

CALIFORNIA HORSE RACING BOARD  
TITLE 4, DIVISION 4, CALIFORNIA CODE OF REGULATIONS

NOTICE OF PROPOSAL TO AMEND  
RULE 1588, HORSE INELIGIBLE TO START IN A RACE

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

PROPOSED REGULATORY ACTION

The Board proposes to amend Board Rule 1588, Horse Ineligible to Start in a Race. The proposed amendment will add new subsection 1588(a)(11)(B) to provide that, except with prior approval of the stewards, and except for horses shipped directly from another racing jurisdiction, a horse that has not been in the care of a licensed trainer and stabled within a Board inclosure for seven consecutive days prior to the race, is ineligible to start in a race.

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 at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Rick Pimentel  
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

## AUTHORITY AND REFERENCE

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

Reference: Sections 19440 and 19562, BPC.

## INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

BPC section 19440 provides the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. BPC section 19562 states the Board may prescribe rules, regulations, and conditions under which all horse races with wagering on their results shall be conducted in California.

Board Rule 1588, Horse Ineligible to Start in a Race, sets forth various conditions in which a horse would be ineligible to start in a race. Currently, subsection 1588(a)(11) provides that, except with prior approval of the stewards, a horse that 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 is ineligible to start in a race. While this addresses horses already on the grounds that are subject to strict regulations, it does not address those horses that are shipped into California racing and training facilities. The proposed amendment to Board Rule 1588 will add new subsection 1588(a)(11)(B) to provide that, except with prior approval of the stewards, and except for horses shipped directly from another racing jurisdiction, a horse that has not been in the care of a licensed trainer and stabled within a Board inclosure for seven consecutive days prior to the race, is ineligible to start in a race.

The purpose of the proposed amendment is to address the use of “program” or “paper” trainers and to eliminate late ship-in horses and the potential for medication violations. A program trainer is the person whose name is listed on the official track program as the trainer of a horse that has actually been in the care of another. Sometimes the horse has been conditioned by an individual whose license has been suspended or revoked. The horse may not have been in the care of the program trainer long enough for him or her to train the horse, even minimally. As a result, horses may be running while unfit or, more likely, with a prohibited substance in their systems. The requirement that the horse be in the care of a licensed trainer within the inclosure for seven days prior to racing will give the trainer time to ensure the horse is sound and in fit condition to race. The seven days may also provide time for any prohibited substances to no longer be present in the horse.

In 2015, the Board amended Board Rule 1887, Trainer to Insure Condition of Horse, to add owners of ship-in horses as joint-absolute insurers and equally responsible for the condition of the horse entered to race. The title of the rule was changed to “Trainer or Owner to Insure Condition of Horse.” The primary purpose of the amendment was to address the use of “program” or “paper” trainers. Additionally, Board Rule 1887 was

amended to define a ship-in horse as any horse entered to race that has not been in the care of a Board-licensed trainer for seven consecutive calendar days prior to the day of the race for which it is entered. From 2018-2019 there were 10 cases in which Board Rule 1887 was cited as a violation and would have been prevented if the horse was unable to start in a race. The proposed amendment to Board Rule 1588, Horse Ineligible to Start in a Race, will strengthen the Board's ability to prevent program training and late ship-in horses, and reduce medication violations. Additionally, this will better protect horses from injuries and breakdowns, which will better protect horses, their riders, and promote a better image of the Board.

The proposed amendment provides an exemption for horses shipped directly from another racing jurisdiction. The regulation also allows the stewards to give prior approval for a horse not on the grounds for seven days.

All other changes to the text of Board Rule 1588 are for the purposes of clarity and consistency.

#### POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

The proposed amendment to Board Rule 1588 will have the benefit of promoting fairness and helping to protect the health and safety of horse and rider by ensuring only those horses that have been in the care of a trainer licensed by the Board and stabled within a Board inclosure for seven consecutive days prior to the race will be eligible to run. The proposed amendment would increase the effectiveness of Board Rule 1588 by helping to reduce medication violations by deterring owners from sending a ship-in horse to race under another trainer's name that has been treated with a prohibited drug substance. This will increase the public's confidence in California horse race, which may result in increased wagering. An increase in wagering will have a positive economic impact on the industry by increasing handle, which in turn may increase purses and commissions.

#### CONSISTENCY EVALUATION

During the process of developing these regulations and amendments, the Board has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

#### DISCLOSURE REGARDING THE PROPOSED ACTION/RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Mandate on local agencies or 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) section 17500 through 17630: none.

Other non-discretionary cost 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 amendment to Board Rule 1588 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 impacts 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 ASSESSMENT

The adoption of the proposed amendment to Board Rule 1588 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; (3) affect the expansion of businesses currently doing business within California; or (4) benefit the state's environment. The proposed amendment to Board Board Rule 1588 benefit the health and welfare of California residents by promoting fairness and helping to protect the health and safety of horse and rider by ensuring only those horses that have been in the care of a trainer licensed by the Board and stabled within a Board inclosure for seven consecutive days prior to the race will be eligible to run.

Effect on small businesses: none. The proposal to amend amendment to Board Rule 1588 does not affect small businesses because horse racing is not a small business under GC section 11342.610.

## 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, or would be as effective and less burdensome on 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 provisions 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 PERSON

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  
Associate Governmental Program Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 274-6043  
Fax: (916) 263-6022  
E-mail: [repimentel@chr.ca.gov](mailto:repimentel@chr.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: [amdummond@chr.ca.gov](mailto:amdummond@chr.ca.gov)

## AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

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 texts of the regulations, and the initial statement of reasons. Copies of these documents, or any of the information upon which the proposed rulemaking is based on, 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 which are sufficiently related to the originally proposed texts, the modified texts, 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 regulations. Requests for copies of any modified regulations 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 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 web site. The rulemaking file consists of the notice, the proposed text of the regulations and the initial statement of reasons. The Board's web site address is: [www.chrb.ca.gov](http://www.chrb.ca.gov).