

Supplement to the Facts Demonstrating the Existence of an Emergency and Need for Immediate Action

Added pursuant to Government Code 11436.1(b)(2)

In June 2019, the California Horse Racing Board (Board) approved language for amendments to rules 1843.5, Medication, Drugs, and Other Substances Permitted After Entry in a Race, and 1844, Authorized Medication. The purpose of the proposed amendments was to codify the suspension of race day medications, pursuant to rule 1844.1, that occurred in March and April 2019, through the regular rulemaking process. After the language was approved, Board staff began preparing the rulemaking file for publishing in the California Notice Register. In October 2019, the rulemaking file was delivered to the Business, Consumer Services and Housing Agency (BCSH), the Board's overseeing agency, for review and approval before being sent on to the Office of Administrative Law (OAL) for publishing. Rulemaking files involving changes to medication and treatment requirements require input from Board veterinary staff, stewards, and industry representatives. Coordinating between stakeholders is particularly difficult in the summer months when the racing season is in full swing and many of the Board's official veterinarians and the Chief Equine Medical Director are engaged with the high demand for racing soundness examinations, veterinary treatment record review, and post-race drug testing. As a result, input from the necessary individuals prior to submission of the rulemaking file to BCSH was delayed.

Additionally, in the period between June 20, 2019, when the Board approved the language for the proposed amendment to Board rules 1843.5 and 1844, and October 28, 2019, when Board staff completed development of the initial rulemaking package and submitted it to BCSH for review, the Board had only one staff member working solely on developing rulemaking packages. In the same period the Board submitted a total of seven rulemaking files for review to BCSH, all developed by this single individual. Beginning in March 2019 with the initiation of the industry-wide zero tolerance policy toward use of race day medications, a flurry of reforms to Board rules were initiated and amendment packages were approved for several Board rules. Due to the lack of staff to dedicate toward developing rulemaking packages in response to the increase rulemaking activity, the time required to develop an individual amendment package was significantly prolonged during this time period.

Consequently, staff completed the initial rulemaking package four months after the Board approved the language in the amendment and submitted the initial rulemaking to BCSH for review on October 28, 2019. BCSH subsequently finished its review of the file and returned it to Board staff in December 2019, and Board staff then submitted the file to OAL on January 3, 2020 for publication in the notice register.

CALIFORNIA HORSE RACING BOARD
TITLE 4., CALIFORNIA CODE OF REGULATIONS
ARTICLE 15. VETERINARY PRACTICES
PROPOSED AMENDMENT OF
RULE 1843.5. MEDICATION, DRUGS AND OTHER SUBSTANCES PERMITTED
AFTER ENTRY IN A RACE

1843.5. Medication, Drugs and Other Substances Permitted After Entry in a Race.

(a) In this ~~rule~~ article a horse is deemed "entered" in a race ~~48 hours before post time of the running of the race~~ at midnight the day entries close for the race.

(b) ~~Water, and feed, including hay, and grain, and feed supplements that do not contain prohibited drugs~~ may be provided to the horse up until post time.

(c) Drugs, medications or any other substances shall not be administered by any means to a horse after it is deemed entered to race ~~within 48 hours of the post time of the race in which the horse is entered~~ except:

(1) Topical medications, (such as antiseptics, ointments, salves, leg rubs, leg paints, hoof dressings, liniments and antiphlogistics) which do not contain anesthetics or other prohibited drugs.

(d) Any drug, medication or any other substance found in a test sample taken from a horse which is not authorized under this rule shall be deemed a prohibited drug substance.

(e) Any of the following substances may be administered by injection until 24 hours before the post time of the race in which the horse is entered:

(1) Injectable Vitamins;

~~(2) Electrolyte Solutions;~~

~~(3) Amino Acid Solutions;~~

~~(4)~~(2) Tetanus Antitoxin or Tetanus Toxoid, if the horse has sustained a wound.

(f) Approved anti-ulcer medications may be administered until 24 hours before the post time of the race in which the horse is entered. A list of approved anti-ulcer medications, and route of administration, shall be posted at each racetrack in the office of the official veterinarian.

~~(g) One of the following non-steroidal anti-inflammatory medications may be administered until 24 hours before the post time of the race in which the horse is entered under Rule 1844 of this division:~~

~~(1) Phenylbutazone;~~

~~(2) Flunixin;~~

~~(3) Ketoprofen.~~

~~(g~~h~~)~~ In addition to the substances named in subsection (c)(1), any of the following substances may be administered under Rule 1845 of this division within 24 hours of the post time of the race in which the horse is entered:

~~(1) Furosemide;~~

~~(2) Other Authorized Bleeder Medication.~~

~~(2) Only water may be used to wash the horse's mouth on race day.~~

~~(h~~i~~)~~ Drugs, medications or any other substances may not be administered to a horse by injection, via nasogastric tube (stomach tubing) or any other means after the horse is entered to race, except under these regulations.

Authority: Sections 19580, 19581 and 19582,
Business and Professions Code.

Reference: Sections 19580, 19581 and 19582,
Business and Professions Code;
Section 337 (f), (g) and (h), Penal Code.