

CALIFORNIA HORSE RACING BOARD
TITLE 4. DIVISION 4. CALIFORNIA CODE OF REGULATIONS
NOTICE OF PROPOSAL TO AMEND
RULE 1560. DUTIES OF THE OFFICIAL VETERINARIAN;
RULE 1561. DUTIES OF THE RACING VETERINARIAN

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

PROPOSED REGULATORY ACTION

The Board proposes to amend Board Rule 1560, Duties of the Official Veterinarian, to provide that the official veterinarian shall have the authority and jurisdiction to supervise the Racing Veterinarian. The Board also proposes to amend Board Rule 1561, Duties of the Racing Veterinarian, to provide that 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 Racing Veterinarian's responsibilities or proper exercise of duties.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, October 22, 2020**, or as soon after that as business before the Board will permit, **via teleconference**. In accordance with the guidance from Executive Order N-29-20, a physical location will not be provided. Members of the public are strongly encouraged to participate using the teleconference phone number provided below so as to minimize the spread of COVID-19 and reduce the risk of infection during this current state of emergency. At the hearing, any person may present statements or arguments orally or in writing about 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.

To participate in the teleconference, dial 888-392-4564 and enter 6896291# when prompted.

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 on **October 5, 2020**. The Board must receive all comments by that time. However, written comments may still be submitted at the public hearing. Submit comments to:

Rick Pimentel, Policy and Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825

Telephone: (916) 274-6043
Fax: (916) 263-6022
Email: repimentel@chr.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440, 19460, and 19562, Business and Professions Code (BPC). Reference: Sections 19440, 19460, and 19562, BPC.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

BPC section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually its responsibilities, including the administration and enforcement of all laws, rules, and regulations affecting horse racing and pari-mutuel wagering. BPC section 19460 states that all licenses granted by the Board are subject to all rules, regulations, and conditions prescribed by the Board and shall contain such conditions as are deemed necessary or desirable by the Board for the best interests of horse racing. BPC section 19562 states that the Board shall adopt rules, regulations, and conditions consistent with the provisions of this chapter, under which horse races with wagering on the results shall be conducted in California.

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. Board Rule 1561 sets forth the duties of the Racing Veterinarian.

The proposed amendment to Board Rule 1560 will provide that the official veterinarian shall have authority and jurisdiction to, additionally, supervise 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 no licensed official or other employee of the association or fair shall have authority to override or interfere with the Racing Veterinarian's responsibilities or proper exercise of duties.

The proposed amendments will eliminate the conflict of interest presented by the current regulations, whereby the Racing Veterinarian is supervised by the association or fair's racing office. Under such supervision, the Racing Veterinarian lacks independence and is under the influence of the association or fair's interests in carrying out their duties. In contrast, supervision by the official veterinarian will help ensure that integrity is maintained, as the official veterinarian must enforce the Board's rules related to veterinary practices. This is vital because the Racing Veterinarian is responsible for examining horses when their physical condition is in question, which has a direct effect on the safety of the horses and riders.

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

ANTICIPATED BENEFIT OF THE PROPOSED REGULATION

The proposed amendments of Board Rule 1560 and Rule 1561 will increase safety for horses and their riders by helping to ensure the integrity of veterinary practices in horse racing. The Racing Veterinarian is responsible for examining any horse whose physical condition is in question leading up to a race. Consequently, the Racing Veterinarian's duties have a direct effect on the health and safety of the horse and its rider. It is, therefore, imperative that the Racing Veterinarian uphold the highest levels of integrity in carrying out veterinary practices. Currently, the Racing Veterinarian is supervised by the association or fair's racing office, which is a conflict of interest that may compromise the integrity of the Racing Veterinarian's work. The proposed amendment of Board Rule 1560 will provide that the official veterinarian, whose duties include enforcement of the Board's rules relating to veterinary practices, shall have the authority and jurisdiction to supervise the Racing Veterinarian. 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, and 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 Racing Veterinarian's duties. As such, these amendments will help to ensure integrity in the carrying out of the Racing Veterinarian's duties, thereby increasing safety for horses and riders.

CONSISTENCY EVALUATION

Evaluation of Consistency and Compatibility with Existing State Regulations: During the process of developing the amendments, the Board conducted a search for any similar regulation on this topic and has concluded that Board Rule 1560 is the only regulation that sets forth the duties of the official veterinarian. Also, Board Rule 1561 is the only regulation that sets for the duties of the Racing Veterinarian. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

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 (GC) sections 17500 through 17630: none.

Other non-discretionary costs 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 amendments to 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.

The following studies/relevant data were relied upon in making the above determination: none.

Cost impact on representative private persons or businesses: The Board is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The adoption of the proposed amendments to Board Rule 1560 and Rule 1561 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; (3) result in the expansion of businesses currently doing business with the state; or (4) benefit the state's environment. The proposed amendment will, however, benefit California by promoting the safety of both horses and riders. The proposed amendments of Board Rule 1560 and Rule 1561 set forth the duties and responsibilities of the official veterinarian and the Racing Veterinarian, respectively.

Effects on small businesses: none. The proposal to amend Board Rule 1560 and Rule 1561 does not affect small businesses because horse racing is not a small business under GC section 11432.610.

CONSIDERATION OF ALTERNATIVES

In accordance with GC 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, would be as effective and less burdensome on 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.

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:

Rick Pimentel, Policy and Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 274-6043
Fax: (916) 263-6022
E-mail: repimentel@chrb.ca.gov

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

Amanda Drummond, Manager
Policy and Regulations
Telephone: (916) 263-6033
Email: amdrummond@chrb.ca.gov

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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, may be obtained by contacting Rick Pimentel 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 that 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 regulation. Requests for copies of any modified regulation should be sent to the attention of Rick Pimentel 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 made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Rick Pimentel 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 website. The rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. The Board's website address is: www.chrb.ca.gov.