CALIFORNIA HORSE RACING BOARD  
NOTIFICATION OF MODIFICATION OF TEXT OF  
THE PROPOSED AMENDMENT OF  
RULE 1588. HORSE INELIGIBLE TO START IN A RACE  

Pursuant to the requirements of Government Code section 11346.8 and section 44 of title 1 of the California Code of Regulations, the California Horse Racing Board (Board) is providing notice of changes made to the text of the proposed amendment of Rule 1588, Horse Ineligible to Start in a Race.

The proposal to amend Rule 1588 was heard for adoption at the October 2014 Regular Board Meeting. In December 2014, the completed rulemaking file was sent to the Office of Administrative Law (OAL) for review. On January 14, 2015, the OAL disapproved the regulation on the grounds that it failed to comply with the Clarity standard of Government Code section 11349.1. In its disapproval the OAL provided that the proposed subdivision 1588(j) was unclear because the language of subdivision 1588(j) conflicted with the Board’s description of the effect of the regulation. As written, the express language of subdivision (j) provided the stewards with unrestricted discretion to allow a horse to race, despite the fact that the horse was on a Veterinarian’s List in another racing jurisdiction. The OAL also stated subdivision 1588(j) was unclear because it presented information in a format that would not be readily understandable by persons directly affected. Subdivision 1588(j) allowed a horse to race, despite the fact that the horse was on a Veterinarian’s List in another jurisdiction, and it was not clear what procedures or criteria, if any, the stewards would use to determine whether a horse should be allowed to start in a race. Further, it was unclear whether the stewards would be required to have good cause to allow a horse to start in a race. Subdivision 1588(j) referred only to the sole and absolute discretion of the stewards, leaving those directly affected without any meaningful guidance regarding the steward approval process. To address the OAL’s concerns, the proposed text of subsection 1588(j) has been modified to provide that the stewards must have “good cause” to approve the entry of a horse that is on another racing jurisdiction’s Veterinarian’s List. Subsections 1588(j)(1) through (j)(3) have been added to define what such “good cause” may include: 1) unforeseen administrative issues in removing the horse from the other racing jurisdiction’s Veterinarian’s List; 2) the location of the horse preventing it from being evaluated by the official veterinarian of another jurisdiction and cleared from that jurisdiction’s Veterinarian’s List; and 3) another unforeseen event or reason that would prevent the horse from being cleared from another racing jurisdiction’s Veterinarian’s List.

A copy of the full text of the regulation with the proposed changes indicated is attached. Single underlined text represents the original language as noticed September 5, 2014, through October 20, 2014. For the 15-day public comment period of April 22, 2015, through May 6, 2015, deletions to the adopted text appear as bold double strikethrough and new and revised text appears as bold double underlined.

Any interested person may submit a written statement relating to the modified bold double strikethrough and the bold double underlined language during the public comment period from April 22, 2015, to May 6, 2015. The written comment period will close at 5:00 p.m. on
May 6, 2015. However, written comments may still be submitted at the public hearing. Submit written comments to:

Harold Coburn, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825

All written comments received by the CHRB by 5:00 p.m. May 6, 2015, which pertain to the **bold double strikethrough** and the **bold double underlined** changes to the text, 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 changes to the text that are indicated by bold double strikethrough and bold double underlined.*

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, May 21, 2015**, or as soon after that as business before the Board will permit, at the Santa Anita Park Race Track, 285 West Huntington Drive, Arcadia, California. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in this notice. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

Questions concerning the proposed amendment may be addressed to Harold Coburn at (916) 263-6026, or at haroldc@chrb.ca.gov, or at the address above. If Harold Coburn is not available, questions concerning the proposed amendment may be directed to Andrea Ogden at (916) 263-6033.

CALIFORNIA HORSE RACING BOARD
April 22, 2015