

FINAL STATEMENT OF REASONS

UPDATED INFORMATIVE DIGEST

There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action.

The Board adopted the addition of Rule 1435, Suspension of License to Conduct a Race Meeting, at its June 11, 2020 Regular Board Meeting.

CORRECTION TO INITIAL STATEMENT OF REASONS

The Initial Statement of Reasons stated, “The proposed addition of Rule 1435 will substantially enhance the health and safety of horses and riders participating in racing throughout the state, by providing the Board a procedure to efficiently address instances when the health or safety of the horse or rider is endangered. This regulation will not benefit the state’s environment or effect worker safety as it has no effect on these areas.” Upon review the Board finds that the proposed addition will beneficially effect worker safety by providing a procedure whereby the Board can address and act in instances where rider safety is endangered.

INCORPORATED BY REFERENCE

All documents contained within the rulemaking file have been made available by request throughout the rulemaking period.

LOCAL MANDATE DETERMINATION

The adoption of Rule 1435 does not impose any mandate on local agencies or school districts.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE ORIGINAL NOTICE PERIOD OF MARCH 20, 2020 TO MAY 5, 2020.

No comments were received during the original notice period of March 20, 2020 to May 5, 2020.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED AT THE JUNE 11, 2020 REGULATORY HEARING.

Comment by Bonnie Crocker: pages 283-285 of transcript: Bonnie Crocker asked whether there is an entity that can override the Board’s decision if the Board chose not to suspend a racing license. California Horse Racing Board attorney Robert Brodник responded that the Board which has the authority to grant a license also has the authority to suspend a license.

Response: The Board agrees. The statutory authority provides that issuing a license and suspending or restricting a license rests with the Board. Rule 1435 provides the procedure to be followed should the Board need to suspend or restrict a license when necessary to protect the health and safety of the horse or rider.

Comment by Dr. Wayne Johnson: page 285 of the transcript: Dr. Wayne Johnson commented that this regulation is superficial window dressing that will probably not be executed.

Response: The Board disagrees. The regulation establishes a procedure for the Board to follow when considering when to suspend or restrict a racing license when necessary to protect the health and safety of the horse or rider.

Comment by Heather Wilson: pages 286-287 of the transcript: Heather Wilson comments asking what is the threshold of injured or dead horses before the Board suspends a license or shuts down a track.

Response: Rule 1435 provides for the procedure to be followed should the Board need to suspend or restrict a license when necessary to protect the health and safety of the horse or rider. Subsection (b)(2)(A) provides that the health and safety of horses or riders may be endangered when an above-average number of injuries to horses and/or riders participating in the race meeting have occurred. The Board shall have discretion to determine the period of time used to measure whether an above-average number of injuries have occurred when compared with historic data.

Comment by Heather Hyde: pages 287-288 of the transcript: Heather Hyde comments that there were 10 whipping violations in the month of June at Santa Anita Park. Heather Hyde comments that other violations result in “a few bucks here and there, no real slap on the wrist.” Heather Hyde comments that “if somebody does something once that hurts and harms the horse or a horse is murdered, they should have a ban or a block and investigation, no coverup.”

Response: Rule 1435 provides for the procedure to be followed should the Board need to suspend or restrict a license when necessary to protect the health and safety of the horse or rider. Subsection (b) clarifies that the Board can suspend or restrict a license when necessary to protect the health and safety of the horse or rider to include, when an above-average number of injuries to horses and/or riders participating in the race meeting have occurred, when a condition exists within the inclosure that is likely to endanger the health and safety of the horses or riders that are present at the racing meeting, or for any other reason the Board finds the health and safety of horses or riders is endangered.

The adoption of Rule 1435 has no significant adverse economic impact on small business.

The adoption of Rule 1435 has no significant adverse economic impact on business.

ALTERNATIVE DETERMINATION

The Board has determined that no alternative would be more effective in carrying out the purpose for which the regulation was proposed, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost effective to affected private

persons and equally effective in implementing the statutory policy or other provision of law. The addition of Rule 1435, Suspension of License to Conduct a Race Meeting, will implement a procedure for the Board to follow in suspending a license to conduct a race meeting license when necessary to protect the health and safety of the horse or rider. The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period. No alternatives were proposed.

No alternatives that would lessen any adverse economic impact on small business were proposed.