

## INITIAL STATEMENT OF REASONS

### RULE 1875. FIREARMS.

#### SPECIFIC PURPOSE OF THE REGULATION

California Horse Racing Board (Board) Rule 1875, Firearms, sets forth that no licensee, employee of the association or its concessionaires, shall possess a firearm while on the grounds of a facility within the purview or control of the Board unless such possession has been authorized by state or federal law, and unless the documentation of such authorization is on his or her person. The proposed amendment of Board Rule 1875 will expand the scope of the rule to reduce the risk of injury, promote, and foster safety of all individuals and participants in horse racing by banning the possession of weapons and ammunition, unless authorized by state and federal law and maintaining documentation, and banning the possession of pellet and non-powder guns on CHRB grounds.

#### PROBLEM

Presently, Board Rule 1875, Firearms, only prohibits the possession of weapons on CHRB grounds, has been authorized by state or federal law, and unless the documentation of such authorization is on his or her person. Recently, information and recommendations have been brought to the attention of the Board due to individuals having had possession of high-power pellet guns, BB guns, and/or ammunition on the grounds of a facility within the purview or control of the Board. Having devices that imitate a firearm poses a danger to all individuals on the grounds of a facility within the purview or control of the Board. According to Penal Code 16700 (a) (1) definition of an "imitation firearm" means any BB device, toy gun, replica of firearm, or other device that is so substantially similar in coloration and overall appearance to an existing firearm as to lead a reasonable person to perceive that the device is a firearm. The Board proposes to amend Board Rule 1875, Firearms, to change the title of Board Rule 1875, to "Weapons and Ammunition." Furthermore, the Board proposes to amend the language of Board Rule 1875 to prohibit the possession of any device or instrument that expels a projectile: such as a BB or pellet gun, to prohibit the possession of any non-powder gun (NPG): such as airsoft gun, and to prohibit the possession of any ammunition.

#### NECESSITY

The proposed amendment to Board Rule 1875, Firearms, intends to address and reduce the risk of possession of weapons and/or any ammunition on the grounds of all facilities within the purview of the Board to promote and foster the safety of all individuals and participants in horse racing. The information brought to the attention of the Board caused a concern for safety of all individuals and participants in horse racing. Specifically, the information received by the Board explained that pellet and BB guns have been used by individuals in the barns to shoot or kill pigeons, rats, and other rodents. The concern presented to the Board is that a ricochet or a bad aim can easily strike a stalled horse, or a human that may be outside the stall in the shed row and cause serious injury.

Furthermore, ammunition has been found in the barns. It is the experience of “law enforcement” that whenever there is ammunition, the weapon is nearby. The safety concerns are severe, according to the research document published by the California Senate of Office Research “Pellet Guns and BB Guns: Dangerous Playthings in the Open Market:<sup>1</sup>”

Pellet guns are on the market today with projectile impact power often exceeding that of conventional firearms. Injuries nationally from so-called non-powder guns (NPGs) run to the tens of thousands [...]. [Furthermore,] the record of casualties as a result, largely, of accidental shootings, whether the fault lies with the shooter or the gun, is documented in a number of most-recent studies:

- In 2000, the Center for Disease Control and Prevention (CDC) calculated there were 21,187 NPG injuries treated at hospital emergency room – 76percent of the patients were children or teenagers.
- Most NPG injuries are to the arms and legs; 6 percent are to the eyes.

In 2004, a former legislative staff member in Sacramento, was injured by a youth discharging a high powered pellet gun in the direction of cars coming into range as they passed on the street below the shooter’s hillside home. [The former legislative staff member was hit on his neck, punctured wound inflicted, wound was bleeding, he had to be treated by paramedics and moved to a hospital].

On September 22, 2003, Los Angeles police officers spotted a car used moments before in a carjacking and forced the driver to pull over. A young man jumped from the car and pointed a weapon at one of the officers. Believing his life was in danger, the office shot and killed the 16-year-old youth. Upon examination later, police discovered the weapon pointed at the offices was not a firearm but a pellet gun – still capable of inflicting injury.

Lastly, the proposed recommendation to amend Board Rule 1875, Firearms, would provide the Board’s Law Enforcement Division with the ability to initiate investigations, confiscate such weapons, and reduce the risk of injury on the grounds of a facility within the purview or control of the Board.

## **BENEFITS ANTICIPATED FROM THE REGULATORY ACTION**

The proposed amendment to Board Rule 1875 will increase, promote, and foster safety of all individuals and participants of horse racing on the grounds of a facility within the purview or control of the Board. Implementing the proposed amendment to Board Rule 1875 would reduce the risk of injury to humans and racehorses, provide the Board’s Law Enforcement Division the ability to initiate investigations and confiscate such weapons, and prohibit the use and possession of projectile and non-powder guns on Board grounds. The Board values and promotes safety for all individuals and participants of horse racing in California by fostering the safety, health, and welfare for all its participants.

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

The Board relied upon the following studies/relevant data in making the above determination: California Senate of Office Research (SOR) "Pellet Guns and BB Guns: Dangerous Playthings in the Open Market," Don Moulds, Director, Senate of the State of California, 2005.

## RESULTS OF ECONOMIC IMPACT ASSESSMENT

The results of the Board's Economic Impact Assessment as required by Government Code (GC) 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 an initial determination that the proposed amendment to Board Rule 1875 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 will support and expand the safety and welfare of all participants of horse racing in California. By expanding the scope of authority of the rule to prohibit firearms; weapons; ammunition; any device or instrument that expels a projectile, such as a BB or pellet; and any non-powder gun (NPG) device, such as an airsoft gun, not limited to: BB gun, pellet gun, spot marker, paint ball gun, taser gun, or stun gun.

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

The proposed amendment to Board Rule 1875 will expand the scope of weapons not authorized on Board grounds to reduce the risk of injury, promote, and foster safety of all individuals and participants in horse racing. The proposed amendment of Board Rule 1875 will expand the scope of the rule to reduce the risk of injury, promote, and foster safety of all individuals and participants in horse racing by banning the possession of weapons and ammunition, unless authorized by state and federal law and maintaining documentation, and banning the possession of pellet and non-powder guns on CHRB grounds. As such, the Board does not expect an increase or decrease in jobs and/or occupations in the California horse racing industry or the creation of jobs within the state.

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

The proposed amendment of Board Rule 1875 will expand the scope of the rule to reduce the risk of injury, promote, and foster safety of all individuals and participants in horse racing by banning the possession of weapons and ammunition, unless authorized by state and federal law and maintaining documentation, and banning the possession of pellet and non-powder guns on CHRB grounds. As such, the proposed regulation will not result in the creation of new businesses or the elimination of existing businesses within the state.

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

The proposed amendment of Board Rule 1875 will expand the scope of the rule to reduce the risk of injury, promote, and foster safety of all individuals and participants in horse racing by banning the possession of weapons and ammunition, unless authorized by state and federal law and maintaining documentation, and banning the possession of pellet and non-powder guns on CHRB grounds. As such, the proposed regulation will not result in the expansion of businesses currently doing business within the state.

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

The proposed amendment of Board Rule 1875 will expand the scope of the rule to reduce the risk of injury, promote, and foster safety of all individuals and participants in horse racing by banning the possession of weapons and ammunition, unless authorized by state and federal law and maintaining documentation, and banning the possession of pellet and non-powder guns on CHRB grounds. As such, the proposed regulation will not result in benefits to the health and welfare of California residents, worker safety, or the state's environment.

## 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 Rule 1875 was discussed at the May 18, 2023 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 29, 2024