

INITIAL STATEMENT OF REASONS

RULE 1842.5, TRAINER TO MAINTAIN MEDICATION TREATMENT RECORDS.

SPECIFIC PURPOSE OF THE REGULATION

The Board proposes to add Rule 1842.5, Trainer to Maintain Medication Treatment Records, to establish the requirement that trainers maintain a record of all medication treatments administered to a horse under their care that are within the inclosure.

The purpose of this proposed regulation is to ensure important information regarding medication administration is captured whenever a horse is treated inside the inclosure. By requiring each trainer to maintain a record of all medication treatments administered to a horse under their care within the inclosure, the Board will be able to effectively monitor medications provided to race horses and, in the event of a medication violation, determine how the violation occurred.

PROBLEM

Currently, medication treatment records are not mandated by the Board. Commonly, CHRB licensed veterinarians will prescribe a medication to a horse to be administered over a period of time. Unless the CHRB licensed veterinarian personally administers the medication, this information is not captured anywhere. As such, it is common for medication violation investigations to have difficulty in determining exactly how the overage occurred because there is no documentation. This ultimately leaves licensees who are nevertheless responsible for the medication violation, with little information about how to remedy the issue moving forward. Accordingly, the CHRB seeks to enhance equine health and safety in California by ensuring these medication treatment records are created whenever a horse is treated within the inclosure.

NECESSITY

The proposed addition of Rule 1842.5, Trainers to Maintain Medication Treatment Records, will establish the requirement that trainers maintain a record of all medication treatments administered to a horse under their care that are within the inclosure.

Subsection (a) states that every trainer shall maintain a record of all medication treatments administered to horses under their care that are within the inclosure. This subsection is necessary to clarify that the obligation is on the trainer to maintain a record of these medication treatments. The trainer controls access to the barn where horses under his or her care are housed. Additionally, the trainer certifies horses under his or her care that are entered to race are free from prohibited race day medications. As such, the trainer is in the best position to maintain a record of the medication treatments administered to horses under his or her care.

Subsection (b) identifies what is to be included in the medication treatment record.

Subsection (b)(1) requires the name of the horse to be included in the medication treatment record. This is necessary to identify the horse that received the treatment. Subsection (b)(2)

requires the date the medication treatment commenced and the prescribed duration of the treatment. This is necessary to accurately capture when the horse began the medication treatment and for how long the treatment was prescribed for. By requiring this information, investigators, the Stewards, or the Board can determine whether the prescription is being properly dispensed. Subsection (b)(3) requires that the name of the medication, the route of administration and the dosage regimen be provided. This information is necessary because it provides important medication administration information. The same medication can be administered in a variety of ways. By electing to administer a medication orally as compared to intravenously, can effect the manner in which the medication is absorbed. By requiring the name of the medication, the route of administration and the dosage regimen to be documented, the Board can effectively monitor how horses are receiving medication within the inclosure. Subsection (b)(4) requires the name of the person administering the medication to be included. This is necessary because it is common for numerous employees within a barn to administer medication to a horse over a period of time. Because the same person may not always be the person administering the medication, it is important to document their name so investigators can speak to the correct person in the event of an overage. Subsection (b)(5) requires the date and time of each administration to be placed on the record. This information is necessary because it provides important medication administration information which can help explain medication overages. Subsection (b)(6) requires the name of the CHRB licensed veterinarian prescribing the medication treatment. This is necessary because all medication that are dispensed by a CHRB licensed veterinarian are required to be documented pursuant to CHRB Rule 1842, Veterinarian Report. By mandating that the CHRB licensed veterinarian's name be included, the Board is able to cross check the prescription with the documents submitted by the veterinarian pursuant to Rule 1842.

Subsection (c) states that medication treatment records shall be made available for inspection upon request by the Official Veterinarian, Board of Stewards or CHRB investigators. These individuals are all tasked with ensuring the safety of the racecourse and addressing medication violations. It is necessary to provide these individuals with access to medication treatment records so they can effectively perform their duties.

Subsection (d) states that treatments administered by CHRB licensed veterinarians that are required to be reported under Rule 1842 are exempt from the requirements of this regulation. This section is necessary to clarify that CHRB licensed veterinarians do not need to complete a duplicate report under this proposed regulation.

Currently, medication treatment records are not mandated by the Board. Commonly, CHRB licensed veterinarians will prescribe a medication to a horse to be administered over a period of time. Unless the CHRB licensed veterinarian personally administers the medication, this information is not captured anywhere. As such, it is common for medication violation investigations to have difficulty in determining exactly how the overage occurred because there is no documentation. This ultimately leaves licensees who are nevertheless responsible for the medication violation, with little information about how to remedy the issue moving forward. Accordingly, the CHRB seeks to enhance equine health and safety in California by ensuring medication administration treatment records are created whenever a horse is treated within the inclosure.

Forms Incorporated by Reference:

There are no forms association with this regulation.

BENEFITS ANTICIPATED FROM THE REGULATORY ACTION.

The proposed addition of Rule 1842.5 will substantially enhance the health and safety of horses participating in racing throughout the state. Currently, medication treatment records are not mandated by the Board. Commonly, CHRB licensed veterinarians will prescribe a medication to a horse to be administered over a period of time. Unless the CHRB licensed veterinarian personally administers the medication, this information is not captured anywhere. As such, it is common for medication violation investigations to have difficulty determining exactly how the violation occurred because there is no documentation. This ultimately leaves licensees who are nevertheless responsible for the medication violation, with little information about how to remedy the issue moving forward. Accordingly, the CHRB seeks to enhance equine health and safety in California by ensuring these medication treatment records are created whenever a horse is treated within the inclosure.

The proposed changes will also benefit the horse racing industry by enhancing the sport's integrity. By requiring each trainer to maintain a record of all medication treatments administered to a horse under their care within the inclosure, the Board will be able to effectively monitor medications provided to race horses to insure improper medication administrations do not occur.

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

The Board did not rely on any technical, theoretical, and/or empirical study, reports or documents in proposing the addition of Rule 1842.5.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

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

- The proposed regulation will not impact the creation or elimination of jobs within the State of California.
- The proposed regulation will not have an impact on the creation of new businesses or the elimination of existing businesses in the State of California.
- The proposed regulation will not have an impact on the expansion of existing businesses in the State of California.
- The proposed regulation will benefit California by promoting the safety and welfare of race horses, and will not benefit the State's environment.

The Board has made the initial determination that the proposed addition of Rule 1842.5 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 regulation will not impact businesses in any way as many trainers keep such records and this regulation simply codifies that practice and allows the Board access to those records.

Purpose:

The general purpose of these proposed regulation is to ensure important information regarding medication administration is captured whenever a horse is treated inside the inclosure. By requiring each trainer to maintain a record of all medication treatments administered to a horse under their care within the inclosure, the Board will be able to effectively monitor medications provided to race horses and, in the event of a medication violation, determine how the violation occurred.

The Creation or Elimination of Jobs Within the State of California

The proposed addition of Rule 1842.5 will require trainers maintain a record of all medication treatments administered to a horse under their care that are within the inclosure. By requiring each trainer to maintain a record of all medication treatments administered to a horse under their care within the inclosure, the Board will be able to effectively monitor medications provided to race horses and, in the event of a medication violation, determine how the violation occurred. This minor administrative requirement will not significantly impact how trainers conduct their business and therefore, the Board has determined that the proposed regulation will have no direct impact on the creation or elimination of jobs within the State of California.

The Creation of New Businesses or the Elimination of Existing Businesses Within the State of California

The proposed addition of Rule 1842.5 will require trainers maintain a record of all medication treatments administered to a horse under their care that are within the inclosure. By requiring each trainer to maintain a record of all medication treatments administered to a horse under their care within the inclosure, the Board will be able to effectively monitor medications provided to race horses and, in the event of a medication violation, determine how the violation occurred. This minor administrative requirement will not significantly impact how trainers conduct their business and therefore, the Board has determined that the proposed regulation will have no direct impact on the creation of new businesses or the elimination of existing businesses within the State of California.

The Expansion of Businesses Currently Doing Business Within the State of California

The proposed addition of Rule 1842.5 will require trainers maintain a record of all medication treatments administered to a horse under their care that are within the inclosure. By requiring each trainer to maintain a record of all medication treatments administered to a horse under their care within the inclosure, the Board will be able to effectively monitor medications provided to race horses and, in the event of a medication violation, determine how the violation occurred. This minor administrative requirement will not significantly impact how trainers conduct their

business and therefore, the Board has determined that the proposed regulation will have no direct impact on the expansion of businesses currently doing business within the State of California.

Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The proposed addition of Rule 1842.5 will substantially enhance the health and safety of horses participating in racing throughout the state. Currently, medication treatment records are not mandated by the Board. Commonly, CHRB licensed veterinarians will prescribe a medication to a horse to be administered over a period of time. Unless the CHRB licensed veterinarian personally administers the medication, this information is not captured anywhere. As such, it is common for medication violation investigations have difficulty in determining exactly how the violation occurred because there is no documentation. This ultimately leaves licensees who are nevertheless responsible for the medication violation, with little information about how to remedy the issue moving forward. Accordingly, the CHRB seeks to enhance equine health and safety in California by ensuring these medication treatment records are created whenever a horse is treated within the inclosure.

The proposed changes will also benefit the horse racing industry by enhancing the sport's integrity. By requiring each trainer to maintain a record of all medication treatments administered to a horse under their care within the inclosure, the Board will be able to effectively monitor medications provided to race horses to insure improper medication administrations do not occur. This regulation will not benefit the state's environment or effect worker safety as it has no effect on these areas.

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 addition of Rule 1842.5 was discussed at the April 18, 2019 Regular Board Meeting. No alternatives to the recommendation 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
January 17, 2020