

**NOTE:** Government Code section 11340.85 requires the Board to post all notices, initial statement of reasons and texts of rules noticed to the public **until 15 days after the proposed regulations are filed with the Secretary of State by the Office of Administrative Law.**

CALIFORNIA HORSE RACING BOARD  
TITLE 4, DIVISION 4, CALIFORNIA CODE OF REGULATIONS

NOTICE OF PROPOSAL TO AMEND  
RULE 1689.1, SAFETY VEST REQUIRED

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

PROPOSED REGULATORY ACTION

The Board is proposing to amend Rule 1689.1 to include any person licensed by the Board that is mounted on a horse while on a racetrack to the list of those required to wear a safety vest. The rule currently only requires jockeys, apprentice jockeys, exercise riders, drivers, and assistant starters to wear safety vest on the grounds of a racing association or racing fair.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, April 21, 2016**, or as soon thereafter as business before the Board will permit, at the **Bayview Lounge (Turf Club) at Golden Gate Fields, 1100 Eastshore Hwy, Berkeley, California**. At the hearing, any person may present statements or arguments orally or in writing relevant to 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 representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m. on April 11, 2016**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Nicole Lopes-Gravelly, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6397  
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## AUTHORITY AND REFERENCE

Authority cited: Sections 19420, 19481 and 19562, Business and Professions Code. Reference: Section 19481, Business and Professions Code.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19420 provides that jurisdiction and supervision over meetings in the 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 (Board). Business and Professions Code section 19481 states that in performing its responsibilities, the Board shall establish safety standards governing equipment for horse and rider to improve the safety of horses, riders, and workers in the racing inclosure. Business and Professions Code section 19562 states the Board may prescribe rules, regulations, and conditions, consistent with the provisions of this chapter, under which all horse races with wagering on their results shall be conducted in California. Rule 1689.1, Safety Vest Required, requires jockeys and apprentice jockeys to wear safety vests when riding in a race. Additionally, the rule provides that jockeys, apprentice jockeys, and exercise riders must wear a safety vest when they train or exercise any horse on the grounds of a racing association, racing fair, or authorized training facility. Rule 1689.1 also specifies that such safety vests shall meet the British Equestrian Trade Association (BETA) standard for horse riders' body and shoulder protectors.

The Board is proposing to amend Rule 1689.1 to require any person licensed by the Board that is mounted on a horse while on the track of a racing association, racing fair, or authorized training facility to wear a safety vest. The track on a racing association, racing fair, or authorized training facility is used to train and race horses, and safety on the track is an ongoing concern of the Board because horse racing is an inherently dangerous sport. Horses outweigh riders by a thousand pounds or more and have a propensity to respond to situations based on fright and flight which increases the possibility for an accident. Therefore, the Board has determined that anyone mounted on a horse while on a track must wear a safety vest to increase rider safety. Currently, Rule 1689.1 requires jockeys, apprentice jockeys, and exercise riders to wear a safety vest while riding in a race or while training or exercising a horse. However, there are situations where individuals including, but not limited to, pony riders, trainers, and assistant trainers, are mounted on a horse while on a racetrack but are unprotected because they are not required to wear a safety vest. Rule 1689, Safety Helmets Required, does however require everyone on horseback to wear a safety helmet. Rule 1689.1 was last amended on July 2010 when harness drivers and assistant starters were added to the list of those who must wear a safety vest. The starting gate crews are addressed in the current rule under subsection 1689.1 (b), which provides that an assistant starter shall not handle any horse unless wearing a safety vest. Safety vests protect the inner organs, ribs and spine. The padding helps prevent or lessen an injury from the impact of a fall, and reduce the amount of damage should the wearer be hit by a hoof. Pony riders are individuals who ride a calm horse to lead the race horse to the track. Some of the pony riders' duties can include diverting riders from another rider involved in an accident on the track, riding after a runaway horse to help a rider regain control, leading a racehorse to the paddock or receiving barn after a race, helping horse ambulance workers take away wounded horses from the track, and grooming and feeding racehorses. Trainers and assistant trainers are responsible for riding horses and training the horses to perform desired movements and behaviors. Some of the trainer and assistant trainers' duties can include planning training exercises, breaking horses

to saddle and bridle, desensitizing horses to unfamiliar sight and sounds, and utilizing various training aids. Many of the duties performed by pony riders, trainers, and assistant trainers occur on a race track, which has been identified by the Board as a more dangerous area due to horses riding at a faster pace. While pony riders, trainers, and assistant trainers are not exposed to the dangers of riding in a race, they are subject to the rigors of handling powerful animals, which may result in injury, especially while mounted on a horse while on a race track. The amendment to Rule 1689.1 will serve to provide those individuals that are mounted on a horse while on a race track with an additional measure of personal safety by wearing a safety vest to accommodate for the higher risk area.

#### POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

The proposed amendment to Rule 1689.1 promotes the health and safety of any person that is mounted on a horse while on a race track. The health and safety of pony riders, trainers, assistant trainers, and any other individual that would be subject to the rule is just as vital to protect as those of jockeys, apprentice jockeys, exercise riders, and drivers. If any person that is mounted on a horse while on a race track is wearing a safety vest, the risk of injury is decreased. The safety vest protects the torso of a person should they fall off a horse. Also, if kicked by a horse when grooming or feeding a horse, the safety vest protects internal organs, spine, and ribs. If the safety practices of any person that is mounted on a horse while on a race track improve, the public will see horse racing as a safer sport which in turn may draw individuals to participate in the sport.

#### CONSISTENCY EVALUATION

During the process of developing these regulations and amendments, the CHRB has conducted a search of any similar regulations on this topic and has concluded that these regulations are 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 Section 17500 through 17630: none.

Other non-discretionary cost 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 Rule 1689.1 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 following studies/relevant data were relied upon in making the above determination: none.

Cost impact on representative private persons or businesses: The proposed amendment requires any person licensed by the Board mounted on a horse on a track of a racing association, racing fair, or authorized training facility to wear a safety vest. The Board has determined that there will be an approximate one-time cost of \$190.00 to \$300.00 per individual. The cost of the safety vest is a variable that cannot be controlled by the Board. Board licensed jockeys, apprentice jockeys, and exercise riders are currently required to wear a safety vest while riding in a race, or when training or exercising, and should not incur additional expenses.

Significant effect on housing costs: none.

## RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendment to Rule 1698.1 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California. The proposed amendment to Rule 1689.1 is a benefit to the health and welfare of California residents because it promotes the health and safety of any person that is mounted on a horse while on a racetrack by requiring a safety vest. The health and safety of trainers, assistant trainers, and pony riders is just as vital to protect as those of jockeys, apprentice jockeys, exercise riders, and drivers. If any person that is mounted on a horse while on a racetrack is wearing a safety vest, the risk of injury is decreased because a person's torso would be protected should they fall off of a horse. If the safety practices of individuals that are mounted on a horse while on a racetrack improve, the public will see horse racing as a safer sport which in turn may draw individuals to participate in the sport.

Effect on small businesses: none. The proposal to amend Rule 1689.1 does not affect small businesses because horse racing associations in California are not classified as small businesses under Government Code Section 11342.610.

## CONSIDERATION OF ALTERNATIVES

In accordance with Government Code 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 PERSONS

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:

Nicole Lopes-Gravely, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6397  
Fax: (916) 263-6042  
E-mail: [nlgravely@chr.ca.gov](mailto:nlgravely@chr.ca.gov)

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

Laurel Houle  
Regulation Analyst  
Telephone: (916) 274-6043

#### 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 Nicole Lopes-Gravely, or the alternative contact person 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 regulations. Requests for copies of any modified regulations should be sent to the attention of Nicole Lopes-Gravely 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 available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Nicole Lopes-Gravely 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 regulations and the initial statement of reasons. The Board's web site address is: [www.chrb.ca.gov](http://www.chrb.ca.gov).

## INITIAL STATEMENT OF REASONS

### RULE 1689.1. SAFETY VEST REQUIRED.

#### SPECIFIC PURPOSE OF THE REGULATION

The proposed amendment to Rule 1689.1, Safety Vest Required, will add subsection (a)(1) to state that any person licensed by the Board mounted on a horse on a track of a racing association, racing fair, or authorized training facility shall wear a safety vest.

#### PROBLEM

The Board is proposing to amend Rule 1689.1 to include any person licensed by the Board that is mounted on a horse while on a race track to the list of those required to wear a safety vest. The rule currently only requires jockeys, apprentice jockeys, exercise riders, drivers, and assistant starters to wear safety vest on the grounds of a racing association or racing fair.

#### NECESSITY

The Board is proposing to amend Rule 1689.1 to require any person licensed by the Board that is mounted on a horse while on the track of a racing association, racing fair, or authorized training facility to wear a safety vest. The track on a racing association, racing fair, or authorized training facility is used to train and race horses, and safety on the track is an ongoing concern of the Board because horse racing is an inherently dangerous sport. Horses outweigh riders by a thousand pounds or more and have a propensity to respond to situations based on fright and flight which increases the possibility for an accident. Therefore, the Board has determined that anyone mounted on a horse while on a track must wear a safety vest to increase rider safety. Currently, Rule 1689.1 requires jockeys, apprentice jockeys, and exercise riders to wear a safety vest while riding in a race or while training or exercising a horse. However, there are situations where individuals including, but not limited to, pony riders, trainers, and assistant trainers, are mounted on a horse while on a racetrack but are unprotected because they are not required to wear a safety vest. Rule 1689, Safety Helmets Required, does however require everyone on horseback to wear a safety helmet. Rule 1689.1 was last amended on July 2010 when harness drivers and assistant starters were added to the list of those who must wear a safety vest. The starting gate crews are addressed in the current rule under subsection 1689.1 (b), which provides that an assistant starter shall not handle any horse unless wearing a safety vest. Safety vests protect the inner organs, ribs and spine. The padding helps prevent or lessen an injury from the impact of a fall, and reduce the amount of damage should the wearer be hit by a hoof. Pony riders are individuals who ride a calm horse to lead the race horse to the track. Some of the pony riders' duties can include diverting riders from another rider involved in an accident on the track, riding after a runaway horse to help a rider regain control, leading a racehorse to the paddock or receiving barn after a race, helping horse ambulance workers take away wounded horses from the track, and grooming and feeding racehorses. Trainers and assistant trainers are responsible for riding horses and training the horses to perform desired movements and behaviors. Some of the trainer and assistant trainers duties can include planning training exercises, breaking horses to saddle and bridle, desensitizing horses to unfamiliar sight and sounds, and utilizing various training aids. Many of the duties performed by pony riders, trainers, and assistant trainers occur on a race track, which has been identified by the Board as a more dangerous area due to horses

riding at a faster pace, and horses traveling in both directions. While pony riders, trainers, and assistant trainers are not exposed to the dangers of a race, they are subject to the rigors of handling powerful animals, which may result in injury, especially while mounted on a horse on a racetrack. The amendment to Rule 1689.1 will serve to provide those individuals that are mounted on a horse while on a racetrack with an additional measure of personal safety by wearing a safety vest to accommodate for the higher risk area.

#### BENEFITS ANTICIPATED FROM THE REGULATORY ACTION

The proposed amendment to Rule 1689.1 promotes the health and safety of any person that is mounted on a horse while on a racetrack. The health and safety of pony riders, trainers, assistant trainers, and any other individual that would be subject to the rule is just as vital to protect as those of jockeys, apprentice jockeys, exercise riders, and drivers. If any person that is mounted on a horse while on a race track is wearing a safety vest, the risk of injury is decreased. The safety vest protects the torso of a person should they fall off a horse. Also, if kicked by a horse when grooming or feeding a horse, the safety vest protects internal organs, spine, and ribs. If the safety practices of individuals that are mounted on a horse while on a race track improve, the public will see horse racing as a safer sport which in turn may draw individuals to participate in the sport.

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

The Board did not rely on any technical, theoretical, and/or empirical study, reports or documents in proposing the amendment of the regulation.

#### RESULTS OF ECONOMIC IMPACT ASSESSMENT

The results of the Board's Economic Impact Assessment as required by Government Code 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 in the State of California.
- The proposed regulation will not have an impact on the expansion of existing businesses in the State of California.
- The proposed regulation will benefit California by promoting the safety and welfare of horse and rider and will not benefit the State's environment.

The Board has made the initial determination that the proposed amendment to Rule 1689.1 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 amendment to Rule 1689.1 is intended to provide any person that is mounted on a horse while on a race track with an additional measure of personal safety.

### Purpose:

The proposed amendment to Rule 1689.1, Safety Vest Required, would require any person licensed by the Board that is mounted on a horse on the track of racing association, racing fair, or authorized training facility to wear a safety vest.

### The Creation or Elimination of Jobs Within the State of California

The proposed amendment to Rule 1689.1 will promote the health and safety of any person that is mounted on a horse while on a race track. This regulation will only affect those individuals required to wear a safety vest while mounted on a horse on a race track and as such only has an effect on horseracing and not any other type of California business. Therefore, CHRB has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in the State of California.

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

The proposed amendment to Rule 1689.1 will promote the health and safety of any person that is mounted on a horse while on a race track. This regulation will only affect those individuals required to wear a safety vest while mounted on a horse on a race track, and as such only has an effect on horseracing and not any other type of California business. Therefore, CHRB has determined this regulatory proposal will not have an impact on the creation of new businesses or the elimination of existing businesses in the State of California.

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

The proposed amendment to Rule 1689.1 will promote the health and safety of any person that is mounted on a horse while on a race track. This regulation will only affect those individuals required to wear a safety vest while mounted on a horse on a race track, and as such only has an effect on horseracing and not any other type of California business. Therefore, CHRB has determined that the proposed regulatory action is not relevant to the expansion of businesses currently doing business in the State of California.

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

The proposed amendment to Rule 1689.1 is a benefit to the health and welfare of California residents by promoting the protection of worker safety. The rule will help ensure that pony riders, trainers, and assistant trainers have an additional measure of personal safety by requiring safety vests to be worn while mounted on a horse while on a race track. These regulations do 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 Rule 1689.1 was discussed at the August 19, 2015, Medication and Track Safety Committee Meeting, and at the October 22, 2015, 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  
February 26, 2016

CALIFORNIA HORSE RACING BOARD  
TITLE 4. CALIFORNIA CODE OF REGULATIONS  
ARTICLE 8. RUNNING THE RACE  
PROPOSED AMENDMENT TO  
RULE 1689.1. SAFETY VEST REQUIRED

#### 1689.1. Safety Vest Required.

(a) No jockey or apprentice jockey shall ride in a race unless wearing a safety vest, nor shall a jockey, apprentice jockey, or exercise rider, train or exercise any horse on the grounds of a racing association, racing fair, or authorized training facility unless wearing a safety vest.

(1) Any person licensed by the Board mounted on a horse on a track of a racing association, racing fair, or authorized training facility shall wear a safety vest.

(b) No driver shall be mounted in or riding on a sulky, nor shall an assistant starter handle any horse on the grounds of a racing association, racing fair, or authorized training facility unless wearing a safety vest.

(c) Safety vests required to be worn in accordance with this regulation shall:

(1) Provide a minimum of shock absorbing protection to the upper body, as evidenced by a label indicating that the safety vest meets one of the following standards:

(A) “Level 1” under the British Equestrian Trade Association (BETA) 2009 Standard for Horse Riders’ Body and Shoulder Protectors, or

(B) American Society for Testing Materials (ASTM) standard F2681-08, or

(C) Shoe and Allied Trades Research Association (SATRA) (1999) Jockey Vest Standard, Document M6 Issue 3, Australian Racing Board (ARB) 3.

(2) Cover the entire torso from the collarbone to a line level with the hip bone allowing a vee opening in the front neckline;

(3) Weigh no more than 2 pounds.

(4) No vest shall be altered from its original manufactured design. This includes, but is not limited to:

(A) Cutting the vest to customize fit.

(B) Removal of manufacturer’s labels.

(C) Removal of protective padding.

(d) The weight of a safety vest shall not be included in the weight of a jockey or apprentice jockey when weighing out or weighing in or when adding weight to make up a weight assignment.

Authority: Sections 19420, 19481 and 19562,  
Business and Professions Code.

Reference: Sections 19481,  
Business and Professions Code.