

INITIAL STATEMENT OF REASONS

Rule 1846.1 Veterinary Records for Horses Shipping into an Inclosure to Race

SPECIFIC PURPOSE OF THE REGULATION

The proposed addition of California Horse Racing Board (Board/CHRB) Rule 1846.1, Veterinary Records for Horses Shipping into an Inclosure to Race, will require that if a horse has not been stabled at a facility under the jurisdiction of the Board for 14 days prior to a race, or for 14 days prior to working off the Veterinarian's List, the trainer shall submit to the official veterinarian or racing veterinarian the previous 14-day veterinary treatment record. The record shall contain the name of the horse treated, any medication, drug, substance, or procedure administered or prescribed by a veterinarian during the previous 14 days, and the name of the prescribing veterinarian. The record will be confidential and cannot be disclosed except in a proceeding before the stewards, or in an exercise of the Board's jurisdiction.

PROBLEM

Board Rule 1846, Racing Soundness Examination, requires that each and every horse entered to race shall be subject to a veterinary examination for racing soundness and health not later than 2 hours prior to official post time for the race in which the horse is to compete. The racing soundness examination shall include but not be limited to close inspection of the eyes, examination of the legs, recording of the temperature of the horse and observation of the horse at rest and while in motion.

When determining racing soundness, the recent medical history of a horse is important in the examination process. Horses shipping into an inclosure from outside of the Board's jurisdiction may lack medication and treatment records which assist the official veterinarian or racing veterinarian in making a judgement about a horse's racing soundness. To ensure that adequate medical records are available, the Board has determined that Rule 1846.1 be added to the Board's rules to require trainers to provide a 14-day confidential veterinary treatment record to the official veterinarian or racing veterinarian if the horse has not been on the grounds of an official CHRB inclosure for 14 days prior to a race, or has not been on the grounds of a CHRB inclosure 14 days prior to working off the Veterinarian's List, as defined in Rule 1866, Veterinarian's List.

NECESSITY

Subsection 1846.1(a) provides that if a horse has not been stabled at a facility under the jurisdiction of the Board for 14 days prior to a race, or for 14 days prior to working off the Veterinarian's List, the trainer shall submit to the official veterinarian or racing veterinarian the previous 14-day veterinary treatment record. The ability of the official veterinarian or

racing veterinarian to make an accurate judgement about a horse's racing soundness is crucial to the health and safety of horse and rider. The veterinary treatment record compliments the racing soundness examination by allowing the official veterinarian or racing veterinarian to interpret observations during the racing soundness exam in light of a horse's medical treatment history. The lack of a veterinary treatment record could contribute to the official veterinarian or racing veterinarian making a misinformed judgement as to the horse's racing soundness, allowing a horse to run that otherwise would have been prevented from doing so.

Additionally, the Board has determined that a veterinary treatment record covering a 14-day period is a sufficiently long medical history to ensure that the official veterinarian or racing veterinarian has enough information about a horse's past medical treatments to inform any decisions while conducting the racing soundness examination.

Subsection 1846.1(a)(1) through 1846.1(a)(3) provide that the veterinary treatment record shall include the name of the horse treated, any medication, drug, substance or procedure administered or prescribed by a veterinarian during the previous 14 days, and the name of the prescribing veterinarian. These subsections are necessary to ensure that the official veterinarian or racing veterinarian can correctly identify the veterinary treatment record of the horse whose racing soundness examination is being conducted. The subsections are also necessary to provide the official veterinarian or racing veterinarian access to a full 14-day medical history of the horse being examined and all treatments administered to the horse over this period, and to provide the official veterinarian or racing veterinarian the ability to contact the prior prescribing veterinarian in the event that further clarity about any prior treatments, through dialogue with the prescribing veterinarian, is necessary.

Subsection 1846.1(b) provides that any such veterinary treatment record is confidential, and its content shall not be disclosed except in a proceeding before the stewards or the Board, or in exercise of the Board's jurisdiction. This subsection is consistent with California Business and Professions Code (BPC) section 4857, and California Code of Regulations (CCR) section 1842, Veterinarian Report.

Subsection 1846.1(c) provides that failure by the trainer to provide accurate and complete veterinary treatment records shall result in disciplinary action. The Board has determined that access to the 14-day veterinary treatment record is essential to official veterinarians and racing veterinarians when making determinations about a horse's racing soundness. As such, access to the 14-day veterinary treatment record by the official veterinarian or racing veterinarian promotes the health and safety of horse and rider. Therefore, the Board has determined it necessary to require trainers to provide accurate and complete veterinary treatment records in accordance with the Board's authority under BPC sections 19460 and 19461.

BENEFITS ANTICIPATED FROM REGULATORY ACTION

The proposed addition of Rule 1846.1 provides that if a horse has not been stabled at a facility under the jurisdiction of the Board for 14 days prior to a race, or for 14 days prior to working off the Veterinarian's List, the trainer shall submit to the official veterinarian or racing veterinarian the previous 14-day veterinary treatment record. The record will contain the name of the horse treated, any medication, drug, substance, or procedure administered or prescribed by a veterinarian during the previous 14 days, and the name of the prescribing veterinarian. This record will be confidential and cannot be disclosed except in a proceeding before the stewards, or in an exercise of the Board's jurisdiction.

The proposed addition of Rule 1846.1 promotes the safety of race horses, which is jeopardized if they race when they are not sound due to a misinformed judgement by the official veterinarian or racing veterinarian. Access to the previous 14-day veterinary record will have the benefit of aiding in the racing soundness examination if there are any questions about a horse's medical history. Keeping race horses healthy protects the economic interest of owners and ensures that there is adequate horse inventory. Additionally, ensuring that horses entered to race are sound also promotes jockey/driver safety. The proposed regulation benefits the health and welfare of California residents and improves worker safety. Sound, healthy horses result in a favorable public response to horse racing, which could result in an increase in wagering activity, and a positive economic impact for the industry.

The proposed regulation will have the benefit of facilitating dialogue between the private practice veterinarian and the official or racing veterinarian. In cases where a horse has been trained off the grounds of a CHRB licensed facility under the care or direction of the owner, and then shipped in a day or two before a race and placed with trainers who have little or no involvement in the prior care of the horse, access to the veterinary records and the ability to gain clarity by communicating with the prior prescribing veterinarian will have the benefit of providing a greater picture of the overall horse health.

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 the State of California by helping ensure the health and safety of horse and rider. The proposed regulation will not benefit the State of California's environment.

The Board has made the initial determination that the proposed addition of Rule 1846.1 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 proposed regulation will require trainers to provide to the official veterinarian or racing veterinarian a 14-day veterinary treatment record if a horse has not been stabled at a facility under the jurisdiction of the Board for 14 days prior to a race, or for 14 days prior to working off the Veterinarian's List. The record will be confidential and cannot be disclosed except in a proceeding before the stewards, or in an exercise of the Board's jurisdiction.

Purpose:

The proposed addition of Rule 1846.1 provides that if a horse has not been stabled at a facility under the jurisdiction of the Board for 14 days prior to a race, or for 14 days prior to working off the Veterinarian's List, the trainer shall submit to the official veterinarian or racing veterinarian the previous 14-day veterinary treatment record. The purpose of the proposed regulation is to help ensure the health and welfare of the race horse, and by extension the health and safety of those who must exercise, train or ride the horse in a race. Ensuring that regulatory veterinarians have access to veterinary records of horses shipping into the inclosure means that such veterinarians are better equipped to determine the soundness of the horses for racing or training. The proposed regulation will also facilitate dialogue between the private practice veterinarian and the official or racing veterinarian. In cases where a horse has been trained off the grounds of a CHRB licensed facility under the care or direction of the owner, and then shipped in a day or two before a race and placed with trainers who have little or no involvement in the prior care of the horse, access to the veterinary records provides a greater picture of the overall horse health.

The Creation or Elimination of Jobs Within the State of California

The proposed addition of Rule 1846.1 provides that if a horse has not been stabled at a facility under the jurisdiction of the Board for 14 days prior to a race, or for 14 days prior to working off the Veterinarian's List, the trainer shall submit to the official veterinarian or racing veterinarian the previous 14-day veterinary treatment record. The proposed regulation will impact trainers who ship horses into CHRB inclosures less than 14 days before a race, or less than 14 days before working off the Veterinarian's list. The proposed regulation will also affect trainers who fail to provide accurate and complete veterinary treatment records when complying with Rule 1846.1. The proposed regulation

will not have an effect on any other type of California business. Therefore, the CHRB has determined that this regulatory action will not have a significant impact on the creation or elimination of jobs in 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 1846.1 provides that if a horse has not been stabled at a facility under the jurisdiction of the Board for 14 days prior to a race, or for 14 days prior to working off the Veterinarian's List, the trainer shall submit to the official veterinarian or racing veterinarian the previous 14-day veterinary treatment record. The proposed regulation will impact trainers who ship horses into CHRB inclosures less than 14 days before a race, or less than 14 days before working off the Veterinarian's list. The proposed regulation will also affect trainers who fail to provide accurate and complete veterinary treatment records when complying with Rule 1846.1. The proposed regulation only has an effect on a limited number of CHRB licensees, and as such only has an effect on horseracing and not any other type of California business. Therefore, the CHRB has determined this regulatory proposal will not have an impact on the creation of new businesses or the elimination of existing businesses in the state of California.

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

The proposed addition of Rule 1846.1 provides that if a horse has not been stabled at a facility under the jurisdiction of the Board for 14 days prior to a race, or for 14 days prior to working off the Veterinarian's List, the trainer shall submit to the official veterinarian or racing veterinarian the previous 14-day veterinary treatment record. The proposed regulation will impact trainers who ship horses into CHRB inclosures less than 14 days before a race, or less than 14 days before working off the Veterinarian's list. The proposed regulation will also affect trainers who fail to provide accurate and complete veterinary treatment records when complying with Rule 1846.1. The proposed regulation only has an effect on a limited number of CHRB licensees, and as such only has an effect on horseracing and not any other type of California business. Therefore, the CHRB has determined that the proposed regulatory action is not relevant to the expansion of businesses currently doing business in the State of California.

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

The proposed addition of Rule 1846.1 will protect the health and safety of California's race horses, jockeys and exercise riders. In cases where a horse has been trained off the grounds of a CHRB licensed inclosure under the care or direction of the owner, and then is shipped in a day or two prior to a race and placed with trainers who have little or no involvement in the prior care of the horse, access to the 14-day veterinary treatment

record ensures that official veterinarians or racing veterinarians have access to a sufficiently long medical history to aid in the examination process and gain a greater picture of the overall horse health. The veterinary treatment record helps the official veterinarian or racing veterinarian interpret what is being observed during the racing soundness examination and is crucial in ensuring that only horses who are sound are entered to race. The enhanced ability to determine racing soundness promotes jockey/driver safety. Accordingly, the proposed regulation benefits the health and welfare of California residents and improves worker safety. The regulation does not benefit the state's environment.

ALTERNATIVES 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 1846.1 was discussed at the June 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

October 25, 2019