

CALIFORNIA CODE OF REGULATIONS  
TITLE 4. BUSINESS REGULATIONS  
DIVISION 4. CALIFORNIA HORSE RACING BOARD  
ARTICLE 6. ENTRIES AND DECLARATIONS  
RULE 1634. CLAIMING OPTION ENTRY  
ARTICLE 7. CLAIMING RACES  
RULE 1656. ERRORS WHICH INVALIDATE CLAIM  
RULE 1658. VESTING OF TITLE TO CLAIMED HORSE

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

PROPOSED REGULATORY ACTION

Currently, Board Rule 1634, Claiming Option Entry, allows the owner, at the time of entry into a claiming race, to declare a horse ineligible to be claimed if it has been laid off and has not started for a minimum of 180 days since its last start, and the horse is entered for a claiming price not less than the price at which it last started. The Board proposes to amend Board Rule 1634 to reduce the minimum number of days required since the last start from 180 to 120. The proposed amendment would also allow for ineligibility to apply to a second consecutive start following each such layoff, instead of only the first start, provided that certain conditions are met. A non-substantive, technical edit would also be made.

The Board proposes to amend Board Rule 1656, Errors Which Invalidate Claim, to update the reference to the claim form, CHRB-11 (REV. 8/14) Agreement to Claim, which is incorporated by reference, to reflect the latest version of the form. Also, a non-substantive, technical edit would be made to the title of the rule.

Currently, subsection (c) of Board Rule 1658, Vesting of Title to Claimed Horse, stipulates that the stewards shall not void a claim if the claimant elects to claim the horse regardless of whether the racing or official veterinarian determines the horse will be placed on the Veterinarian's List as unsound or lame, and subsection (c)(1) requires that the election made under subsection (c) be entered on the claim form, CHRB-11 (REV. 8/14) Agreement to Claim, which is incorporated by reference. The proposed regulatory action would amend subsection (c) of Board Rule 1658 by including "bled" as one of the reasons for placement on the Veterinarian's List as it pertains to subsection (c). Additionally, subsection (b)(2)(A) of Board Rule 1658 would be amended to include the term "epistaxis," which has the same meaning as "bled." The proposed regulatory action would also update the reference to the claim form in subsection (c)(1) to reflect the latest version of the form, which has been revised to include "bled/epistaxis" for consistency with the changes to subsections (b)(2)(A) and (c) of Board Rule 1658. Non-substantive, technical edits would be made to the Board rule and claim form.

## PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period.

## WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes on **November 18, 2024**. The Board must receive all comments by that time. Submit comments to:

Rick Pimentel, Regulations Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 274-6043  
Email: [repimentel@chrb.ca.gov](mailto:repimentel@chrb.ca.gov)

## AUTHORITY AND REFERENCE

Authority cited: Sections 19420, 19440, and 19562, Business and Professions Code (BPC). Reference: Sections 19408.2 and 19562, BPC.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Horseracing Integrity and Safety Authority's (HISA) amendment to its federal regulations concerning claiming races went into effect on July 8, 2024. This resulted in inconsistencies between Board Rule 1634 and HISA Rule 2263, Waiver Claiming Option. It also necessitated changes to Board Rule 1658 for consistency with HISA Rule 2262, Void Claim, as well as to the Board's claim form, CHRB-11 (REV. 8/14) Agreement to Claim, which is incorporated by reference in Board Rules 1656 and 1658.

Currently, Board Rule 1634 allows the owner, at the time of entry into a claiming race, to declare a horse ineligible to be claimed if it has been laid off and has not started for a minimum of 180 days since its last start and the horse is entered for a claiming price not less than the price at which it last started. The proposed regulatory action would amend Board Rule 1634 to align with HISA Rule 2263 by reducing the minimum number of days required since the last start from 180 to 120. Additionally, for consistency with HISA Rule 2263, the amendment to Board Rule 1634 would allow for ineligibility to apply to a second consecutive start following each such layoff, instead of only the first start, provided that certain conditions are met. A non-substantive, technical edit would also be made.

The amendment to Board Rule 1656 would update the reference to the claim form, CHRB-11 (REV. 8/14) Agreement to Claim, to reflect the latest version of the form. A non-substantive, technical edit would also be made to the title of the rule.

Subsection (c) of Board Rule 1658 currently stipulates that the stewards shall not void a claim if the claimant elects to claim the horse regardless of whether the racing or official veterinarian determines the horse will be placed on the Veterinarian's List as unsound or lame, and subsection (c)(1) requires that the election made under subsection (c) be entered on the claim form, CHRB-11 (REV. 8/14) Agreement to Claim, which is incorporated by reference. The proposed regulatory action would amend subsection (c) of Board Rule 1658 for consistency with subsection (f) of HISA Rule 2262 by adding "bled" as one of the reasons for placement on the Veterinarian's List as it relates to subsection (c). Additionally, the proposed regulatory action would amend subsection (b)(2)(A) of Board Rule 1658 to include the term "epistaxis," which has the same meaning as "bled." Also, the reference to the claim form, CHRB-11 (REV. 8/14) Agreement to Claim, would be updated to reflect the latest version of the form, which has been revised to include "bled/epistaxis," for consistency with the changes to subsections (b)(2)(A) and (c) of Board Rule 1658. Non-substantive, technical edits would be made to the rule and the claim form.

#### ANTICIPATED BENEFIT OF THE PROPOSED REGULATION

The proposed regulatory action would provide for consistency with federal regulations. The proposed amendment to Board Rule 1634 would align the rule with HISA Rule 2263 by reducing the minimum number of days required since a horse's last start, in relation to declaring the horse ineligible to be claimed, from 180 to 120, and allowing for ineligibility to apply to a second consecutive start, given certain conditions. Additionally, the proposed amendment to Board Rule 1658 would align the rule with HISA Rule 2262 by including "bled" as one of the reasons for placement on the Veterinarian's List as it relates to a claimant electing to claim a horse regardless of a veterinary determination. Finally, references to the claim form, CHRB-11 (REV. 8/14) Agreement to Claim, which is incorporated by reference in Board Rules 1656 and 1658, would be updated to reflect the latest version of the form, which has been revised to include "bled/epistaxis," consistent with the proposed changes to Board Rule 1658. These proposed changes, which would provide for consistency with federal regulations, would help prevent confusion among horse owners and ensure their compliance with the Board's rules.

#### CONSISTENCY EVALUATION

Evaluation of Consistency and Compatibility with Existing State Regulations: During the process of developing the proposed regulatory action, the Board conducted a search of any similar regulations on the topic and concluded that Board Rule 1634 is the only regulation that sets forth the conditions under which an owner may, at the time of entry into a claiming race, opt to declare a horse ineligible to be claimed; Board Rule 1656 is the only regulation that sets forth the types of errors made on a claim form that render a claim invalid; and Board Rule 1658 is the only regulation that governs the vesting of a

title to a claim horse, sets forth the conditions under which the stewards shall void the claim, defines “bled,” stipulates when the stewards shall not void the claim, requires the use of the form CHRB-11 (REV. 8/14) Agreement to Claim, and specifies conditions that render the claim void. Therefore, the proposed regulatory action is neither inconsistent nor incompatible with existing state regulations.

## DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to local agencies and school districts that must be reimbursed in accordance with Government Code (GC) sections 17500 through 17630: none.

Other non-discretionary cost 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 regulatory action 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 regulatory action would reduce the minimum number of days required since a horse’s last start, in relation to declaring the horse ineligible to be claimed, from 180 to 120 and allow for ineligibility to apply to a second consecutive start, given certain conditions; include “bled” as one of the reasons for placement on the Veterinarian’s List as it relates to a claimant electing to claim a horse regardless of a veterinary determination; update references to the claim form, which has been revised to include “bled/epistaxis” within the context of the previous provision; and make non-substantive, technical edits.

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.

## RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The adoption of the proposed regulatory action **will not** create or eliminate jobs within the state, **will not** create new businesses or eliminate existing businesses within the state, **will not** result in the expansion of businesses currently doing business with the state, and is not expected to affect worker safety or the state’s environment. However, the proposed

regulation will benefit the health and welfare of California residents. As stated above under ANTICIPATED BENEFIT OF THE PROPOSED REGULATION, the proposed regulation would provide for consistency with federal regulations, help prevent confusion among horse owners, and ensure compliance with the Board's rules.

Effect on small business: none. The proposed regulatory action does not affect small business because small businesses are not legally required to comply with or enforce the regulation and neither derive a benefit nor incur a detriment from the enforcement of the regulation. The proposed regulatory action would reduce the minimum number of days required since a horse's last start, in relation to declaring the horse ineligible to be claimed, from 180 to 120 and allow for ineligibility to apply to a second consecutive start, given certain conditions; include "bled" as one of the reasons for placement on the Veterinarian's List as it relates to a claimant electing to claim a horse regardless of a veterinary determination; update references to the claim form, which has been revised to include "bled/epistaxis" within the context of the previous provision; and make non-substantive, technical edits.

## 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, 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.

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 PERSONS

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:

Rick Pimentel, Regulations Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 274-6043  
E-mail: [repimentel@chrb.ca.gov](mailto:repimentel@chrb.ca.gov)

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

Sandra Shinn, Manager  
Regulations and Industry Applications Unit  
Telephone: (916) 869-3255  
Email: [skshinn@chrb.ca.gov](mailto:skshinn@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, may be obtained by contacting Rick Pimentel or the alternative contact person at the address, phone number, or email 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 that 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 Rick Pimentel 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 Rick Pimentel 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 website. The rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. The Board's website address is [www.chrb.ca.gov](http://www.chrb.ca.gov).