

CALIFORNIA HORSE RACING BOARD

15-DAY NOTICE OF MODIFICATION TO THE TEXT OF THE PROPOSED AMENDMENT TO RULE 1840, VETERINARY PRACTICES AND TREATMENTS RESTRICTED, AND RULE 1890, POSSESSION OF CONTRABAND

Pursuant to the requirements of Government Code (GC) section 11346.8(c) and section 44 of Title 1 of the California Code of Regulations (CCR), the California Horse Racing Board (CHRB/Board) is providing notice of changes that have been made to the text of the proposed amendment to Board Rule 1840, Veterinary Practices and Treatments Restricted and Board Rule 1890, Possession of Contraband.

CHANGES TO THE PROPOSED TEXT

The originally proposed text was noticed to the public on February 9, 2024. No request for a public hearing was received. During the 45-day comment period, which was from February 9, 2024, to March 25, 2024, one public comment was received. The comment received was from the California Veterinary Medical Association (CVMA), recommending proposed changes to the text. This proposed change was presented and adopted by the Board at its April 18, 2024, meeting.

A copy of the full text of the regulations with the proposed changes indicated is attached for your review. Additions to the originally proposed text appear in double underlined text, and deletions are shown in ~~double strikethrough~~.

Rule 1840, Veterinary Practices and Treatments Restricted

Rule 1840 was modified to delineate the roles between veterinarians and registered veterinary technicians (RVTs). Specifically, subsection 1840(b) was modified to state, “No person other than a Board-licensed veterinarian or registered veterinary technician (RVT) under the direct supervision of a Board-licensed veterinarian may perform endoscopy within an inclosure.” This is necessary to clarify that RVTs may perform endoscopy only under the direct supervision of a Board-licensed veterinarian because an endoscopy involves the insertion of an endoscope directly into an organ, which could pose a risk of harm to the horse if performed improperly. Additionally, subsection 1840(b) was modified to add, “Nothing in this rule shall be construed to permit an RVT to make a diagnosis.” This is necessary to clarify that RVTs cannot diagnose or provide any prognosis for a medical condition as defined in Business and Professions Code (BPC) section 4840.2. This will ensure that RVTs only perform those services which they are permitted to pursuant to BPC section 4840.2.

Subsection 1840(b)(1) was stricken. This is necessary because defining endoscopy would unnecessarily limit the general understanding of the term.

Subsection 1840(c) was modified to state, “No person other than a Board-licensed veterinarian or RVT under the supervision of a Board-licensed veterinarian shall administer to any horse within an inclosure any substance with a hypodermic needle.” This is necessary as it allows the veterinarian the flexibility and discretion to determine whether they want to be on the premises

when the RVT is administering a substance with a hypodermic needle. Additionally, “nasogastric tube” was stricken as it is now addressed in new subsection 1840(d).

Subsection 1840(d) was added to provide that “No person other than a Board-licensed veterinarian shall administer to any horse within the inclosure any substance through a nasogastric tube.” This is necessary to clarify that only veterinarians are allowed to perform this function.

WRITTEN COMMENT PERIOD

Any interested person may submit a written statement relating to the modified language or the documents added to the rulemaking file during the public comment period from **July 10, 2024, through July 25, 2024**. All written comments must be submitted to the Board no later than **July 25, 2024**. The Board will only consider comments received at the Board’s office by that time. Submit written comments to:

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All written comments received by July 25, 2024, that pertain to the indicated text changes or the additional documents will be reviewed and responded to by the Board’s staff as part of the completion of the rulemaking file. Please limit your comments to the modifications to the text. Text proposed to be added to the rulemaking in this comment period is displayed in double underline, and proposed deletions to the rulemaking in this comment period are displayed in ~~double strikethrough~~.

AVAILABILITY OF RULEMAKING DOCUMENTS ON THE INTERNET

Copies of this notice, the original Notice of Proposed Rulemaking, the Initial Statement of Reasons, the original proposed text of the regulations, additional documents and information to the record, and the revisions to the proposed text of the regulations can be accessed via the CHRB website at: https://www.chrb.ca.gov/rules_law.html.

CALIFORNIA HORSE RACING BOARD
July 10, 2024