

INITIAL STATEMENT OF REASONS

RULE 1588. Horse Ineligible to Start in a Race

RULE 1842.1. Additional Reporting for Intra-Articular Treatment

SPECIFIC PURPOSE OF THE PROPOSED NEW SUBSECTIONS

The Board proposes to amend Rule 1588, Horse Ineligible to Start in a Race. The proposed amendment to Rule 1588 will add subsection 1588(m). The new subsection 1588(m) provides that a horse that 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, shall be ineligible to start in such race.

The Board proposes to add Rule 1842.1, Additional Reporting for Intra-Articular Treatment. Rule 1842.1 will require veterinarians administering medication or treatment into an articular structure of a horse to provide an intra-articular treatment record to the trainer, who shall maintain such records of the treatment for a minimum of one year. The trainer shall make such records available to the examining veterinarian for the purpose of assisting with pre-race veterinary examinations or other examinations as required by the Board. The record of the inter-articular treatment shall be recorded on the form CHRB-24A, Intra-Articular Treatment Record (New 12/17) (CHRB-24A), and shall state the name of the horse treated, the date and time of the treatment, the intra-articular structures treated, the medication administered, dose, and the reason for the treatment.

PROBLEM

In the fall of 2012, the New York Task Force on Racehorse Health and Safety (Task Force) made a number of recommendations based on its investigation of breakdowns that occurred at the Aqueduct 2011-2012 Fall-Winter race meeting at Aqueduct Race Course in New York. In addition to investigating the rash of breakdowns, the Task Force was charged with advising on policies relating to necropsies, track conditions, and pre-race examination of horses, as well as practices relating to veterinary procedures and equine drug use. The Task Force's recommendations included enhanced restrictions on the use of intra-articular corticosteroids, which are anti-inflammatory drugs administered by entering a joint. Specifically, the recommendations included trainer reporting requirements for intra-articular treatments, as well as a prohibition on racing after an intra-articular corticosteroid injection. Also, in 2012, the Racing, Medication and Testing Consortium (RMTC) issued its own set of corticosteroid thresholds. The RMTC is an industry organization that works to develop and promote uniform rules and testing standards at the national level. It coordinates research and educational programs that seek to ensure the integrity of racing and the health and welfare of racehorses and participants, and to protect the interests of the racing public. In 2012, the Board adopted the RMTC standards by amending Rule 1844, Authorized Medication, to provide for levels of corticosteroids that may be present in official test samples. While the corticosteroid thresholds contained in the amendment to Rule 1844 effectively stopped corticosteroids from being used within days of a race, the rule did not provide a "stand-down" time as recommended by New York's Task Force. Rule 1844 treated corticosteroid injections no differently than other authorized medications, which generally can be administered until 48 hours of post time pursuant to Rule 1843.5, Medication, Drugs and Other Substances Permitted After

Entry in a Race. To address the issue, the proposed amendment to Rule 1588 adds a new subsection 1588(n). The new subparagraph provides that a horse that 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, is ineligible to start in such race. The proposed addition of subsection 1588(n) leaves Rule 1844's allowable levels of corticosteroids in place while providing a "stand-down" time as recommended by New York's Task Force.

Board Rule 1842, Veterinarian Report, provides that every veterinarian who treats a horse within the inclosure shall, in writing on a form prescribed by the Board, report to the official veterinarian in a manner prescribed by him, the name of the horse treated, the name of the trainer, the time of treatment and any other information requested by the official veterinarian. The report is confidential and its content may not be disclosed except in a proceeding before the stewards or the Board, or in exercise of the Board's jurisdiction. The form used to report veterinary treatments is Veterinarian Report CHRB-24 (Rev. 01/16) (CHRB-24). The CHRB-24s are ultimately forwarded to CHRB headquarters where they are retained for a period of one year, and then are subject to confidential destruction. If a completed CHRB-24 is required for any reason, the form must be manually retrieved. The production and distribution of the CHRB-24 is such that it is not available for examining veterinarians conducting pre-race examinations, or other examinations as required. This means that an official or racing veterinarian conducting a pre-race examination might not be informed that a disqualifying intra-articular procedure was performed on the horse. The proposed addition of Rule 1842.1 will provide a record of articular treatments that can be readily available for use by examining veterinarians. The regulation will require all Board licensed veterinarians who administer a medication or treatment into an articular structure of a horse to provide the horse's trainer with a written record of the treatment. The procedure shall be recorded on the form CHRB-24A. The CHRB-24A requires the veterinarian who administers the intra-articular treatment to record the date and time of treatment, the intra-articular structures treated, the medication administered, the dose and the reason for the treatment. The trainer shall maintain all intra-articular treatment records of horses under his or her care for a minimum of one year from the date of the treatments. The records of intra-articular treatments shall be made available to examining veterinarians for the purpose of pre-race, or other examinations as required pursuant to the Board's rules and regulations. The form CHRB-24A is incorporated by reference in Rule 1842.1, as it would be cumbersome, unduly expensive or otherwise impractical to publish the document in the California Code of Regulations.

NECESSITY

The proposed amendment to Rule 1588 adds subsection 1588(m), which states that a horse that has received an intra-articular injection within the previous five days (120 hours) prior to the scheduled post time for the race in which the horse is entered, is ineligible to start in such race. An intra-articular injection is a term used to describe a hypodermic injection delivered directly into a joint with the primary aim of relieving pain and the treatment of inflammatory joint conditions. While the pain and inflammation may be addressed, if the procedure is administered close to race time, it may not necessarily heal the fundamental problem. Inflammation is part of the healing process, so there is a relationship between the proposed timeframe of five days and allowing healing. Requiring that the procedure be administered not later than five days prior to the scheduled post-time provides an opportunity for the medication to have an effect. In addition,

it gives the examining veterinarian an opportunity to evaluate the horse several days after the injection. Currently, under Rule 1843.5, Medication, Drugs and Other Substances Permitted After Entry in a Race, administration of an authorized medication may occur until 48 hours before a race. Intra-articular injections are used to administer corticosteroids which work by decreasing local inflammation. They do so by inhibiting the production of inflammatory cells that are naturally produced in response to an acute injury or chronic condition. Used properly, corticosteroids are an important part of veterinary practice. Subsection 1588(m) is necessary to insure the horse has time to heal, and to insure the injection is not administered on top of the prerace examination.

The proposed addition of Rule 1842.1 will provide a record of intra-articular treatments that can be readily available for use by examining veterinarians. The regulation requires all Board licensed veterinarians who administer a medication or treatment into an articular structure of a horse to provide the horse's trainer with a written record of the treatment. The procedure shall be recorded on the form CHRB-24A. The addition of Rule 1842.1, which requires the use of the CHRB-24A, is necessary as there now is no mechanism available to inform examining veterinarians if a horse has received intra-articular treatments. Currently, Board Rule 1842, Veterinarian Report, provides that every veterinarian who treats a horse within the inclosure shall, in writing on a form prescribed by the Board, report to the official veterinarian in a manner prescribed by him, the name of the horse treated, the name of the trainer, the time of treatment and any other information requested by the official veterinarian. The report is confidential and its content may not be disclosed except in a proceeding before the stewards or the Board, or in exercise of the Board's jurisdiction. The form used to report veterinary treatments is CHRB-24. Trainers do not receive a copy of the CHRB-24; instead, the forms are forwarded to CHRB headquarters where they are retained for a period of one year, and then are subject to confidential destruction. If a completed CHRB-24 is required for any reason, the form must be manually retrieved. The production and distribution of the CHRB-24 is such that it is not available for the use of examining veterinarians for use in pre-race examinations, or other examinations as required. The CHRB-24A requires the veterinarian who administers the intra-articular treatment to record the date and time of treatment, the intra-articular structures treated, the medication administered, the dose and the reason for the treatment. Requiring this information is necessary to provide a complete picture of the intra-articular procedure. The trainer shall maintain all intra-articular treatment records of horses under his or her care for a minimum of one year from the date of the treatments. Placing the treatment record under the care of the trainer is necessary to ensure it is available for the examining veterinarian. The one year retention of the CHRB-24A is consistent with the retention of the CHRB-24, which is also retained for one year. Rule 1842.1 provides that the records of intra-articular treatments shall be made available to examining veterinarians for the purpose of pre-race, or other examinations as required pursuant to the Board's rules and regulations. This provision makes it clear to trainers that they are obligated to provide the examining veterinarian with the CHRB-24.

BENEFITS ANTICIPATED FROM THE REGULATORY ACTION

The proposed amendment to Rule 1588 adds a new subsection 1588(m), which provides that a horse that 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, is ineligible to start in the race. The addition of subsection 1588(m) will promote the health and safety of race horses. The health and

safety of jockeys will also be advanced, as a reduction in equine injuries and sudden deaths may also mean lower jockey injury rates. Administering the procedure not later than five days prior to the scheduled post-time provides an opportunity for the medication to have an effect. In addition, it gives the examining veterinarian an opportunity to evaluate the horse after the injection, and the injection is not administered on top of the prerace examination (Rule 1846, Racing Soundness Examination, provides that the horse shall be subject to a veterinary examination for racing soundness on race day not later than two hours prior to official post time for the race in which the horse is entered.) Ensuring the health of race horses protects the financial interests of racing associations, horse owners, trainers and jockeys. Racing associations depend on an inventory of sound horses to fill races and generate handle; owners and trainers suffer financial losses when horses are unable to compete for a purse; and injured jockeys lose income when they are unable to ride.

The proposed addition of Rule 1842.1 would require all Board licensed veterinarians who administer a medication or treatment into an articular structure of a horse to provide the horse's trainer with a written record of the treatment. The procedure shall be recorded on the form CHRB-24A. The trainer shall maintain all intra-articular treatment records of horses under his or her care for a minimum of one year from the date of the treatments. The records of intra-articular treatments shall be made available to examining veterinarian for the purpose of pre-race, or other examinations as required pursuant to the Board's rules and regulations. The proposed addition of Rule 1842.1 will work in conjunction with the amended Rule 1588 to protect the health and safety of horse and rider. The recording of intra-articular procedures on the form CHRB-24A will make race-day examinations more meaningful, as the trainer can provide a record of such procedures for the examining veterinarian. In turn, the examining veterinarian can make a more complete assessment of the horse. Thorough pre-race examinations ensure the soundness of horses entered to race. Sound racehorses help protect the health and safety of jockeys, as well as the financial interests of racing associations, owners and trainers.

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

The following studies/relevant data were relied upon in making the above determination: New York Task Force on Racehorse Health and Safety Official Report. Investigation of Equine Fatalities at Aqueduct 2011-2012 Fall/Winter Meet.

INCORPORATION BY REFERENCE

The form CHRB-24A, Intra-Articular Treatment Record (New 05/18) is incorporated by reference in Rule 1842.1, as it would be cumbersome, unduly expensive or otherwise impractical to publish the document in the California Code of Regulations.

ECONOMIC IMPACT ASSESSMENT

The results of the Board's Economic Impact Assessment as required by Government Code Section 11346.3(b) are as follows:

1. The proposed regulations will not impact the creation or elimination of jobs within the State of California.
2. The proposed regulations will not have an impact on the creation of new businesses or the elimination of existing businesses in the State of California.
3. The proposed regulations will not have an impact on the expansion of existing businesses in the State of California.
4. The proposed regulations will benefit California by promoting the safety and welfare of horses and riders and will not benefit nor negatively impact the State's environment.

The Board has made the initial determination that the proposed amendment to Rule 1588 and the addition of Rule 1842.1 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 proposed amendment will safeguard the health and welfare of race horses, and act to reduce jockey injuries.

PURPOSE

The proposed amendment to Rule 1588 will add subsection 1588(m). The new subsection 1588(m) provides that a horse that has received an intra-articular injection (joint injection) within the previous five days (120 hours) prior to the scheduled post-time for the race in which it is entered shall be ineligible to start in such race. The proposed addition of Rule 1842.1 will require veterinarians administering medication or treatment into an articular structure of a horse located within the inclosure to provide an intra-articular treatment record to the trainer, who shall maintain such records of the treatment for a minimum of one year. The trainer shall make such records available to the examining veterinarian for the purpose of assisting with pre-race veterinary examinations or other examinations as required by the Board.

THE CREATION OR ELIMINATION OF JOBS WITHIN THE STATE OF CALIFORNIA

The proposed amendment to Rule 1588 will add subsection 1588(m). The new subsection 1588(m) provides that a horse that has received an intra-articular injection (joint injection) within the previous five days (120 hours) prior to the scheduled post-time for the race in which it is entered shall be ineligible to start in such race. The proposed addition of Rule 1842.1 will require veterinarians administering medication or treatment into an articular structure of a horse located within the inclosure to provide an intra-articular treatment record to the trainer, who shall maintain such records of the treatment for a minimum of one year. The trainer shall make such records available to the examining veterinarian for the purpose of assisting with pre-race veterinary examinations or other examinations as required by the Board. The Board has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in the State of California.

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

The proposed amendment to Rule 1588 will add subsection 1588(m). The new subsection 1588(m) provides that a horse that has received an intra-articular injection (joint injection) within the previous five days (120 hours) prior to the scheduled post-time for the race in which it is entered shall be ineligible to start in such race. The proposed addition of Rule 1842.1 will require veterinarians administering medication or treatment into an articular structure of a horse located within the inclosure to provide an intra-articular treatment record to the trainer, who shall maintain such records of the treatment for a minimum of one year. The trainer shall make such records available to the examining veterinarian for the purpose of assisting with pre-race veterinary examinations or other examinations as required by the Board. The Board has determined 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.

THE EXPANSION OF BUSINESSES CURRENTLY DOING BUSINESS WITHIN THE STATE OF CALIFORNIA

The proposed amendment to Rule 1588 will affect only those horses that have had an intra-articular treatment within 120 hours of the post time of the race in which they are entered. The amendment provides that such horses shall be ineligible to start in the race in which they are entered. Therefore, the CHRB has determined that the proposed regulatory action is not relevant to the expansion of businesses currently doing business in the State of California.

INITIAL DETERMINATION

The Board has made an initial determination that the proposed amendment to Board Rule 1588 and the addition of Rule 1842.1 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 proposed amendment to Rule 1588 will add subsection 1588(m). The new subsection 1588(m) provides that a horse that has received an intra-articular injection (joint injection) within the previous five days (120 hours) prior to the scheduled post-time for the race in which it is entered shall be ineligible to start in such race. The proposed addition of Rule 1842.1 will require veterinarians administering medication or treatment into an articular structure of a horse located within the inclosure to provide an intra-articular treatment record to the trainer, who shall maintain such records of the treatment for a minimum of one year. The trainer shall make such records available to the examining veterinarian for the purpose of assisting with pre-race veterinary examinations or other examinations as required by the Board.

BENEFITS OF THE REGULATIONS TO THE HEALTH AND WELFARE OF CALIFORNIA RESIDENTS, WORKER SAFETY, AND THE STATE'S ENVIRONMENT

The proposed amendment to Rule 1588 and the addition of Rule 1842.1 is a benefit to the health and welfare of California residents because they promote the health and safety of horse and rider.

Disqualifying horses that have an an intra-articular injection within 120 hours of the post time of the race in which they are entered serves to ensure that horses are race ably sound and in fit physical condition to exert their best efforts in a race.

The proposed addition of Rule 1842.1 will require veterinarians administering medication or treatment into an articular structure of a horse located within the inclosure to provide an intra-articular treatment record to the trainer, who shall maintain such records of the treatment for a minimum of one year. The trainer shall make such records available to the examining veterinarian for the purpose of assisting with pre-race veterinary examinations or other examinations as required by the Board. Providing the examining veterinarian with records of intra-articular treatments ensures a thorough racing soundness examination. More complete examinations safeguard the health and welfare of horses and riders.

The proposed amendment to Rule 1588 and the addition of Rule 1842.1 will benefit the health and welfare of California residents who hold occupational licenses as jockeys, apprentice jockeys or other licensees that require close proximity to race horses. The proposed regulations safeguard the health and safety of the California's racing equines. Sound race horses help prevent accidents and injuries to horse and rider. This regulation does not benefit nor negatively impact the state's environment.

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

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION

The proposed amendment to Rule 1588 was discussed at the February 2017 Medication Safety and Welfare Committee Meeting and February 2017 Regular Board Meeting. The proposed amendment to Rule 1588 was also discussed at the August 2017 Medication Safety and Welfare Committee Meeting. The proposed addition of Rule 1842.1 was discussed at the August 2017 Medication Safety and Welfare Committee Meeting. No alternatives to the recommendations 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 which offer any alternative proposal.

California Horse Racing Board
August 10, 2018