

CALIFORNIA HORSE RACING BOARD
TITLE 4. DIVISION 4. CALIFORNIA CODE OF REGULATIONS
NOTICE OF PROPOSAL TO AMEND
RULE 1842. VETERINARIAN REPORT

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

PROPOSED REGULATORY ACTION

The Board proposes to amend Board Rule 1842, Veterinarian Report, to require every veterinarian who treats a horse within the inclosure to use an electronic, on-line form prescribed by the Board to report such treatment to the official veterinarian.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, March 19, 2020**, or as soon after that as business before the Board will permit, at the **Clubhouse** at the **California Exposition and State Fair Grandstand, 1600 Exposition Boulevard, Sacramento, California**. 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.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representatives, may submit written comments about the proposed regulatory action to the Board. The written comment period closes on **March 9, 2020**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Zachary Voss, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone (916) 263-6036
Fax: (916) 263-6022
E-mail: zavoss@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority: Sections 19440, 19580, and 19583, Business and Professions Code (BPC).
Reference: Sections 19440, 19580, and 19583, BPC.

BPC sections 19440, 19580, and 19583 authorize the Board to adopt the proposed regulation, which would implement, interpret, or make specific sections 19440, 19481, and 19562 of the BPC.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

BPC section 19440 states the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of Chapter 4, of the BPC. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. BPC section 19580 provides that the Board shall adopt regulations to establish policies, guidelines, and penalties relating to equine medication to preserve and enhance the integrity of horse racing in the state. BPC section 19583 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 or her, the name of the horse treated, the name of the trainer of the horse, the time of treatment, any medication administered to the horse, and any other information requested by the official veterinarian. BPC section 19481 states that in performing its responsibilities, the Board shall establish safety standards governing the uniformity and content of, among other things, veterinary services and designate a safety steward at all horse racing meetings to be responsible for enforcing compliance with safety standards in order to improve the safety of horses, riders, and workers at the racetrack. BPC section 19562 provides that the Board may prescribe rules, regulations, and conditions, consistent with the provisions of Chapter 4 of the BPC, under which all horse races with wagering on their results shall be conducted in this state.

Board Rule 1842 requires veterinarians to complete a confidential veterinarian report when treating a horse within the inclosure. The report asks for information regarding the name of the horse treated, the name of the trainer of the horse, the time and date of the treatment, and any other information requested by the official veterinarian. The report is confidential, and its contents may not be disclosed except in a proceeding before the stewards or in an exercise of the Board's jurisdiction. The required form is the Veterinarian Report Confidential CHRB-24 (Rev. 01/18) (CHRB-24). Under this paper-based veterinary reporting procedure, official veterinarians can easily become inundated with a high volume of CHRB-24s¹. The reports are hand-written, which does not guarantee legibility. In addition, there is no uniformity in the abbreviations used for different treatments. As an example, Lasix, a common bleeder medication authorized by the Board, may appear as LXA, LXAM, LXW, or any number of acronyms. The hand-written CHRB-24 presents a problem with regards to drug violations or other issues, as it is cumbersome and time consuming to sort through them to find a specific report. While

¹ The Del Mar July through September 2019 meeting will provide stalls for 2,500 horses. The Golden Gate Fields August through September 2019 meeting will provide stalls 1,500 horses. Veterinarians are required to report all treatments. With the high numbers of horses on the grounds, the official veterinarian may literally receive hundreds of CHRB-24s. At the April 2019 Regular Board meeting the Equine Medical Director reported that the official veterinarian at Santa Anita Park Race Track received 233 CHRB-24 veterinarian reports the week of April 8, 2019.

the official veterinarians usually understand the various abbreviations used and can read the handwriting, Board investigators may have more difficulty. In addition, the lack of a database prevents a thorough analysis of the relationship between veterinary procedures and horses' health and safety. Because of the disadvantages of the current paper CHRB-24, the Board has proposed that Board Rule 1842 be amended to require that veterinarians who treat horses within the inclosure shall report such treatments to the official veterinarian in an electronic, on-line form prescribed by the Board.

Subsection 1842(a) of the proposed amendment to Board Rule 1842 provides that every veterinarian who treats a horse within the inclosure shall report the treatment to the official veterinarian using an electronic, on-line form prescribed by the Board. Electronic reporting will improve efficiency for the veterinarian and the horse racing jurisdiction, while improving accuracy and precision of data entry. The software will offer a wide range of functionality that cannot be achieved with the current paper version of CHRB-24. The improved functionality of an electronic, on-line version of form CHRB-24 will include centralized electronic storage of all treatment records, which will enhance inter-jurisdictional collaboration to assist investigations and analytical efforts, improve efficiency in filing reports, provide resources that can be readily retrieved and analyzed, and facilitate the monitoring of horses of interest in pre-race examination and post-race testing.

All other changes to the text of Board Rule 1842 are for the purposes of clarity and consistency.

CONSISTENCY EVALUATION

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

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

Mandate on local agencies and 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) sections 17500 through 17630: none.

Other non-discretionary costs 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 1842 will not have a significant statewide adverse economic impact directly affecting

businesses 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: none.

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.

RESULT OF ECONOMIC IMPACT ANALYSIS

The adoption of the proposed amendment to Board Rule 1842 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) expand businesses currently doing business in California. The proposed amendment of Board Rule 1842 promotes the safety and welfare of all horses participating in recognized race meetings. The proposed amendment will require that veterinarians report treatments performed within the inclosure using an electronic on-line form prescribed by the Board. The electronic reporting of veterinary procedures will provide reporting consistent with the current paper form CHRB-24. Electronic reporting of veterinary procedures will have the advantage of being easier to manage, legibility, and will provide a data base that is easier to search for purposes of enforcement and analysis.

The proposed amendment to Board Rule 1842 will provide a data base that will allow a thorough analysis of the relationship between veterinary procedures and horses' health and safety. A better understanding of veterinary practices and horses' health and safety will benefit worker safety. The proposed amendment to Board Rule 1842 will not benefit the state's environment.

Effects on small businesses: none. The proposal to amend Board Rule 1842 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 provision 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:

Zachary Voss, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6036
Fax: (916) 263-6022
E-mail: zavoss@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Amanda Drummond,
Policy and Regulations Manager
Telephone: (916) 263-6033
E-mail: amdrummond@chrb.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 text of the regulation, 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 Zachary Voss, or the alternative contact persons 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 text, the modified text, 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 regulation. Requests for copies of any modified regulation should be sent to the attention of Zachary Voss 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 made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Zachary Voss 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 regulation, and the initial statement of reasons. The Board's web site address is: www.chrb.ca.gov.