

## INITIAL STATEMENT OF REASONS

### RULE 1500. APPRENTICE JOCKEY RULE 1619. APPRENTICE ALLOWANCE

## SPECIFIC PURPOSE OF THE REGULATION

The California Horse Racing Board (Board) proposes to amend Board Rule 1500, Apprentice Jockey, and Board Rule 1619, Apprentice Jockey Allowance, to align with proposed language for the Association of Racing Commissioners International (ARCI) model rule by specifying general license eligibility to include modified requirements for five-pound and seven-pound allowances.

## PROBLEM

The Board is constantly looking for areas to both improve animal and human welfare and ensure that rules established by the Board are effectively serving the purposes of their intent. As humans evolve and nutrition and dieting are better understood, the ability for apprentice jockeys to realize the benefit of specified weight allowances is increasingly difficult and unhealthy when achieved. In fact, at the lower end of the assigned weight for particular races, most apprentice jockeys simply cannot ride at that weight and are therefore not able to realize the intended benefit of the allowances provided. Furthermore, the current jockey apprentice allowance rule is difficult to implement effectively due its complexity and specificity. The proposed amendment to Board Rule 1500 will specify the eligibility requirements under which a license as an apprentice jockey is granted. The proposed amendment to Board Rule 1619 will modify the requirements for the five-pound and seven-pound allowances to ensure rider safety.

## NECESSITY

Currently, Board Rule 1500 provides general license eligibility as an apprentice jockey. In collaboration with the Jockeys' Guild and to align with proposed language for the ARCI model rule, the Board proposes to specify the eligibility requirements under which a license as an apprentice jockey is granted.

Subsection (b) of Board Rule 1500 provides that the apprenticeship of an apprentice jockey shall automatically terminate one year from the date of the fifth winning ride of the apprentice jockey, or on the date of the 40<sup>th</sup> winning ride of the apprentice jockey, whichever comes later. Additionally, no apprenticeship shall extend for more than two years from the date of the fifth winning mount. The proposed amendment will increase the number of winning rides needed from five to ten. The amendment is in conjunction with the proposed amendment to Board Rule 1619, which updates the Board's apprentice jockey allowance program. The amendment also provides for consistency with the proposed amendments to the recognized industry standards established by the ARCI.

Subsection (d) will be added to provide that an applicant for apprentice jockey may be prohibited from riding until the stewards or the Board has sufficient opportunity (not to exceed 14 days) to verify the applicant's previous riding experience. This is necessary to ensure an applicant does not have riding experience that counts against an apprentice, or experience that does, and to determine that an applicant is qualified to ride.

Subsection (e) will be added to provide the conditions of an apprentice jockey do not apply to Quarter Horse racing. A jockey's performance in quarter horse racing does not apply to the conditions of an apprentice jockey license. This is necessary as quarter horse jockeys tend to be heavier, and more importantly, the races are shorter, and weight is not viewed as an advantage or detriment.

Subsection (f) will be added to provide that an individual seeking to become an apprentice jockey may obtain an apprentice certificate by submitting a form provided by the Board and obtaining approval from the stewards. An individual shall not receive more than one apprentice license. In case of emergencies, a copy of the original certificate may be obtained from a CHRB office. This is necessary to provide guidance on how to obtain an apprentice certificate or, in case of emergencies (i.e., certificate is destroyed in a fire), how to obtain a copy of the original certificate. It is imperative that an apprentice jockey always has their certificate, as it needs to be presented prior to racing, as specified in subsection (i).

Subsection (g) will be added to provide that an applicant with an apprentice certificate approved by the stewards may be licensed as an apprentice jockey. The apprentice certificate will grant an apprentice jockey all the allowances and conditions as stated in this rule and in Board Rule 1619. This is necessary to clarify that an applicant needs to obtain an apprentice certificate before being licensed as an apprentice jockey.

Subsection (h) will be added to provide that an apprentice jockey that has ridden less than ten winners may not accept mounts on two-year-olds, on first time starts, or in turf races without the prior approval of the stewards. Two-year-olds and first time starts are inexperienced and turf races tend to be conducted with larger fields on narrower racing surfaces. Apprentice jockeys are also by definition less experienced. Therefore, in order to promote safety for both horses and riders, apprentice riders need permission to ride in more challenging or higher risk situations.

Subsection (i) will be added to provide that the apprentice jockey will be responsible for having their apprentice certificate with them at all times. Prior to riding, the apprentice certificate will be submitted to the clerk of scales at each racing association in which the apprentice is licensed and riding. This is necessary to ensure that apprentice jockeys are responsible for their apprentice certificates at all times and apprentice jockeys are compliant with required certification. Forgetting their certificates before a race does not qualify as an acceptable reason for not having their certificate.

Subsection (j) will be added to provide that if an apprentice jockey is unable to ride for a period of seven consecutive days or more after the date of their tenth winning mount because of the services in the national armed forces, enrollment in an institution of secondary or higher education, restrictions on racing, physical disablement or illnesses, or pregnancy, the stewards or CHRB may extend the time during which such apprentice weight allowance may be claimed, for a period not to exceed the period such apprentice jockey was unable to ride. An extension may be granted for other reasons that may be acceptable to the Board. The Board and stewards may grant extensions to apprentice licenses and certificates which they have issued. All other requests for extensions shall be directed to the jurisdiction that approved the apprentice license or certificate. This is necessary to allow extensions of apprentice weight allowances in cases where apprentice jockeys are unable to ride under approved reasons. Apprentice jockeys can submit a request for extension using the new CHRB-248 (New 08/22), as provided in new subsection (j)(1), to a CHRB licensing office if they meet the requirements of subsection (j).

The CHRB-248 requests the applicant to select a reason for requesting an extension. This is necessary to make it clear the reason for the request. The CHRB-248 requests the jockey allowance expiration date. This is necessary to make it clear when the applicant's apprentice allowance expires. The CHRB-248 requests the total number of calendar days jockey was unable to ride and requested as an extension in the application. This is necessary to ensure the extension request does not exceed the time the apprentice jockey was unable to ride. The CHRB-248 requests the name of steward(s) at track. This is necessary to know who to contact if questions arise regarding the extension request. The CHRB-248 requests an explanation if the applicant is requesting an extension due to physical disablement, illness, or pregnancy. A note to applicant is included that states no request for extension due to physical disablement, illness, or pregnancy will be considered without a confirming report from doctor, and to secure letters from attending physicians stating nature and extent of injury, date, etc. and names of stewards presiding at meeting where you were injured or became ill. This is necessary so the applicant is aware what additional information needs to be submitted with the request and certifies what the applicant is reporting on the form. The CHRB-248 asks for the name, date, and address of the examining physician, and states to attach a letter from the physician verifying the facts supplied on the form. This is necessary to certify what the applicant is reporting on the form. The CHRB-248 asks for the apprentice contract expiration date and name of contract holder, if applicable. This is necessary to ensure an apprentice jockey's contract hasn't expired prior to the requested extension date. The CHRB-248 requires the applicant to print full name, sign, and date. This is necessary for the applicant to affirm the information submitted on the form.

To facilitate an apprentice jockey's opportunity to obtain a mount during the training period of their riding career, an apprentice jockey is granted concessions, not afforded to an experienced jockey, during their apprenticeship. Specifically, an apprentice jockey is given weight allowances, which are deductions from the total weight a horse is required to carry while participating in a race. However, the ability of an apprentice jockey to realize the benefit of specified weight allowances is increasingly difficult and unhealthy when

achieved due to utilizing unhealthy dieting practices to make weight. Currently, Board Rule 1619 permits apprentice jockeys a 10-pound weight allowance when riding in all Thoroughbred, Appaloosa, Arabian, and Paint races. In collaboration with the Jockeys' Guild and to align with proposed language for the ARCI model rule, the Board proposes to remove the 10-pound allowance and clarify the requirements for five-pound and seven-pound allowances.

Board Rule 1619 is being amended throughout to add "jockey" after apprentice for clarity, as Board Rule 1500(a) defines apprentice jockey as a term.

Board Rule 1619 is being amended to remove "Thoroughbred, Appaloosa, Arabian, and Paint" and add "except stake and handicap races, and pursuant to subsection (d) of Rule 1500." It is necessary to remove the specific types of races to clarify that apprentice jockey weight allowances would be allowed in all types of races except stake and handicap races, and pursuant to Rule 1500(d). Stakes races are high quality races that feature the best horses. Handicap races are races where the horses carry weights to even out the level of competition – the best horse carries the most weight while the worst horse will be assigned no weight. Weight allowances are not allowed in these races; therefore, it is necessary to clarify that an apprentice jockey weight allowance does not apply to these races.

Subsection (a) of Board Rule 1619 will be stricken. Removing the 10-pound allowance will simplify the allowance requirements, align the rule nationally, and promote a healthier lifestyle for jockeys. With people getting heavier, it is increasing difficult for apprentice jockeys to make weight minus 10-pounds. Removing the 10-pound allowance is necessary to ensure the health of apprentice jockeys and create more realistic weight limits.

Subsection (b) will be renumbered as subsection (a), due to the previous subsection (a) being stricken as noted above and be amended to state, "A seven (7) pound allowance beginning with their first mount and continuing until the apprentice has ridden ten (10) winners." This is necessary to clarify the seven-pound allowance will begin with an apprentice jockey's first mount and will continue until they have ridden 10 winners, instead of the previously required 35 winners. Reducing the number of winners from 35 to 10 is a more realistic number of winners to obtain, and is modified to align with the prior weight of 10-pounds being stricken.

Subsection (c) will be renumbered as subsection (b), due to the previous subsection (b) being renumbered as noted above, and be amended to state, "A five (5) pound allowance from their tenth (10<sup>th</sup>) winner and until the apprentice has ridden a total of forty (40) winners, or for one year, whichever comes later." This is necessary to clarify the five-pound allowance requirements and is consistent with the proposed amendment to the ARCI model rule.

Subsection (d) is amended to subsection (c) due to previous subsection (a) being stricken as noted above. Subsection 1619(c) is amended to state "An apprentice allowance may

be waived with the steward's permission at the time of entry by the trainer or the trainer's designee. This is necessary to clarify when to request the waiver of an apprentice allowance.

Subsection (d) will be added and the previously "free-floating" text amended to state "An apprentice allowance may be waived with the steward's permission at the time of entry by the trainer or the trainer's designee." This is necessary to clarify when and by whom an apprentice allowance may be waived.

Subsection (e) will be added to provide that in no event may an apprentice allowance be claimed more than two years from the date of the tenth winning mount unless an extension has been granted by the stewards or the CHRB pursuant to Board Rule 1500(j). This is necessary to clarify the amount of time allowed to claim an apprentice allowance and that an extension will only be granted under specified circumstances as outlined in Board Rule 1500(j).

## BENEFITS ANTICIPATED FROM THE REGULATORY ACTION

The proposed amendment to Board Rules 1500 and 1619 will improve human welfare by ensuring specific, realistic standards are set for apprentice jockey weight allowances, and specifying the eligibility requirements under which a license as an apprentice jockey is granted. These changes will align with proposed language for the ARCI model rule, provide clarity and make less complicated these required specifications for apprentice jockeys, and will benefit the health and welfare of riders by creating more realistic weight limits.

## TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDIES, REPORTS, OR DOCUMENTS

The Board did not rely upon any technical, theoretical, or empirical studies, reports, or documents in proposing the amendment of the regulations.

## 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.
- The proposed regulation will not have an impact on the creation of new businesses or the elimination of existing businesses within the state.
- The proposed regulation will not have an impact on the expansion of businesses currently doing business within the state.
- The proposed regulation will not benefit the health and welfare of California residents, worker safety, or the state's environment.

The Board has made the initial determination that the proposed amendment to Board Rules 1500 and 1619 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 amendment modifies and clarifies the provisions governing the required specifications for apprentice jockeys and apprentice allowances in an effort to promote the health and safety of riders.

## PURPOSE

The purpose of the proposed amendments to Board Rules 1500 and 1619 is to align the required specifications for apprentice jockeys and apprentice allowances nationally, to provide clarity and make less complicated these required specifications for apprentice jockeys, and to promote the health and safety of riders.

## CREATION OR ELIMINATION OF JOBS WITHIN THE STATE OF CALIFORNIA

The proposed amendment to Board Rules 1500 and 1619 will specify the eligibility requirements under which a license as an apprentice jockey is granted and modify requirements for the five-pound and seven-pound allowance to ensure rider safety. This will not impact businesses in the state, only ensure realistic expectations are consistent with the naturally evolving size of humans. Therefore, the proposed regulation will not have a significant impact on the creation or elimination of jobs within the state.

## CREATION OF NEW BUSINESSES OR THE ELIMINATION OF EXISTING BUSINESSES WITHIN THE STATE OF CALIFORNIA

The proposed amendment to Board Rules 1500 and 1619 will specify the eligibility requirements under which a license as an apprentice jockey is granted and modify requirements for the five-pound and seven-pound allowance to ensure rider safety. This will not impact businesses in the state, only ensure realistic expectations are consistent with the naturally evolving size of humans. Therefore, the proposed regulation is unlikely to result in the elimination of existing businesses within the state.

## EXPANSION OF BUSINESSES CURRENTLY DOING BUSINESS WITHIN THE STATE OF CALIFORNIA

The proposed amendment to Board Rules 1500 and 1619 will specify the eligibility requirements under which a license as an apprentice jockey is granted and modify requirements for the five-pound and seven-pound allowance to ensure rider safety. This will not impact businesses in the state, only ensure realistic expectations are consistent with the naturally evolving size of humans. Therefore, the proposed regulation will not result in the expansion of businesses currently doing business within the state.

## BENEFITS OF THE REGULATION TO THE HEALTH AND WELFARE OF CALIFORNIA RESIDENTS, WORKER SAFETY, AND THE STATE'S ENVIRONMENT

The proposed amendment to Board Rules 1500 and 1619 will specify the eligibility requirements under which a license as an apprentice jockey is granted and modify requirements for the five-pound and seven-pound allowance to ensure rider safety. Therefore, the proposed regulation will not have an effect on the state's environment. However, it will benefit the health and welfare of racehorses and California riders by ensuring both the humans and the horses maintain good health and realistic expectations for safety. The amendments will not affect worker safety.

#### 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, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective and equally effective in implementing the statutory policy or other provision of law.

#### REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION

The proposed amendment to Board Rules 1500 and 1619 was discussed at the September 15, 2022, 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 that offer any alternative proposal.

CALIFORNIA HORSE RACING BOARD  
March 31, 2023