

FINAL STATEMENT OF REASONS

UPDATED INFORMATIVE DIGEST

There have been no changes in applicable laws or to the effect of the proposed regulation from the laws and effects described in the Notice of Proposed Action.

The Board adopted Rule 1588, Horse Ineligible to Start in a Race, and Rule 1866, Veterinarian's List, at the June 20, 2019 Regular Board Meeting.

UPDATED ECONOMIC IMPACT ASSESSMENT

The Board's determinations that the proposed regulations will not affect the creation or elimination of jobs or the creation or elimination of businesses, or the expansion of business is based on the following:

Under Board Rule 1846, Racing Soundness Examination, every horse entered to race is subjected to a veterinary examination for racing soundness and health on race day not later than two hours prior to official post time. Any horse that is obviously unfit to race will be scratched from the card at this time. The proposed amendment will provide an additional level of scrutiny for first time starters four years old and older and any horse that have not race within 12 consecutive months since their previous starts. Under the proposed amendment, horses unfit to race should be declared ineligible to enter a race prior to any entries being taken.

A trainer whose horse must satisfy subsection 1866(e) may often be able to have the horse perform a workout or qualifying race as soon as the day after it is brought into the inclosure, as workouts are generally held each morning. This means that if the examining veterinarian determines the horse is fit, it will be able to enter to race as soon as the blood and urine test samples clear; usually about a week and a half. The population of horses affected by the proposed regulations is small when compared to overall starts. An example is a sampling of Santa Anita Park Race Track's Winter Spring meeting (December 26, 2018 through June 24, 2019). In January 2019 there were 1,520 starts, of which 22 horses were first time starters four years old or older, or approximately 1.45 percent of the total. In February 2019 there were 1070 starts, of which nine horses were first time starters four years old or older, or approximately .84 percent of the total.

According to the Board's latest annual report 19,150 jockeys and apprentice jockeys and 2,550 standardbred drivers¹ are licensed by the CHRB. Jockeys are independent professionals contracting their work to owners and trainers. They are engaged to ride by trainers who have a horse entered to race. A jockey may also be represented by a Jockey Agent who solicit trainers on behalf of their clients for racing mounts. Jockeys and their agents look for mounts where they will have the most success. This means that horses that have just come off the Veterinarian's List are usually not first choice. As demonstrated in the Santa Anita Park Race Track numbers for January and February 2019, a total of 2,590 horses started in a race, and only 31 horses were first time starters four years old or older.

¹ Most standardbred drivers are also standardbred trainers who drive the horses they train.

The Board currently tracks horses that have not started at a recognized race meeting for 90 days or more. A lay-off is not necessarily an indication of poor health in a race horse. Horses that have not raced in a while may return to the track refreshed and ready to run; however, there are those horses whose extended absence, especially well beyond the typical 90-day period, is due to poor conditioning. If a horse that is entered to race has not run at a recognized race meeting for at least 90 days, the fact is noted in the information provided the examining veterinarian who performs pre-race examinations under Rule 1846. It is expected that the information will cause the examining veterinarian to take extra time with the horse to ensure it is fit to run. The proposed amendment to Rule 1588 will add an additional layer of scrutiny to horses that have not raced at a recognized race meeting within 12 consecutive months. The Board estimates that the numbers of shipped in horses with lay-offs of 12 consecutive months are comparable to or at least not in excess of horses that are first time starters four years old or older.

LOCAL MANDATE DETERMINATION

The adoption of Rule 1588 and Rule 1866 does not impose any mandate on local agencies or school districts.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE ORIGINAL NOTICE PERIOD OF APRIL 26, 2019 TO JUNE 11, 2019.

No comments were received during the original notice period of April 26, 2019 to June 11, 2019.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED AT THE JUNE 20, 2019 REGULATORY HEARING.

No comments were received at the June 20, 2019 Regulatory Hearing.

The adoption of Rule 1588 and Rule 1866 has no significant adverse economic impact on small business.

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ALTERNATIVE DETERMINATION

The Board has determined that no alternative would be more effective in carrying out the purpose for which the regulation was proposed, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The amendment to Rule 1588 will add a new subsection 1588(a)(14) to provide that any horse that has not raced within 12 consecutive months since its previous start is ineligible to start in a race until such horse has performed satisfactorily in a workout or a standardbred qualifying race as provided in subsections (e) and (f) of Rule 1866, Veterinarian's List. In addition, the amendment of Rule 1588 will add a new subsection 1588(a)(15) to provide that a horse that has never started in a race, and that is four years of age or older, is ineligible to start in a race until such horse has performed satisfactorily in a workout or a standardbred qualifying race as provided in Rule 1866(e) and (f).

The proposed amendment to Rule 1866 will modify subsection 1866(e) to make it clear that qualifying races are standardbred events.

The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period. No alternatives were proposed.

No alternatives that would lessen any adverse economic impact on small business were proposed.