable electronic format, and that such records shall be made available to state and federal animal health officials conducting animal disease investigations. Additionally, the text of Rule 1597.5, Microchips Required for All Horses on Grounds, has been modified to require that microchips be ICAR (International Committee of Animal Recording) approved (9xx series) with an unshared manufacturer code. No other rules in this regulatory proposal have been modified.

The original additions/amendments were noticed to the public on July 14, 2017, and were later the subject of a public hearing on September 28, 2017. The modifications reflected in this Notice are in response to recommendations made by the California Department of Food and Agriculture and CHRB staff.

A copy of the full text of the regulations with the proposed changes indicated is attached for your review. Additions to the originally proposed language appear in *italic double underlined text* and deletions are shown in ~~double-strikeout~~.

Any interested person may submit a written statement relating to the modified language during the public comment period from **October 9, 2017, to October 24, 2017**. The written comment period will close at **5:00 p.m. on October 24, 2017**. Submit written comments to:

Phil Laird, Staff Counsel
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825

All written comments received by the CHRB by **5:00 p.m. October 24, 2017**, which pertain to the indicated changes, will be reviewed and responded to by the Board's staff as part of the completion of the rulemaking file. Please limit your comments to the modifications to the text, which appear either in *italic double underline* or in ~~double strikeout~~.

Questions concerning the proposed amendment may be addressed to Phil Laird at (916) 263-6025, or at pjlaird@chr.ca.gov, or at the address above. If Phil Laird is not available, questions concerning the proposed amendment may be directed to Andrea Ogden at (916) 263-6033.

CALIFORNIA HORSE RACING BOARD

October 9, 2017

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 5. RACING OFFICIALS
PROPOSED AMENDMENT OF
RULE 1554. DUTIES OF HORSE IDENTIFIER

1554. Duties of Horse Identifier.

The horse identifier shall:

(a) make an inspection of each horse prior to its departure for the post, and scan each horse to verify the horse's microchip number. He or she shall immediately report to the stewards and the paddock judge any horse which is not properly identified, or has any irregularities from the official identification record of the Board, or does not carry a microchip in accordance with Rule 1597.5. If the horse does not carry a microchip or its microchip number cannot be verified, and there is no approved waiver in the racing office, the horse shall be scratched.

(b)The horse identifier shall inspect, identify, and prepare identification records and photographs of all horses within the inclosure not previously identified in California, as well as verify the microchip number assigned to a horse under the provisions of Rule 1597.5.

(c) He shall inspect documents of ownership, eligibility, registration, or breeding, as may be necessary to insure proper identification of each horse eligible to compete at the race meeting.

(d) He shall supervise and verify the accurate tattooing, microchipping or branding for identification of any horse within the inclosure.

NOTE: Authority cited: Section 19440 and 19562, Business and Professions Code. Reference:

Sections 19401(a), 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 1581.1. ENTRIES

1581.1. Entries.

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.

(a) 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.

(b) 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.

(c) 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.

(d) 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.

NOTE: Authority cited: 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 1588. HORSE INELIGIBLE TO START IN A RACE

1588. Horse Ineligible to Start in a Race.

In addition to any other valid ground or reason, a horse is ineligible to start in any race:

(a) if such horse is not registered by the Jockey Club if a thoroughbred, the United States Trotting Association if a standardbred, the American Quarter Horse Association if a quarter horse, the Appaloosa Horse Club if an appaloosa horse, the Arabian Horse Registry of America if an Arabian horse, or the American Paint Horse Association if a paint horse;

(b) if the parentage verification to both the sire and the dam of all horses foaled in 1992 and thereafter has not been certified by the Jockey Club if a thoroughbred, the United States Trotting Association if a standardbred, the American Quarter Horse Association if a quarter horse, the Appaloosa Horse Club if an appaloosa horse, the Arabian Horse Registry of America if an Arabian horse, or the American Paint Horse Association if a paint horse;

(c) if, unless the stewards permit otherwise, the certificate of foal registration, eligibility papers, or other registration issued by the official registry for such horse is not on file with the racing secretary at the time of entry;

(d) if such horse has been entered or raced at any recognized race meeting under any name or designation other than the name or designation duly assigned by and registered with the official registry;

(e) if the certificate of foal registration, eligibility papers or other registration issued by the official registry has been altered, erased, or forged;

(f) if the identification markings of the horse do not agree with the identification markings as set forth in the registration of such horse;

(g) unless he is eligible to enter said race and is duly entered for such race;

(h) when such horse is owned in whole or in part by an unlicensed person or is in the care of an unlicensed trainer;

(i) when such horse is on the Steward's List, the Starter's List or the Veterinarian's List;

(j) when, except with prior approval of the stewards for good cause, such horse is on the Veterinarian's List in another racing jurisdiction. Good cause includes:

(1) unforeseen administrative issues in removing the horse from the Veterinarian's List of another racing jurisdiction;

(2) the location of the horse prevents it from being evaluated by the official veterinarian of another racing jurisdiction and cleared from that jurisdiction's Veterinarian's List, and the horse is approved to race by a California official veterinarian; or

(3) any other unforeseen event or reason that would prevent a horse that would otherwise not be on a Veterinarian's List from being cleared from the Veterinarian's List of another racing jurisdiction.

(k) when, except with prior approval of the stewards, such horse has not been on the grounds of the association or its approved auxiliary stable area for at least 24 hours prior to the time the race is to be run.

(l) when such horse does not carry a microchip or has not received a waiver from the stewards in accordance with Rule 1597.5.

NOTE: Authority cited: Section 19440 and 19562, 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. ASSOCIATION TO MAINTAIN RECORDS
OF HORSES ON ITS GROUNDS

1597. Association to Maintain Records of Horses on Its Grounds.

The association, fair, or authorized training facility shall maintain an list or ~~current~~ electronic record of all horses ~~admitted to entering and exiting~~ its grounds ~~for racing~~ by name and by microchip number in compliance with Rule 1597.5, and such ~~list or~~ record shall also contain the name of the owner or owners of such horses, and the name of the trainers having care of such horses. The racing secretary shall record the entry to and exit from the inclosure of every horse within 72 hours of each occurrence, and shall maintain these records in a searchable electronic manner and format that is subject to Board approval. The racing secretary shall make all such records available to the Stewards, and the Board, and all state and federal animal health officials conducting animal disease investigations upon request. Such list or record shall be available for inspection by the stewards or the Board. Additions and deletions of horses entering or leaving the grounds shall be made to such list or records within 48 hours of the entering or leaving of a horse.

NOTE: Authority cited: Section 19420, 19440, and 19562, 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 ADDITION OF
RULE 1597.5. MICROCHIPS REQUIRED FOR ALL HORSES ON GROUNDS

1597.5. Microchips Required for All Horses on Grounds

All horses present within the inclosure of a licensed racing association, racing fair, or 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.

(a) 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:

(1) Immediately notify the stable superintendant that the horse does not carry a microchip;

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

(3) 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;

(4) 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 (f);

(b) If a horse has not received a microchip after 72 hours from the time it arrives at the inclosure, it shall be removed from the grounds of the racing association, racing fair, or 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.

(c) 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 (new 04/16), which is hereby incorporated by reference, and shall be submitted to the stewards 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 after the running of the race for which the waiver is granted.

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

(e) 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 (c).

(f) 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:

(1) The Board of Stewards will assign the microchip number for each horse to be implanted.

(2) 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.

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

(4) The horse identifier, in collaboration with the Board of Stewards, shall verify the individual microchip identification number assigned to the horse. The Board of Stewards will record the individual horse microchip identification number with the racing secretary in a searchable electronic ~~manner and~~ 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.

(g) A horse that comes into the inclosure of a licensed racing association, racing fair, or 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 (f)(4). 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.

NOTE: Authority cited: Section 19420, 19440, and 19562, 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 1597.6. TAMPERING WITH MICROCHIPS

1597.6. Tampering with Microchips

No person shall tamper with, remove, or replace a microchip implanted in a horse without approval from the Board.

NOTE: Authority cited: Section 19420, 19440, and 19562, Business and Professions Code.

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

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 15. VETERINARY PRACTICES
PROPOSED AMENDMENT OF
RULE 1853. EXAMINATION REQUIRED

1853. Examination Required.

(a) The official veterinarian shall examine each horse that is scheduled to race to determine its fitness to start. The horse identifier shall examine each horse to identify such horse from the Board's identification record and the photographs, record of pedigree, tattoo or brand number, microchip number, and such other points of identification as may be available. The horseshoe inspector shall inspect the horseshoes of each horse. No horse shall be eligible to start in a race, and shall be declared by the stewards, if it is found to be unfit to race, not properly identified, or improperly shod.

(b) A thoroughbred horse that is not shod is eligible to start in a race if the trainer declares at the time of entry that the horse will race unshod.

(1) At the time of entry a trainer shall declare if a thoroughbred horse that raced unshod in its previous start will race shod.

(2) Any declaration made under subsections (b) or (b)(1) above shall be noted in the official program, and shall state if the horse will race without horseshoes in the front or back or all around.

(3) For the purposes of this regulation "unshod" means running without horseshoes in the front or back or all around.

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