

Amendment to Rule 1734, Whipping  
Filed with the Secretary of State October 13, 2016  
Effective January 1, 2017

STD. 400 (REV. 01-2013)

<b>OAL FILE NUMBERS</b>	NOTICE FILE NUMBER <b>Z-2016-0613-03</b>	REGULATORY ACTION NUMBER <b>2016-0926-035</b>	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

**ENDORSED - FILED**  
In the office of the Secretary of State  
of the State of California

OCT 13 2016  
1:53 pm

2016 SEP 26 P 3:03  
OFFICE OF ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY  
California Horse Racing Board

AGENCY FILE NUMBER (if any)

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

1. SUBJECT OF NOTICE	TITLE(S) <b>4</b>	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)
<b>OAL USE ONLY</b> <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER <b>2016, 26-2</b>	PUBLICATION DATE <b>6/24/2016</b>	

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) <b>Whipping</b>	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)	
<b>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</b>	ADOPT
	AMEND <b>1734</b>
TITLE(S) <b>4</b>	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 §511346.2-11347.3 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 Resubmittal of disapproved or withdrawn nonemergency filing (Gov.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 §511349.3, 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 Resubmittal of disapproved or withdrawn emergency filing (Gov.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 §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

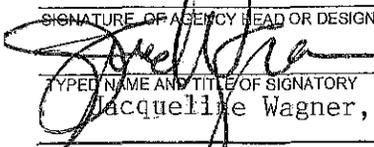
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
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6. 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 <b>Laurel Houle</b>	TELEPHONE NUMBER <b>(916) 274-6043</b>	FAX NUMBER (Optional) <b>(916) 263-6042</b>	E-MAIL ADDRESS (Optional) <b>lahoule@chrb.ca.gov</b>
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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 	DATE <b>9/26/16</b>
TYPED NAME AND TITLE OF SIGNATORY <b>Jacqueline Wagner, Assistant Executive Director</b>	

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**ENDORSED APPROVED**  
OCT 13 2016  
Office of Administrative Law

CALIFORNIA HORSE RACING BOARD  
TITLE 4. CALIFORNIA CODE OF REGULATIONS  
ARTICLE 9. HARNESS RACING RULES  
PROPOSED AMENDMENT OF  
SECTION 1734. WHIPPING

1734. Whipping

(a) No driver shall use unreasonable or unnecessary force in the whipping of a horse, nor whip any horse causing welts or breaks in the skin-visible injury, nor whip any horse about the head, nor whip any horse after the finish line has been crossed except when necessary to control the horse.

(b) Whipping shall be restricted to elbow and wrist action only, and the following actions regarding the use of the whip are prohibited:

(1) Raising the elbow above the driver's shoulder height.

(2) Allowing the hand holding the whip to reach behind the driver during the use of the whip.

(3) Use of the whip other than on the area inside and above the level of the shafts of the sulky and between the sulky shafts.

(4) Whipping under the arch of the shafts of the sulky.

(5) Use of the whip as a goading or poking device between the legs of the horse.

(6) Use of the whip when the horse does not appear to be advancing through the field of horses or is no longer in contention for purse money.

(c) For the purpose of whipping, all drivers must keep a line in each hand beginning when the horse is behind the starting gate and until the one-eighth of a mile prior to the finish line, and may not whip while holding two lines in one hand until then. The lines must remain reasonably taut during the entire race.

(d) Drivers may not use the whip more than three times in succession without giving the

horse a chance to respond.

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

Reference: Section 19563,  
Business and Professions Code.

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