

CALIFORNIA HORSE RACING BOARD
NOTIFICATION OF MODIFICATION OF TEXT OF
THE PROPOSED ADDITION OF
RULE 1842.1. ADDITIONAL REPORTING FOR INTRA-ARTICULAR TREATMENTS

Pursuant to the requirements of Government Code section 11346.8 and section 44 of title 1 of the California Code of Regulations, the California Horse Racing Board (Board/CHRB) is providing notice of changes made to the text of the proposed addition of Rule 1842.1, Additional Reporting for Intra-Articular Treatments.

The proposal to amend Rule 1588, Horse Ineligible to Start in a Race, and add Rule 1842.1 was heard for adoption as a single rulemaking file at the September 27, 2018 Regular Board Meeting. In October 2018, the completed rulemaking file was sent to the Office of Administrative Law (OAL) for review. On November 19, 2018, the CHRB withdrew the regulations due to OAL's concerns regarding the text of the proposed addition of Rule 1842.1. The OAL indicated the text of the regulation failed to comply with the clarity standard of Government Code section 11349.1. The proposed subsection 1842.1(a) would require every CHRB-licensed veterinarian who administers a medication or treatment into an articular structure of a horse to provide the horse's trainer with a completed form CHRB-24A, Intra-Articular Treatment Record (New 05/18). However, the regulation did not state whether Rule 1842.1 was intended to apply to intra-articular treatments occurring within the inclosure, or at any location other than the inclosure. To address the OAL's concerns, the proposed text of Rule 1842.1 has been modified to provide that every CHRB-licensed veterinarian who administers a medication or treatment into an articular structure of a horse located within any CHRB inclosure shall provide the trainer with a completed form CHRB-24A, Intra-Articular Treatment Record (New 05/18). The revised subsection 1842.1(a) will provide clarity regarding the location of the horse receiving the intra-articular treatment.

A copy of the full text of the regulation with the proposed changes indicated is attached. Single underlined text represents the original language as noticed August 10, 2018, through September 24, 2018. For the 15-day public comment period of **December 10, 2018**, through **December 24, 2018**, new and revised text appears as **bold double underlined**.

Any interested person may submit a written statement relating to the modified the **bold double underlined** language during the public comment period from **December 10, 2018**, through **December 24, 2018**. The written comment period will close at **5:00 p.m. on December 24, 2018**. However, comments may still be submitted at the public hearing. Submit written comments to:

Harold Coburn, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825

All written comments received by the CHRB by **5:00 p.m. December 24, 2018**, which pertain to the **bold double underlined** changes to the text, will be reviewed and responded to by the Board's

staff as part of the completion of the rulemaking file. *Please limit your comments to the changes to the text that are indicated by **bold double underlined**.*

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, January 24, 2019**, or as soon after that as business before the Board will permit, at the **Santa Anita Park Race Track, 285 West Huntington Drive, Arcadia, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in this notice. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

Questions concerning the proposed amendment may be addressed to Harold Coburn at (916) 263-6026, or at haroldc@chr.ca.gov, or at the address above. If Harold Coburn is not available, questions concerning the proposed amendment may be directed to Andrea Ogden at (916) 263-6033.

CALIFORNIA HORSE RACING BOARD
December 10, 2018

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 6. ENTRIES AND DECLARATIONS
PROPOSED AMENDMENT OF
RULE 1588, HORSE INELIGIBLE TO START IN A RACE

1588. Horse Ineligible to Start in a Race.

(a) In addition to any other valid ground or reason, a horse is ineligible to start in any race:

(a1) if such horse is not registered by the Jockey Club if a thoroughbred, the United States Trotting Association if a standardbred, the American Quarter Horse Association if a quarter horse, the Appaloosa Horse Club if an appaloosa horse, the Arabian Horse Registry of America if an Arabian horse, or the American Paint Horse Association if a paint horse;

(a2) if the parentage verification to both the sire and the dam of all horses foaled in 1992 and thereafter has not been certified by the Jockey Club if a thoroughbred, the United States Trotting Association if a standardbred, the American Quarter Horse Association if a quarter horse, the Appaloosa Horse Club if an appaloosa horse, the Arabian Horse Registry of America if an Arabian horse, or the American Paint Horse Association if a paint horse;

(a3) if, unless the stewards permit otherwise, the certificate of foal registration, eligibility papers, or other registration issued by the official registry for such horse is not on file with the racing secretary at the time of entry;

(a4) if such horse has been entered or raced at any recognized race meeting under any name or designation other than the name or designation duly assigned by and registered with the official registry;

(a5) if the certificate of foal registration, eligibility papers or other registration issued by the official registry has been altered, erased, or forged;

(f6) if the identification markings of the horse do not agree with the identification markings as set forth in the registration of such horse;

(g7) unless he is eligible to enter said race and is duly entered for such race;

(h8) when such horse is owned in whole or in part by an unlicensed person or is in the care of an unlicensed trainer;

(i9) when such horse is on the Steward's List, the Starter's List or the Veterinarian's List;

(j10) when, except with prior approval of the stewards for good cause, such horse is on the Veterinarian's List in another racing jurisdiction. Good cause includes:

(4A) unforeseen administrative issues in removing the horse from the Veterinarian's List of another racing jurisdiction;

(2B) the location of the horse prevents it from being evaluated by the official veterinarian of another racing jurisdiction and cleared from that jurisdiction's Veterinarian's List, and the horse is approved to race by a California official veterinarian; or

(3C) any other unforeseen event or reason that would prevent a horse that would otherwise not be on a Veterinarian's List from being cleared from the Veterinarian's List of another racing jurisdiction.

(k11) when, except with prior approval of the stewards, such horse has not been on the grounds of the association or its approved auxiliary stable area for at least 24 hours prior to the time the race is to be run.

(12) when such horse does not carry a microchip or has not received a waiver from the stewards in accordance with Rule 1597.5.

(m13) when such horse has received an intra-articular injection within the previous five days (120 hours) prior to the scheduled post-time for the race in which it is entered.

Authority: Sections 19440 and 19562,
Business and Professions Code.

Reference: Sections 19440 and 19562,
Business and Professions Code.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 15. VETERINARY PRACTICES
PROPOSED ADDITION OF
RULE 1842.1. ADDITIONAL REPORTING FOR INTRA-ARTICULAR TREATMENTS

1842.1. Additional Reporting for Intra-Articular Treatments

(a) Every CHRFB-licensed veterinarian who administers a medication or treatment into an articular structure of a horse located within any CHRFB inclosure shall provide to the horse's trainer on form CHRFB-24A, Intra-Articular Treatment Record (New 05/18), which is hereby incorporated by reference, the name of the horse treated, the date and time of treatment, the intra-articular structure(s) treated, the medication administered, the dose, and the reason for the treatment.

(b) The trainer shall be required to maintain all intra-articular treatment records of horses in his or her care for a minimum of one year from the date of the treatment. The records shall be organized by horse, and shall be made available to the examining veterinarian by the trainer for the purpose of assisting with pre-race veterinary examinations or other examinations as required pursuant to this Division.

Authority: Sections 19440, 19562, and 19580,
Business and Professions Code.

Reference: Sections 19440, 19562, and 19580,
Business and Professions Code.

INTRA-ARTICULAR TREATMENT RECORD

Horse: _____ Date: _____ Time: _____

Veterinarian: _____

<u>STRUCTURE TREATED</u>	<u>INTRA-ARTICULAR MEDICATION</u>	<u>DOSE</u>

DIAGNOSIS / REASON FOR PRESCRIPTION

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Per Rule 1842.1, Additional Reporting for Intra-Articular Treatments: the trainer shall maintain all intra-articular treatment records of horses in his or her care for a minimum of one year from the date of treatment. The records shall be made available to the examining veterinarian by the trainer for the purpose of assisting with pre-race veterinary examinations or other examinations, as required.