

CALIFORNIA CODE OF REGULATIONS  
TITLE 4. BUSINESS REGULATIONS  
DIVISION 4. CALIFORNIA HORSE RACING BOARD  
ARTICLE 15. VETERINARY PRACTICES  
PROPOSED AMENDMENT OF RULE 1840,  
VETERINARY PRACTICES AND TREATMENTS RESTRICTED AND  
PROPOSED AMENDMENT RULE 1890, POSSESSION OF CONTRABAND

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

The Board proposes to amend Board Rules 1840, Veterinary Practices and Treatments Restricted, and 1890, Possession of Contraband, to define “endoscopy” and provide that only a Board-licensed veterinarian or registered veterinary technician (RVT) may perform an endoscopy within an inclosure or administer any veterinary treatment or medicine to a horse via a hypodermic needle or nasogastric tube within an inclosure. Additionally, the proposed amendments will clarify that Board-licensed veterinarians, RVTs, and veterinary assistants are authorized to possess these items within an inclosure.

#### 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 **March 25, 2024**. The Board must receive all comments by that time. Submit comments to:

Nicole Lopes-Gravely, Policy and Regulations Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6397  
Fax: (916) 263-6042  
Email: [nlgravely@chrb.ca.gov](mailto:nlgravely@chrb.ca.gov)

#### AUTHORITY AND REFERENCE

Authority cited: Sections 19420, 19440, and 19562, Business and Professions Code (BPC). Reference: Sections 19440, 19460, 19562, 19580, 19581, and 19583, BPC.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

BPC section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of Horse Racing Law, whereby responsibilities of the Board shall include, but not be limited to, adopting rules and regulations that protect and advance the health, safety, welfare, and aftercare of racehorses. BPC section 19562 provides that the Board may prescribe rules, regulations, and conditions, consistent with the provisions of Horse Racing Law, under which all horse races with wagering on their results shall be conducted in California.

As endoscopy has become a more common procedure in evaluating upper respiratory function and the Board is concerned about unqualified individuals attempting to perform the procedure, which could cause serious harm to a horse as it involves the insertion of an endoscope directly into an organ. Therefore, the Board seeks to allow only Board-licensed veterinarians and RVTs to perform an endoscopy within an inclosure. Additionally, although Board Rule 1840 currently allows only Board-licensed veterinarians to administer a veterinary treatment or medication to a horse within an inclosure, with certain exceptions, the rule does not specifically address such treatment administered via a hypodermic needle or nasogastric tube, and the Board understands that an RVT may at times employ a hypodermic needle or nasogastric tube in treating a horse under the direction of a Board-licensed veterinarian. Thus, the Board seeks to amend the rule to accommodate this accepted practice. Additionally, the Board seeks to amend Board Rule 1890, Possession of Contraband, to clarify that Board-licensed veterinarians, RVTs, and veterinary assistants can have within their possession endoscopes and nasogastric tubes to clarify that they can possess these items within the enclosure to perform authorized procedures.

Further, the amendment to Board Rule 1840 will define “endoscopy” and provide that only a Board-licensed veterinarian or RVT may perform an endoscopy within an inclosure or administer any veterinary treatment or medicine to a horse via a hypodermic needle or nasogastric tube within an inclosure.

## ANTICIPATED BENEFIT OF THE PROPOSED REGULATION

The proposed regulatory action will protect the safety and welfare of horses by helping to ensure that only qualified individuals perform a procedure that could pose a risk of harm if performed improperly. Specifically, the amendment to Board Rules 1840 and 1890 will provide that only Board-licensed veterinarians and RVTs may perform an endoscopy within an inclosure. This will help prevent injury or harm to the horse, as an endoscopy involves the insertion of an endoscope directly into an organ. This will also provide clarification that only Board-licensed veterinarians, RVTs, and veterinary assistants can have, within their possession, endoscopes and nasogastric tubes.

## 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 Rules 1840 and 1890 is the only regulation that concerns restriction of the administration of a veterinary treatment or medication to only Board-licensed veterinarians, and no regulation currently addresses the performance of an endoscopy within an inclosure or addresses administration of a veterinary treatment or medication via a hypodermic needle or nasogastric tube by a Board-licensed veterinarian or RVT within an inclosure. 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 will define “endoscopy” and provide that only a Board-licensed veterinarian or RVT may perform an endoscopy within an inclosure or administer any veterinary treatment or medicine to a horse via a hypodermic needle or nasogastric tube within an inclosure. Additionally, the proposed amendment will provide clarification to who is authorize to possess the equipment needed to perform these procedures.

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 will not benefit the health and welfare of California residents, worker safety, or the state's environment.

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 will define "endoscopy" and provide that only a Board-licensed veterinarian or RVT may perform an endoscopy within an inclosure or administer any veterinary treatment or medicine to a horse via a hypodermic needle or nasogastric tube within an inclosure.

## 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:

Nicole Lopes-Gravely, Policy and Regulations Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6397  
Fax: (916) 263-6042  
Email: [nlgravely@chrb.ca.gov](mailto:nlgravely@chrb.ca.gov)

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

Rick Pimentel, Regulations Analyst

Regulations, Industry Applications, and Administrative Hearings  
Telephone: (916) 274-6043  
Email: [repimentel@chrb.ca.gov](mailto:repimentel@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 Sidney Villareal 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 Nicole Lopes-Gravely 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 Nicole Lopes-Gravely 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).