

ADDENDUM TO FINAL STATEMENT OF REASONS AND UPDATED INFORMATIVE DIGEST

There have been no changes in the laws relating to the proposed regulation from that stated in the Notice of Proposed Regulatory Action.

The proposal to amend Rule 1588, Horse Ineligible to Start in a Race, and add Rule 1842.1, Additional Reporting for Intra-Articular Treatments, 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) (CHRB-24A). The regulation, however, did not state whether Rule 1842.1 was intended to apply to intra-articular treatments occurring within the inclosure, or at any location. To address the OAL's concerns, subsection 1842.1(a) 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. The revision of subsection 1842.1(a) is necessary to provide clarity regarding the location of the horse receiving the intra-articular treatment. The 15-day public comment period began December 10, 2018 and ended December 24, 2018. The Board adopted the revised amendment to Rule 1842.1 at its January 24, 2019 Regular Meeting.

LOCAL MANDATE DETERMINATION

The adoption of Rule 1588 and Rule 1842.1 will not impose any mandate on local agencies or school districts.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE 15-DAY NOTICE PERIOD OF DECEMBER 10, 2018 THROUGH DECEMBER 24, 2018.

No comments were received during the 15-day notice period of December 10, 2018 through December 24, 2018.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED AT THE JANUARY 24, 2019 REGULATORY HEARING.

Comment: Page 96 of transcript. Darrell Haire representing the Jockeys' Guild (Guild) stated his organization supported the proposed regulations. The Guild was in favor of more transparency regarding race horses' medical treatments. The Guild believed the proposed regulations would help stop unnecessary treatments.

Response: The Board agreed, and adopted the proposed amendment as presented.

The adoption of Rule 1588 and Rule 1842.1 has no significant adverse economic impact on small business.

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NECESSITY

The proposed amendment of Rule 1588 and the addition of Rule 1842.1 was noticed to the public as one rulemaking file on August 10, 2018. Subsection 1842.1(a) stated that every CHRБ-licensed veterinarian who administers a medication or treatment into an articular structure of a horse shall provide the horse's trainer with a completed form CHRБ-24A, Intra-Articular Treatment Record (New 05/18) (CHRБ-24A). The regulation, however, did not state whether Rule 1842.1 was intended to apply to intra-articular treatments occurring within the inclosure, or at any location. The omission raised issues of clarity, as the treating veterinarian would not know if he or she must provide the trainer with a CHRБ-24A if the intra-articular treatment occurred only within the inclosure, or if the treatment was given at any location. To provide clear direction, the Board withdrew the regulatory action and initiated a 15-day public comment period for a revised 1842.1 text. Subsection 1842.1(a) was changed to state that every CHRБ-licensed veterinarian who administers a medication or treatment into an articular structure of a horse located within any CHRБ inclosure shall provide the horse's trainer with a completed form CHRБ-24A. The revision is necessary so that treating veterinarians will have no questions regarding when they must provide the trainer with a completed CHRБ-24A.

The text of Rule 1588 was non-substantively modified to revise the numbering scheme in accordance with an intervening file, effective December 26, 2018, that previously renumbered the subdivisions.