

CALIFORNIA HORSE RACING BOARD

15-DAY NOTICE OF MODIFICATION TO THE TEXT OF THE PROPOSED AMENDMENT TO RULE 1846.5, POSTMORTEM EXAMINATION, AND RULE 1846.6 POSTMORTEM EXAMINATION REVIEW

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 1846.5, Postmortem Examination and Board Rule 1846.6, Postmortem Examination Review.

CHANGES TO THE PROPOSED TEXT

The originally proposed text was noticed to the public on April 14, 2023. No request for a public hearing was received. During the 45-day comment period, which was from April 14, 2023, to May 30, 2023, one public comment was received. The comment received was from Eric Sindler, on behalf of Santa Anita Park and Golden Gate Fields, recommending proposed changes to the text. This proposed change was presented and adopted by the Board at its August 17, 2023, 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 1846.5, Postmortem Examination

Subsection 1846.5(g) was modified to add “Once the report is filed with the listed designees, the Board may release a copy to the racing association or training facility where the horse last resided.” This is necessary to provide the racing association where catastrophic injury occurred to fully review the history of the horse and will aid in reducing future catastrophic injuries. This amendment will expressly permit licensed racing associations to receive unredacted necropsy and postmortem reports. Current privacy laws only apply to licensed veterinarians, not racing associations. By adopting these proposed amendments this will authorize racing associations to receive the unredacted necropsy reports and clarify the regulation. Additionally, this will further help associations to identify causes of catastrophic injuries and continue CHRB’s mission of reducing horse injuries and fatalities.

Rule 1846.6, Postmortem Examination Review

Subsection 1846.6(g) was modified to add “Once the report is filed with the listed designees, the Board may release a copy to the racing association or training facility where the horse last resided.” This is necessary to provide the racing association where catastrophic injury occurred to fully review the history of the horse and will aid in reducing future catastrophic injuries. This amendment will expressly permit licensed racing associations to receive unredacted necropsy and postmortem reports. Current privacy laws only apply to licensed veterinarians, not racing

associations. By adopting these proposed amendments this will authorize racing associations to receive the unredacted necropsy reports and clarify the regulation. Additionally, this will further help associations to identify causes of catastrophic injuries and continue CHRB's mission of reducing horse injuries and fatalities. Business and Professions Code (BPC) section 19420 vests in the Board jurisdiction and supervision over meetings in the State where horse races with wagering on their results are held and over all persons or things having to do with the operation of such meetings. BPC section 19440 states that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of California Horse Racing Law. Responsibilities of the Board include adopting rules and regulations that protect and advance the health, safety, welfare, and aftercare of racehorses and the administration and enforcement of all laws, rules, and regulations affecting horse racing and parimutuel wagering. Board Rule 1842 (Veterinarian Report) exempts the Board from disclosing privileged veterinary medical records to third parties except in a proceeding before the stewards or the Board, or in an exercise of the Board's jurisdiction.

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 **September 1, 2023 – September 16, 2023**. All written comments must be submitted to the Board no later than **September 16, 2023**. The Board will only consider comments received at the Board's office by that time. Submit written comments to:

Yannet G De Garcia, Associate Management Auditor
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6023
Email: ygdegarcia@chrb.ca.gov

All written comments received by September 16, 2023, which 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 is 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: http://www.chrb.ca.gov/rules_law.asp.

CALIFORNIA HORSE RACING BOARD
September 1, 2023