

STAFF ANALYSIS

DISCUSSION AND ACTION BY THE BOARD REGARDING COMMENTS RECEIVED DURING THE COMMENT PERIOD FOR PROPOSED AMENDMENTS TO CHRB RULES 1588 AND 1878, MAXIMUM AGE A HORSE MAY RACE OR WORKOUT, RESPECTIVELY

Board Meeting
March 11, 2026

ISSUE:

At the January 2026 meeting, the Board requested additional time to consider the public comments and supporting data for proposed Rule 1588, Horse Ineligible to Start in a Race and Rule 1878, Workouts. In total, three written comments received during the comment period and commenters Rozamund Barclay, Don Smith, and Gloria Haley – each of whom had submitted written comments – also addressed the Board in person.

BACKGROUND:

Board History & Procedural Timeline:

On June 19, 2025, the Board approved the establishment of a maximum age for a horse to be eligible to race. California law sets a minimum racing age but does not impose a maximum age. The goal is to promote animal safety and welfare, increase the likelihood of second careers after racing, and create consistency across California tracks. On August 21, 2025, the Board approved amendments to Rule 1878, Workouts, to align workout eligibility with the proposed maximum racing age. The proposed amendments for both rules were published in the Office of Administrative Law's Notice Register on October 31, 2025, initiating a public comment period that was later extended to December 29, 2025. At the close of the comment period, three comments were received and presented to the Board.

Public Comments:

Comment: Received by Gail Matthews on 11/26/2025

Summary: Wrote in full support of rule 1588 to include a statutory maximum age limit as presented in Policy Statement Overview. The full comment is attached for the Board's consideration.

Comment: Received by Donald Smith D.V.M. and Gloria Haley Smith on 12/8/2025

Summary: Object to rule 1588(a)(16) establishing the maximum age a maiden may race. The commentator claims the rule is unfair to racehorses and their owners. They said that it is incorrect that there will be no economic consequences and that the only option left to owners of these horses is to campaign them out of state and incur additional expenses and deprive the owner of the opportunity to earn Cal Bred bonuses. The commenter asked that the Board discard the change to the eligibility rule for racehorses. The full comment is attached for the Board's consideration.

Comment: Received by Rozamund Barclay on 12/8/2025

The commentor has concerns/object to Rule 1588(a)(16), maximum age a maiden may race. They claim it is going to create damage to an already struggling and fragile industry. The commentor claims this rule compromises the ability of owners and trainers to prioritize the health and welfare of the horses and that this rule change will put pressure to push younger, immature horses and horses with injuries requiring rehabilitation or Horseracing Integrity and Safety Authority (HISA) directives. It was also noted that older horses win and place in Graded and Breeders Cup Competitions at ages 6-10 and this rule will result in another population of California bred thoroughbreds leaving the state. The full comment is attached for Board consideration.

Current Track Practices:

Santa Anita Park, Del Mar and Los Alamitos Racecourse (thoroughbred racing) have house rules setting the maximum age for racing at 10 years old. Los Alamitos (thoroughbred racing) and Del Mar have house rules not allowing maidens older than 6 years old to race and Santa Anita Park has a similar rule for maidens over 5 years old. Los Alamitos quarter horse racing has not established a house rule for either.

ANALYSIS:

Animal Welfare:

A 12-year-old quarter horse suffered a catastrophic injury at the Humboldt County Fair in September 2024, drawing criticism from the media and animal welfare advocates and raising public concern regarding older horses competing. Given the importance of both animal welfare and public perception in the continued viability of racing in the state, the CHRB determined that relying solely on house rules was insufficient and that statewide standards were necessary to create consistency and better protect equine athletes.

Scientific Research on Age-Related Risk:

Multiple studies indicate an elevated risk of catastrophic injury as horses age. Research published in [*Preventative Veterinary Medicine*](#) (“Risk factors for equine fractures in Thoroughbred flat racing in North America” by Tim D.H. Parkin) revealed that older horses have a higher risk of sustaining a fracture and that the age of the horse has been shown to be associated with the risk of injury, which is believed to be due to older horses continuing to accrue “microdamage and injury risk”. A [*Veterinary Journal*](#) article (“Meta-analysis of risk factors for racehorse catastrophic musculoskeletal injury in flat racing”, by P.L. Hitchens, A.V. Morrice-West, M.A. Stevenson, R.C.) explores the interaction between age and race type, with older horses having a higher risk of catastrophic musculoskeletal injury in maiden races. The analysis found an interaction between age and class of race in California where older horses in maiden races (6 and older) had the highest risk of catastrophic musculoskeletal injuries, followed by younger horses (2 to 5 years old) in claiming and higher class races. The findings support the prevention of older horses racing. Similarly, an article in the [*AVMA*](#) journal (“Thoroughbreds deemed to be most at risk by inertial measurement unit sensors suffered a fatal musculoskeletal injury at a higher rate than other race horses” by Dr. Warwick M. Bayly), found that horses greater than 6 years old represented the age

group with the largest percentage of fatal injuries. Finally, in [“The Effect of Age on Thoroughbred Racing Performance”](#), authored by Marshall Gramm and Ryne Marksteiner, it was found that a typical thoroughbred’s peak racing age is 4.45 years and that the peak occurs between 4.25 and 4.5 years old. Thoroughbreds experience measurable performance decline after age 6.75. Collectively, these findings support limiting racing age to reduce injury risk and improve prospects for successful second careers.

Comparative Regulatory Landscape:

CHRB staff requested a survey be conducted by the Association of Racing Commissioners International (ARCI) to canvass states and provinces to determine whether other jurisdictions regulate maximum racing ages. The results showed that approaches vary. Of the jurisdictions that responded:

- **Jurisdictions with no maximum age for Thoroughbreds to race:**
New York, Pennsylvania, Illinois, Indiana, Ontario, New Jersey, and Oregon.
- **Jurisdictions with no maximum age for Standardbreds to race:**
New York, Illinois, Indiana, New Jersey, and Oregon
- **Jurisdictions with maximum ages for Thoroughbreds:**
Saskatchewan (14 years),
North Dakota (13 years),
Delaware (12 years),
South Dakota (12 years),
Montana (12 years),
Wyoming (12 years),
West Virginia (12 years),
Minnesota (11 years).
- **Jurisdictions with maximum ages for Standardbreds:**
Saskatchewan (14 years),
Pennsylvania (14 years),
Minnesota (14 years),
Ontario (14 years),
North Dakota (13 years),
Delaware (12 years),
South Dakota (12 years),
Montana (12 years),
Wyoming (12 years),
West Virginia (12 years).
- **Jurisdictions with racetrack-specific maximums:**
Texas and New Jersey both reported that maximum age limits are set at the track level rather than by state rule.
- **Jurisdiction with maximum ages specifically for maidens:**
Wyoming (max. maiden age: 5 years),
Delaware (max. maiden age: 8 years).

Finally, neither the Horseracing Integrity and Safety Authority (HISA), The Jockey Club, the American Quarter Horse Association (AQHA), nor the ARCI Model Rules currently establish maximum ages for racing or maiden eligibility. However, the United States Trotting Association (USTA) sets a maximum racing age of 14 for Standardbreds. As previously noted, some California racetracks maintain house rules limiting racing or maiden eligibility, but these are not statewide standards.

Updated Language for Consideration at March 2026 Board Meeting:

Based on comments received during the public comment period and at the January 2026 Board Meeting, Staff has revised the proposed language to increase by one year the maximum age at which a maiden may be entered to race – from five to six years old – and to adjust the proposed workout prohibition from five years old to six. These revisions are consistent with scientific evidence, as the research identifying elevated injury risk in horses aged six and above supports applying a heightened standard beginning at this age range.

In addition, CHRB Equine Medical Director, Dr. Jeff Blea notes that by raising the maximum age a maiden may race to six years old, it will encourage more rest periods without the pressure of aging out at the end of the five-year-old year for these horses, a concern that was brought up by stakeholders. This will allow horses in this population to continue to safely compete in California rather than racing them before they've had a chance to fully recover from injuries or rest periods or leaving the state entirely. Inventory and participants are likely to be insignificant due to the high cost of keeping a six-year-old maiden in training and second career opportunities for this population of horses. Finally, six-year-old maidens will receive increased veterinary scrutiny by the Governor's entry panel, similar to the current policy for nine-year-old entries.

CONTROLLING LAW:

Business & Professions Code (BPC) § 19440 (in part):

(a) 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, but not be limited to, all of the following:

(1) Adopting rules and regulations that protect and advance the health, safety, welfare, and aftercare of racehorses.

BPC § 19668

(a) On and after July 1, 1995, it shall be unlawful for any person to enter or accept the entry of a horse in a race upon which there is parimutuel wagering until two years after the horse's foaling date.

(b) Every person who violates this section is guilty of a misdemeanor. The board may suspend the license of any person who violates this section for a period of not more than one year.

RECOMMENDATION:

The item is presented to the Board for action and discussion.

CALIFORNIA CODE OF REGULATIONS
TITLE 4. BUSINESS REGULATIONS
DIVISION 4. CALIFORNIA HORSE RACING BOARD
ARTICLE 6. ENTRIES AND DECLARATIONS
RULE 1588. HORSE INELIGIBLE TO START IN A RACE

- (a) In addition to any other valid ground or reason, a horse is ineligible to start in any race:
 - (1) if such horse is not registered by the Jockey Club if a thoroughbred, the United States Trotting Association if a standardbred, the American Quarter Horse Association if a quarter horse, the Appaloosa Horse Club if an appaloosa horse, the Arabian Horse Registry of America if an Arabian horse, or the American Paint Horse Association if a paint horse;
 - (2) if the parentage verification to both the sire and the dam of all horses foaled in 1992 and thereafter has not been certified by the Jockey Club if a thoroughbred, the United States Trotting Association if a standardbred, the American Quarter Horse Association if a quarter horse, the Appaloosa Horse Club if an appaloosa horse, the Arabian Horse Registry of America if an Arabian horse, or the American Paint Horse Association if a paint horse;
 - (3) if, unless the stewards permit otherwise, the certificate of foal registration, eligibility papers, or other registration issued by the official registry for such horse is not on file with the racing secretary at the time of entry;
 - (4) if such horse has been entered or raced at any recognized race meeting under any name or designation other than the name or designation duly assigned by and registered with the official registry;
 - (5) if the certificate of foal registration, eligibility papers or other registration issued by the official registry has been altered, erased, or forged;
 - (6) if the identification markings of the horse do not agree with the identification markings as set forth in the registration of such horse;
 - (7) unless he is eligible to enter said race and is duly entered for such race;
 - (8) when such horse is owned in whole or in part by an unlicensed person or is in the care of an unlicensed trainer;
 - (9) when such horse is on the Steward's List, the Starter's List or the Veterinarian's List; when, except with prior approval of the stewards for good cause, such horse is on the Veterinarian's List in another racing jurisdiction. Good cause includes:
 - (A) unforeseen administrative issues in removing the horse from the

Veterinarian's List of another racing jurisdiction;

(B) the location of the horse prevents it from being evaluated by the official veterinarian of another racing jurisdiction and cleared from that jurisdiction's Veterinarian's List, and the horse is approved to race by a California official veterinarian; or

(C) any other unforeseen event or reason that would prevent a horse that would otherwise not be on a Veterinarian's List from being cleared from the Veterinarian's List of another racing jurisdiction.

(10) when, except with prior approval of the stewards:

(A) such horse 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, or

(B) such horse has not been in the care of a trainer licensed by the Board and stabled within a CHRB inclosure, including auxiliary stabling areas, for seven consecutive days prior to the race, except for horses being shipped directly from another racing jurisdiction.

(11) when such horse does not carry a microchip or has not received a waiver from the stewards in accordance with Rule 1597.5.

(12) when such horse has received an intra-articular injection within the previous fourteen days prior to the scheduled post-time for the race in which it is entered.

(13) when such horse has not raced at a recognized race meeting within 12 consecutive months since its previous start, until the horse has performed satisfactorily in a workout or standardbred qualifying race as provided in Rule 1866(h) and (i).

(14) when such horse is a first-time starter four (4) years of age or older, until the horse has performed satisfactorily in a workout or standardbred qualifying race as provided in Rule 1866(h) and (i).

(15) when such horse is fifteen (15) years of age or older if a standardbred or eleven (11) years of age or older if any other breed.

(16) when such horse is a maiden, as defined by rule 1420(k), and six (6) seven (7) years of age or older.

NOTE:

Authority cited: Sections 19440 and 19562, Business and Professions Code.

Reference: Sections 19440 and 19562, Business and Professions Code.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
DIVISION 4. CALIFORNIA HORSE RACING BOARD
ARTICLE 6. ENTRIES AND DECLARATIONS
PROPOSED AMENDMENT OF RULE 1878, WORKOUTS

§ 1878. Workouts.

(a) No trainer shall permit a horse in his charge to be taken onto the track for training or a workout except during hours designated by the association, and a trainer desiring to engage a horse in a workout shall prior to such workout identify the horse by name when requested to do so by the stewards or their authorized representative.

(b) A horse shall not be permitted to workout unless:

(1) The horse has been examined by the trainer's attending veterinarian during the seventy-two (72) hours immediately preceding the workout for the express purpose of evaluating the horse's fitness to workout; and

(2) An evaluation has been conducted by the attending veterinarian and a determination has been made that the horse is fit to workout.

(A) The examination shall include, but not be limited to, close inspection of the eyes, examination of the legs, and observation of the horse at rest and while in motion.

(B) The attending veterinarian and trainer shall inform the Official Veterinarian of any changes in the horse's fitness after examination and before workout.

(C) The evaluation shall be recorded in the Veterinarian Report in accordance with section 1842.

(3) such horse is fourteen (14) years of age or younger if a standardbred or ten (10) years or younger if any other breed.

(4) such horse is a maiden as defined by rule 1420 (k), and ~~five-six (6)~~ years of age or younger.

(c) For the purpose of this section, "workout" means an exercise session near full speed, or close to full speed.

NOTE:

Authority cited: Sections 19440 and 19562, Business and Professions Code.

Reference: Sections 19440 and 19562, Business and Professions Code.

From: [Gail Matthews](#)
To: Tuchman, Brooke@CHRB
Subject: CHRB Rule 1588 Horse Ineligible to Start in a Race
Date: Wednesday, November 26, 2025 5:31:17 AM

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Dear Ms. Tuchman,

I write in full support of amending CHRB Rule 1588 to include the statutory maximum age limits as presented in your Policy Statement Overview. I hope to see a unanimous "Yes" from the Board in support of this much needed regulation.

My heartfelt thanks to the California Horse Racing Board for the measures taken since 2019 to help protect the health, safety and welfare of the horses. The Board's conscientious stewardship of Horse Racing is an example that the sport, nationwide, would be wise to follow.

Sincerely,

Gail Matthews, C.E.S.M.T.
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DONALD SMITH D.V.M.
GLORIA HALEY SMITH
104 Flagship Place
Point Richmond, CA 94801-4164

December 7, 2025

To: California Horse Racing Board

From: Donald Smith and Gloria Haley Smith

We are writing to object to the proposed change to CHRB Rule 1588:

Rule 1588. Horses Ineligible To Start In A Race (a) (16) “when such horse is a maiden, as defined by rule 1420(k), and six (6) years of age or older.”

This rule change would not only be unfair to the racehorses and their owners, it would result in inadvertent circumstances and results.

The rule has been proposed with the advice that it would have no economic consequences. This is not correct. The only option which will be left to the owners of these horses will be to campaign them out of state. This would incur additional expenses for travel for the horse as well as the owner. It would also deprive the owner of the opportunity to earn Cal Bred bonuses with their horses. The economic impact would be substantial.

Distant racing would also deprive the owners of the emotional and social rewards that go with racehorse ownership. This is not an inconsequential consideration.

One possible outcome of this rule change could be to hasten the recovery of horses from surgery, injury or disease more quickly than would be otherwise advisable. As an example, we had a mare which suffered surgical colic. Her scheduled rehabilitation coincided with the COVID pandemic which extended her time out of training. As a seven year old she broke her maiden and has been competing successfully in every start. This highlights the fact that each horse is a unique situation. It is careless to lump all horses into categories and judge their suitability to race accordingly. It is unfair to the horse, and it is unfair to the owner. There is already intense economic pressure on horses to recover from misfortune as quickly as possible. The health and welfare of the horse should be the most important consideration. It is wrong to saddle the horses with regulatory pressure to shorten their recuperation and rehabilitation. Each case is unique and should be evaluated as such.

**DONALD SMITH D.V.M.
GLORIA HALEY SMITH
104 Flagship Place
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One critical factor is the amount of time for horses to reach maturity. It is well recognized that horses are not fully mature until approximately 5 years old. It is a fact that horses are not even eligible to compete in Olympic events until they are 8 years old. Denying horses the opportunity to compete beyond the age of 5 may be robbing them of their most productive years. A nine year old horse just ran third in The Breeder's Cup. This is an important consideration for not only Thoroughbreds but also for Quarterhorses and Standardbreds. Many of these horses don't realize their full potential until late in their careers.

It has been suggested that this rule should be instituted because horses older than 5 years are difficult to repurpose. We find this an inaccurate suggestion. Our experience is that the horse's age is a minor consideration when new caretakers are evaluating racehorses. Conformation, personality, athletic ability are always more important than age. We have found that many of our racehorses have found rewarding careers when retired older than 5 years of age.

If there is belief that older horses are difficult to repurpose, this should not be the defining factor in a racehorse's career. If an owner is willing to bear the expense of maintaining a horse despite its age, it is inappropriate for the State to dictate to the owner how that horse should be managed according to its age. Most racehorse owners have emotional attachments to their horses, just as they do to any of their pets. If they are willing to support and care for their horses, it is not right for the State to deny that opportunity to them.

Please discard this change to the eligibility rule for racehorses.

From: [Rozamund Barclay](mailto:Rozamund.Barclay@icloud.com)
To: [Tuchman, Brooke@CHRB](mailto:Tuchman.Brooke@CHRB)
Subject: Proposed rule change
Date: Monday, December 8, 2025 3:28:09 PM

[You don't often get email from rozamundbarclay@icloud.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

To: Brook Tuchman, Regulatory Affairs Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, Ca 95825

From: Rozamund Barclay
37306 200th Ave SE
Auburn Wa 98092. (253)-820-2578

Dear Chairman, Vice Chairman ,and Commissioners,

This correspondence is intended to express deep concerns ,and strong objection to the proposed Rule changes involving ,Rule 1588.Horse ineligible to start in a race(a) (16) “ when such horse is a maiden,as defined by rule 1420(k), and six(6) years of age or older.”

This rule being proposed of horses six or older ,still having their maiden condition -being ineligible to race in California is going to create damage to an already struggling fragile industry. I believe the statement that implementing this rule “Will do no Harm” , is very misguided and invalid.

The Industries of horse racing and breeding In California have recently suffered devastating events due to The Covid Pandemic and the Closure of Golden Gate Fields and All Northern Ca Fairs. In the History-of Horse Racing in Ca , if their were ever legitimate reasons for a significant population of six year old and older race horses that have not yet won a race -it is now! Cancellation of races during the pandemic , relocation of large populations of horses, owners not knowing where or when their horses were going to race , produced a very volatile sustainability Issue for owners and trainers to fund the plethora of changes. Many of us had no choice but to turn horses out, not because they were unsound ,because the availability of stalls in Southern Ca, the costs of relocation, and the proposed racing programs to be offered were misrepresented at best.

I also believe this rule proposal compromises the ability of owners and trainers to always prioritize the health and welfare of our incredible athletes, the horses.

This rule change will put pressure on horseman to push younger, immature horses and horses with injuries requiring rehabilitation time or HISA directives.Owners and trainers have significant investments in many horses of this age and to deprive them of the opportunity to go forward because of a horse being six or older in January, not because of an Unsoundness is costly to everyone. Many horses run multiple seconds and thirds,Prior to breaking their maiden , still proving they are credible racehorses, with this proposed rule change ,Their carriers would be cut short even if they ran a photo finish second on December 30 th, before they are six.

The majority of Equine Sports Internationally do not allow horses to compete in upper level or extreme sports until they have reached maturity which is usually considered five years of age . Many events restrict horses to an even older age. The Olympics require a horse to be 8 yrs of Age to be entered -and prefer 9 yrs of age to compete. Open Grand Prix Jumpers are required to be 5 yrs or older and preferred to be 6 if obstacles involved are over 4 and a half feet.The average age of stadium, Grand Prix and open jumpers is 10 to 15 years of age. Polo players restrict how long young horses can play until they are 6 or older. Many endurance races are restricted to 6 year olds or older, etc

My point being other equine sports appreciate the value of science and studies proving Value in patience and nurturing young horses until they are physically mature is much healthier ,Before expecting maximum performance from them.

Every year , “Older” thoroughbred horses prove their value to the sport winning and placing in Graded and Breeders Cup Competitions at ages of 6 to 10. Multiple horses have won or placed in Graded Stakes and Breeder’s Cup events at nine.

Grazen, our beloved California Sire ,always topping Sire lists , had his best progeny this year,Lovesick Blues,

competing at 7 years of age.

Many useful good race horses have had delayed starts to their careers. Please don't deprive owners of competing with their horses and opportunity based on age alone. If this proposal goes forward it will result in yet another population of Ca bred thoroughbreds leaving the state.

In reference to the idea 6 year olds need to be moved on to new careers if they have not won a race; I am writing from a personal perspective of fifty years of re-homing and marketing hundreds of retired racehorses - not all thoroughbreds are appropriate for pleasure horses or "other careers" - age is rarely a priority to those serious parties seeking to purchase or rehome race horses. More commonly, disposition, soundness and general appearance and health are far more important to prospective buyers or "want to be" new owners.

—I personally have sold, re-homed, many horses not retired until seven or older and am very proud and appreciative of the successful careers and homes the horses have moved on to.

Sincerely, Rozamund Barclay

Sent from my iPad