

INITIAL STATEMENT OF REASONS

RULE 1560. DUTIES OF THE OFFICIAL VETERINARIAN;
RULE 1561. DUTIES OF THE RACING VETERINARIAN

SPECIFIC PURPOSE OF THE REGULATION

California Horse Racing Board (Board) Rule 1560, Duties of the Official Veterinarian, sets forth the duties of the official veterinarian. Board Rule 1560 also provides that the official veterinarian shall have authority and jurisdiction to supervise practicing licensed veterinarians. The proposed amendment to Board Rule 1560 will modify the rule to provide that the official veterinarian shall also have authority and jurisdiction to supervise the Racing Veterinarian.

Board Rule 1561, Duties of the Racing Veterinarian, sets forth the duties of the Racing Veterinarian. The proposed amendment to Board Rule 1561 will modify the rule to provide that the Racing Veterinarian shall have direct reporting responsibility to the official veterinarian and the Board of Stewards and shall make reports to said parties. The proposed amendment will also stipulate that no licensed official or other employee of the association or fair shall have authority to override or interfere with the Racing Veterinarian's responsibilities under the rule.

The proposed amendments will also make non-substantive technical changes to replace gender pronouns with gender-neutral pronouns.

PROBLEM

Presently, the Racing Veterinarian is under the supervision of the racing office of the association or fair. This presents a conflict of interest, as the racing office may have influence over the Racing Veterinarian in carrying out their duties under Board Rule 1561, which compromises the integrity of veterinary practices in horse racing.

NECESSITY

Board Rule 1560 sets forth the duties of the official veterinarian and provides that the official veterinarian shall have authority and jurisdiction to supervise practicing licensed veterinarians. The proposed amendment to Board Rule 1560 will provide that the official veterinarian shall also have authority and jurisdiction to supervise the Racing Veterinarian. This is necessary because the Racing Veterinarian is currently under the supervision of the racing office of the association or fair, which presents a conflict of interest that compromises the integrity of veterinary practices.

Board Rule 1561 sets forth the duties of the Racing Veterinarian. The proposed amendment to Board Rule 1561 will provide that the Racing Veterinarian shall have direct reporting responsibility to the official veterinarian and the Board of Stewards and shall make reports to said parties. This is necessary because the official veterinarian is

responsible for enforcing the Board's rules relating to veterinary practices and will hold the Racing Veterinarian accountable for their actions, which helps maintain the integrity of veterinary practices. The proposed amendment will also stipulate that no licensed official or other employee of the association or fair shall have authority to override or interfere with the Racing Veterinarian's responsibilities under the rule. This is necessary because it mitigates the influence exerted by the association or fair on the Racing Veterinarian, thereby eliminating the conflict of interest and helping to maintain the integrity of veterinary practices.

BENEFITS ANTICIPATED FROM THE REGULATORY ACTION

The proposed amendments of Board Rule 1560 and Rule 1561 will increase safety for horses and their riders by ensuring the integrity of veterinary practices. The Racing Veterinarian is responsible for examining any horse whose physical condition is in question. It is, therefore, vital that the Racing Veterinarian exercise independent professional judgment. However, the Racing Veterinarian is currently under the supervision of the racing office of the association or fair, which presents a conflict of interest because the association or fair may have influence over the Racing Veterinarian in carrying out their duties. The proposed amendment of Board Rule 1560 will provide that the official veterinarian shall have authority and jurisdiction to supervise the Racing Veterinarian, which will help ensure that the Racing Veterinarian adheres to the Board's rules relating to veterinary practices.

The proposed amendment of Board Rule 1561 will provide that the Racing Veterinarian shall have direct reporting responsibility to the official veterinarian and the Board of Stewards in exercising their duties. The proposed amendment will also provide that no licensed official or other employee of the association or fair shall have authority to override or interfere with that reporting responsibility or the proper exercise of the duties and responsibilities of the Racing Veterinarian. These changes will help ensure that the Racing Veterinarian is held accountable for their actions, and the Racing Veterinarian's judgment is free from the association or fair's influence, thereby maintaining the integrity of veterinary practices in racing.

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

The Board did not rely upon any technical, theoretical, or empirical studies, reports, or documents in proposing the amendment of this 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 of horses and their riders and will not benefit the State's environment.

The Board has made the initial determination that the proposed amendments of Board Rule 1560 and Rule 1561 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, as the proposed amendment will affect only the official veterinarian and the Racing Veterinarian relative to supervision and reporting responsibilities.

PURPOSE

Board Rule 1560 sets forth the duties of the official veterinarian. Board Rule 1560 also provides that the official veterinarian shall have authority and jurisdiction to supervise practicing licensed veterinarians. The proposed amendment to Board Rule 1560 will modify the rule to provide that the official veterinarian shall also have authority and jurisdiction to supervise the Racing Veterinarian.

Board Rule 1561 sets forth the duties of the Racing Veterinarian. The proposed amendment to Board Rule 1561 will modify the rule to provide that the Racing Veterinarian shall have direct reporting responsibility to the official veterinarian and the Board of Stewards and shall make reports to said parties. The proposed amendment will also stipulate that no licensed official or other employee of the association or fair shall have authority to override or interfere with the Racing Veterinarian's responsibilities under the rule.

CREATION OR ELIMINATION OF JOBS WITHIN THE STATE OF CALIFORNIA

The proposed amendments of Board Rule 1560 and Rule 1561 will provide that the official veterinarian shall have authority and jurisdiction to supervise the Racing Veterinarian; the Racing Veterinarian shall have direct reporting responsibility to the official veterinarian and the Board of Stewards; and no licensed official or other employee of the association or fair shall have authority to override or interfere with the reporting responsibilities or proper exercise of duties of the Racing Veterinarian. As such, this regulation has an effect on only horseracing and not any other type of California business. Therefore, the Board has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs within the State of California.

CREATION OF NEW BUSINESSES OR THE ELIMINATION OF EXISTING BUSINESSES WITHIN THE STATE OF CALIFORNIA

The proposed amendments of Board Rule 1560 and Rule 1561 will provide that the official veterinarian shall have authority and jurisdiction to supervise the Racing Veterinarian; the Racing Veterinarian shall have direct reporting responsibility to the official veterinarian and the Board of Stewards; and no licensed official or other employee of the association or fair shall have authority to override or interfere with the reporting responsibilities or proper exercise of duties of the Racing Veterinarian. As such, this regulation has an effect on only horseracing and not any other type of California business. Therefore, the Board has determined that 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.

EXPANSION OF BUSINESSES CURRENTLY DOING BUSINESS WITHIN THE STATE OF CALIFORNIA

The proposed amendments of Board Rule 1560 and Rule 1561 will provide that the official veterinarian shall have authority and jurisdiction to supervise the Racing Veterinarian; the Racing Veterinarian shall have direct reporting responsibility to the official veterinarian and the Board of Stewards; and no licensed official or other employee of the association or fair shall have authority to override or interfere with the reporting responsibilities or proper exercise of duties of the Racing Veterinarian. As such, this regulation has an effect on only horseracing and not any other type of California business. Therefore, the Board has determined that this regulatory proposal 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 amendments of Board Rule 1560 and Rule 1561 will increase safety for horses and their riders by ensuring the integrity of veterinary practices, thereby benefiting the health and welfare of California residents and promoting worker safety. The Racing Veterinarian is responsible for examining any horse whose physical condition is in question. It is, therefore, vital that the Racing Veterinarian exercise independent professional judgment. However, the Racing Veterinarian is currently under the supervision of the racing office of the association or fair, which presents a conflict of interest because the association or fair may have influence over the Racing Veterinarian in carrying out their duties. The proposed amendment of Board Rule 1560 will provide that the official veterinarian shall have authority and jurisdiction to supervise the Racing Veterinarian, which will help ensure that the Racing Veterinarian adheres to the Board's rules relating to veterinary practices.

The proposed amendment of Board Rule 1561 will provide that the Racing Veterinarian shall have direct reporting responsibility to the official veterinarian and the Board of Stewards in exercising their duties. The proposed amendment will also provide that no licensed official or other employee of the association or fair shall have authority to override

or interfere with that reporting responsibility or the proper exercise of the duties and responsibilities of the Racing Veterinarian. These changes will help ensure that the Racing Veterinarian is held accountable for their actions, and the Racing Veterinarian's judgment is free from the association or fair's influence, thereby maintaining the integrity of veterinary practices in racing.

The regulation does not benefit the state's environment.

ALTERNATIVES 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, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective and equally effective in implementing the statutory policy or other provision of law.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION

The proposed amendments to Board Rule 1560 and Rule 1561 were discussed at the March 26, 2020 and April 22, 2020 regular Board meetings. 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 that offer any alternative proposal.

CALIFORNIA HORSE RACING BOARD
August 21, 2020