

NOTE: Government Code section 11340.85 requires the Board to post all notices, initial statement of reasons and texts of rules noticed to the public until 15 days after the proposed regulations are filed with the Secretary of State by the Office of Administrative Law.

CALIFORNIA HORSE RACING BOARD
TITLE 4. DIVISION 4. CALIFORNIA CODE OF REGULATIONS

NOTICE OF PROPOSAL TO AMEND
RULE 1844. AUTHORIZED MEDICATION

The California Horse Racing Board (Board/CHRB) proposes to amend the regulation described below after considering all comments, objections or recommendations, regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1844, Authorized Medication. The proposed amendment will change subsection 1844(e)(6) to provide that no clenbuterol, or its metabolites or analogs, may be present in the official urine test sample for any horse competing in a quarter horse race. The proposed amendment will also modify subsection 1844(e)(7) to replace the drug Omeprazole with the drug Detomidine; change subsection 1844(e)(11) to exempt a filly or mare in foal from the allowed level of testosterone; modify subsection 1844(f)(14) to change the allowed level of Xylazine; add new subsections 1844(f)(17) through 1844(f)(21) to allow for the presence of specified levels of Cetirizine, Cimetidine, Guaifenesin, Omeprazole and Ranitidine, or their metabolites or analogs, in official blood test samples. Subsection 1844(g) was modified to be consistent with changes to subsection 1844(e). All other changes to Rule 1844 are for the purposes of clarity and consistency.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, September 28, 2017**, or as soon after that as business before the Board will permit, at the **Los Alamitos Race Course, 4961 Katella Avenue, Los Alamitos, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

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 at **5:00 p.m., on September 5, 2017**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
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AUTHORITY AND REFERENCE

Authority cited: Sections 19440 and 19562, Business and Professions Code. Reference: Sections 19580 and 19581, Business and Professions Code.

Business and Professions Code sections 19440 and 19562 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19580 and 19581, Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code 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 Chapter 4, Business and Professions Code. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19562 states the Board may prescribe rules, regulations, and conditions, consistent with the provisions of Chapter 4, Business and Professions Code, under which all horse races with wagering on their results shall be conducted in this State. Business and Professions Code section 19580 requires the Board to adopt regulations to establish policies, guidelines, and penalties relating to equine medication to preserve and enhance the integrity of horse racing in the State. Business and Professions Code section 19581 provides that no substance of any kind shall be administered by any means to a horse after it has been entered to race in a horse race, unless the Board has, by regulation, specifically authorized the use of the substance and the quantity and composition thereof.

The proposed amendment to Rule 1844 will change subsection 1844(e)(6) to provide that no horse participating in a quarter horse race may have clenbuterol, or its metabolites or analogs, in its system. Clenbuterol is a beta-2 agonist used as a bronchodilator in horses. (Beta-2 agonists are a group of drugs prescribed to treat a number of breathing problems by relaxing and enlarging the airways in the lungs.) Clenbuterol has been shown to produce an anabolic steroidal-type effect, which means the drug could be used for muscle building in horses rather than simply to treat breathing problems. Because of these anabolic effects, clenbuterol has been abused in quarter horses in an effort to enhance their performance in races. In 2010, the Board collected blood samples from quarter horses at Los Alamitos Race Course and found that out of 72 blood samples collected, every test sample contained detectable levels of clenbuterol. Clenbuterol can be detected in blood for no more than 4-7 days after administration, indicating that all of the tested horses had recently been administered clenbuterol. In response, the Board suspended authorization of clenbuterol for quarter horses participating in quarter horse races for a period of one year. In 2011

a similar testing program found that no quarter horses tested positive for clenbuterol following the suspension. However, in fiscal year 2013-14 there were thirteen clenbuterol violations at Los Alamitos Race Course. In fiscal year 2015-16, there were two clenbuterol violations at Los Alamitos Race Course. In July 2015, the Board passed emergency regulations amending Rule 1844 that de-authorized any detectable level of clenbuterol in a quarter horse's post-race urine sample. The emergency regulations also added Rule 1866.1, Presence of Clenbuterol in Quarter Horses, which placed special restrictions on clenbuterol prescriptions and administrations for quarter horses, requiring generally that a quarter horse with clenbuterol in its system may not race until it tests clear of clenbuterol. In July 2016 the Board amended Rule 1844 to remove clenbuterol from the list of drug substances that may be detected in an official urine test sample at specified levels in quarter horses. During the amendment process, some concerns were expressed regarding how the proposed changes to Rule 1844 would affect quarter horse races in which thoroughbreds and/or appaloosas also compete. Board Rule 1743, Thoroughbred and Appaloosa Horses Competing in Quarter Horse Races, provides that thoroughbred and appaloosa horses may compete in quarter horse races under the conditions set forth in the regulation. The amendment to Rule 1844 was adopted by the Board in response to the abuse of clenbuterol in quarter horses, intentionally placing stricter restrictions on this single breed of horse. However, the amendment imposed a scenario in which different breeds of horses may compete against each other under differing medication restrictions. Rule 1743 states that quarter horse races in which thoroughbred and/or appaloosa horses participate shall be considered "quarter horse races." Although that condition defines the type of race, it does not alter how Rule 1844 applies to horses racing in California. This means that in quarter horse races, thoroughbred or appaloosa post race urine samples may carry up to 140 picograms per milliliter of clenbuterol, yet in the same races participating quarter horses are not allowed to have any detectable levels of clenbuterol in post race-urine samples. The Business and Professions Code and CHRB regulations do not prohibit the Board from adopting different medication authorizations and thresholds for different breeds of horses. The 2016 amendment of Rule 1844 is an example of purposefully revoking the use of clenbuterol for a single breed, specifically quarter horses. However, quarter horse owners and trainers are concerned about the fact that thoroughbreds and appaloosas may participate in mixed breed quarter horse races with threshold levels of clenbuterol when quarter horses are not. Regardless of whether clenbuterol actually gives thoroughbreds and appaloosas an advantage, the perception is that they may not be racing on a level playing field with the quarter horses. The proposed changes to subsection 1844(e)(6) are necessary to address the concerns of quarter horse horsemen and level the playing field by prohibiting the use of clenbuterol in quarter horse races for all participating breeds.

Additional modifications to the text of Rule 1844 have been made in response to changes in the Association of Racing Commissioners International (ARCI) Controlled Therapeutic Medication Schedule for Horses Version 4.0 (CTMSH), which was revised and approved by the ARCI in April 2017. (The ARCI is the only umbrella organization of the official governing rule making bodies for professional horse racing in North America. It sets standards for racing regulation, medication policy, drug testing and all other aspects of the sport.) The CTMSH lists thresholds and a recommended withdrawal time for a number of horseracing's commonly used legal drug substances, and is one of the four components of the ARCI Model Rules of Racing. California's adoption of ARCI Model Rule guidelines brings the Board's regulations in line with ARCI recommendations and promotes uniformity in the various states' horse racing regulations. The

amended subsection 1844(e) lists the drug substances that may be present in official urine test samples, while the amended subsection 1844(f) lists the drug substances that may be present in official blood test samples. An amended subsection 1844(e)(7) deletes the drug substance Omeprazole, a proton-pump inhibitor used to treat gastro esophageal reflux disease and other conditions caused by excess stomach acid, and adds the drug substance Detomidine, a sedative with analgesic properties used to calm the horse and relieve abdominal pain. Omeprazole has been moved to a new subsection 1844(f)(19), which means that it will only be allowed in official blood test samples. Subsection 1844(e)(11) has been modified to provide mares in foal an exemption from the allowed level of testosterone. This is necessary as pregnant mares produce excessive testosterone compared to non-pregnant fillies and mares. If the mare is pregnant, there is no limit on testosterone, similar to intact males. Subsection 1844(f)(14) has been modified to change the allowed level of Xylazine. New subsections 1844(f)(17) through (19) and 1844(f)(21) add drug substances that may be present in the official blood test sample. The drug substances are: Cetirizine, an antihistamine; Cimetidine, a histamine H2 receptor antagonist that inhibits stomach acid production; Guaifenesin, a muscle relaxant used as an adjunct to anesthesia for horses; Ranitidine, used in horses to reduce stomach acid production and to treat ulcers. Subsection 1844(g) was modified to be consistent with changes to subsection 1844(e). The drugs omitted under subsection 1844(g) also have an allowable level in blood, so they were intentionally omitted for that reason.

POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

The proposed amendment to Rule 1844 will change subsection 1844(e)(6) to provide that no clenbuterol, or its metabolites or analogs, may be present in the official urine test samples for any horse competing in a quarter horse race. Subsection 1844(e)(7) will be modified to eliminate the drug Omeprazole and add the drug Detomidine. The proposed amendment to Rule 1844 will also change subsection 1844(e)(11) to exempt a filly or mare in foal from the allowed level of testosterone. Subsection 1844(f)(14) has been modified to change the allowed level of Xylazine. In addition, new subsections 1844(f)(16) through 1844(f)(20) have been added to allow for the presence of specified levels of Cetirizine, Cimetidine, Guaifenesin, Omeprazole and Ranitidine, or their metabolites or analogs, in official blood test samples. Subsection 1844(g) was modified to be consistent with changes to subsection 1844(e). All other changes to Rule 1844 are for the purposes of clarity and consistency.

These measures are necessary to ensure the integrity of horseracing and the protection of the public. The proposed amendment will have the benefit of assuring competitors in mixed-breed quarter horse races, and quarter horse horseracing fans that horses entered in such races will run without clenbuterol. The proposed amendment will have the benefit of promoting fairness in mixed-breed quarter horse races and helping to protect the health and safety of horse and rider. The amendment of subsections 1844(e) and 1844(f) will bring the regulation in line with changes to the ARCI-CTMSH Version 4.0, which was modified by the ARCI in April 2017. California's adoption of ARCI Model Rule guidelines brings the Board's regulations in line with ARCI recommendations and promotes uniformity and consistency in the various states' horse racing regulations. Uniformity and consistency in medication regulations has the benefit of encouraging out-of-state owners' and trainers' participation in California's horse racing industry. In addition, uniformity and consistency provides clarity for equine veterinary practitioners. The proposed

amendment will not have an impact with regards to protecting the environment, the promotion of social equity, or transparency in business and government.

Evaluation of Consistency and Compatibility with Existing State Regulations: During the process of developing the proposed amendment, the Board has conducted an evaluation for any related regulations and has determined that Rule 1844 is the only regulation dealing with specified levels that may be found in official urine and blood samples of drug substances and medications authorized for administration to horses entered to race in California, within 24 hours of the race in which entered. Therefore, the proposed regulation is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

Significant effect on housing costs: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment to Rule 1844 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 following studies/relevant data were relied upon in making the above determination: The Board relied on the Association of Racing Commissioners International's ARCI Controlled Therapeutic Medication Schedule for Horses - Version 4.0, revised April 20, 2017, in proposing the amendment of Rule 1844.

Cost impact on representative private persons or businesses: 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.

FORMS OR DOCUMENTS INCORPORATED BY REFERENCE

None.

RESULT OF ECONOMIC IMPACT ANALYSIS

The adoption of the proposed amendment to Rule 1844 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California. The proposed amendment to Rule 1844 impacts individuals who administer authorized medications to horses entered to race. In making the determination that the proposed amendment to Rule 1844 will not have an adverse economic impact, the Board looked at the number of licensees who might be affected, and compared it to the total number of persons who hold CHRB occupational licenses. The individuals impacted are licensed horse trainers, horse owners, veterinarians, and an occasional individual holding another class of CHRB license. There are currently 9,020 individuals who hold CHRB owner's licenses, 640 CHRB licensed trainers and 137 licensed veterinarians. In fiscal year 2013/2014, the CHRB issued penalties for medication violations to 128 licensees. In fiscal year 2014/2015, the CHRB issued penalties for medication violations to 94 licensees. Rule 1844 names medications and drug substances that are authorized for use in horses entered to race in this State, and the levels of such medications and drug substances that may be present in post-race urine or blood samples. The guidance provided by Rule 1844 is demonstrated by the low percentage of licensees who have been found to have violated the Board's medication regulations. The proposed amendment to Rule 1844 promotes the health and safety of race horses, which is jeopardized if they workout or race when they are not sound due to the unauthorized administration of medications or drug substances. Keeping race horses healthy protects the economic interest of owners and ensures that there is adequate horse inventory. Ensuring that horses entered to race are sound also promotes jockey/driver safety. Sound, healthy horses results in a favorable public response to horse racing, which could result in an increase in wagering activity, and a positive economic impact on the industry.

Effect on small businesses: none. The proposal to amend Rule 1844 does not affect small businesses because horse racing is not a small business under Government code section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code 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, or would be as effective and less burdensome on 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 PERSON

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:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6026
Fax: (916) 263-6022
E-Mail: haroldc@chr.ca.gov

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

Andrea Ogden, Manager
Policy and Regulations
Telephone (916) 263-6033

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 on, may be obtained by contacting Harold Coburn, or the alternative contact person at the address, phone number or e-mail 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 which 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 regulations should be sent to the attention of Harold Coburn 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 available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Harold Coburn 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 web site. 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.

INITIAL STATEMENT OF REASONS

RULE 1844. AUTHORIZED MEDICATION

SPECIFIC PURPOSE OF THE REGULATION

The proposed amendment to Rule 1844, Authorized Medication, will change subsection 1844(e)(6) to provide that no clenbuterol, or its metabolites or analogs, may be present in the official urine test samples for any horse competing in a quarter horse race. The proposed amendment will also change subsection 1844(e)(7) to replace the drug Omeprazole with the drug Detomidine. Subsection 1844(e)(11) has been modified to provide mares in foal with an exemption from the allowed level of testosterone. Subsection 1844(f)(14) has been changed to allow 200 picograms per milliliter of Xylazine in the official blood test sample. In addition, new subsections 1844(f)(17) through 1844(f)(21) have been added to allow for the presence of specified levels of Cetirizine, Cimetidine, Guaifenesin, Omeprazole and Ranitidine, or their metabolites or analogs, in official blood test samples. Subsection 1844(g) was modified to be consistent with changes to subsection 1844(e). All other changes to Rule 1844 are for the purposes of clarity and consistency.

PROBLEM

Clenbuterol is a beta-2 agonist used as a bronchodilator in horses that has been shown to produce an anabolic steroidal-type effect, which means the drug could be used for muscle building in horses rather than simply to treat breathing problems. Because of these anabolic effects, clenbuterol has been abused in quarter horses to enhance their performance in races. In 2016 the Board amended Rule 1844 to remove clenbuterol from the list of drug substances that may be detected in an official urine test sample at specified levels in quarter horses. During the amendment process some concerns were expressed regarding how the proposed change to Rule 1844 would affect quarter horse races in which thoroughbreds and/or appaloosas also compete. The amendment to Rule 1844 was adopted by the Board in response to the abuse of clenbuterol in quarter horses, intentionally placing stricter restrictions on this single breed of horse. However, the amendment imposed a scenario in which different breeds of horses may compete against each other under differing medication restrictions. The 2016 amendment of Rule 1844 is an example of purposefully revoking the use of clenbuterol for a single breed, specifically quarter horses. However, quarter horse owners and trainers are concerned about the fact that thoroughbreds and appaloosas may participate in mixed breed quarter horse races with threshold levels of clenbuterol when quarter horses are not. Regardless of whether clenbuterol actually gives thoroughbreds and appaloosas an advantage, the perception is that they may not be racing on a level playing field with the quarter horses. The proposed changes to subsection 1844(e)(6) is necessary address the concerns of quarter horse horsemen by prohibiting the use of clenbuterol in quarter horse races for all participating breeds.

Additional modifications to the text of Rule 1844 have been made in response to changes in the Association of Racing Commissioners International (ARCI) Controlled Therapeutic Medication Schedule for Horses Version 4.0 (CTMSH), which was revised and approved by the ARCI in April 2017. The CTMSH lists thresholds and a recommended withdrawal time for a number of

horseracing's commonly used legal drug substances, and is one of the four components of the ARCI Model Rules of Racing. The authorized medications contained in Rule 1844 are closely aligned with those of the ARCI Model Rules of Racing. The ARCI is a national horse racing organization composed of the governmental regulators of horse racing in the United States, Canada, Mexico, Jamaica and Trinidad-Tobago. The proposed amendment to Rule 1844 will make changes or additions to the authorized medications to bring Rule 1844 in line with the ARCI Model Rules of Racing. Other changes to the text of the regulation are for purposes of clarity and consistency.

NECESSITY

The proposed amendment to Rule 1844 will change subsection 1844(e)(6) to provide that no horse participating in a quarter horse race may have clenbuterol, or its metabolites or analogs, in its system. Clenbuterol is a beta-2 agonist used as a bronchodilator in horses that has been shown to produce an anabolic steroidal-type effect, which means the drug could be used for muscle building in horses rather than simply to treat breathing problems. Due to these anabolic effects, clenbuterol has been abused in quarter horses to enhance their performance in races. Quarter horses are specialized sprinters. They can race at speeds up to 55 miles per hour, and can cover a quarter-mile in less than 21 seconds. Quarter horse races generally take place over short distances which may range from 220 to 870 yards. Quarter horse racing requires explosive starts and rapid acceleration, so muscle mass and strength become a premium compared to the endurance qualities of thoroughbred racing.

The abuse of clenbuterol in quarter horse racing has not been limited to California. In December 2014, the American Quarter Horse Association (AQHA) announced that clenbuterol would be banned for use in quarter horse racing beginning in 2016, and that stricter penalties would be enacted in 2015 for owners and trainers who had horses test positive for the medication under the rules of individual states. The AQHA stated there had been 64 quarter horse clenbuterol violations in seven racing jurisdictions since January 2014 and that other alleged positives involving quarter horses were being adjudicated in several states. Clenbuterol has been an issue in California for many years. In 2010, the Board collected blood samples from quarter horses at Los Alamitos Race Course and found that out of 72 blood samples collected, every test sample contained detectable levels of clenbuterol. Clenbuterol can be detected in blood for no more than 4-7 days after administration, indicating that all of the tested horses had recently been administered clenbuterol. In response, the Board suspended authorization of clenbuterol for quarter horses participating in quarter horse races for a period of one year. In 2011 a similar testing program found that no quarter horses tested positive for clenbuterol following the suspension. However, in fiscal year 2013-14 there were thirteen clenbuterol violations at Los Alamitos Race Course. In fiscal year 2015-16, there were two clenbuterol violations at Los Alamitos Race Course. In July 2015, the Board passed emergency regulations amending Rule 1844 that de-authorized any detectable level of clenbuterol in a quarter horse's post-race urine sample. The emergency regulations also added Rule 1866.1, Presence of Clenbuterol in Quarter Horses, which placed special restrictions on clenbuterol prescriptions and administrations for quarter horses, requiring generally that a quarter horse with clenbuterol in its system may not race until it tests clear of clenbuterol. In July 2016 the Board amended Rule 1844 to remove clenbuterol from the list of drug substances that may be detected in an official urine test sample at specified levels in quarter horses. During the amendment process

some concerns were expressed regarding how the proposed changes to Rule 1844 would affect quarter horse races in which thoroughbreds and/or appaloosas also compete. Board Rule 1743, Thoroughbred and Appaloosa Horses Competing in Quarter Horse Races, provides that thoroughbred and appaloosa horses may compete in quarter horse races under the conditions set forth in the regulation. The amendment to Rule 1844 was adopted by the Board in response to the abuse of clenbuterol in quarter horses, intentionally placing stricter restrictions on this single breed of horse. However, the amendment imposed a scenario in which different breeds of horses may compete against each other under differing medication restrictions. Rule 1743 states that quarter horse races in which thoroughbred and/or appaloosa horses participate shall be considered “quarter horse races.” Although that condition defines the type of race, it does not alter how Rule 1844 applies to horses racing in California. This means that in quarter horse races, thoroughbred or appaloosa post-race urine samples may carry up to 140 picograms per milliliter of clenbuterol, yet in the same races participating quarter horses are not allowed to have any detectable levels of clenbuterol in post-race urine samples. The Business and Professions Code and CHRB regulations do not prohibit the Board from adopting different medication authorizations and thresholds for different breeds of horses. The 2016 amendment of Rule 1844 is an example of purposefully revoking the use of clenbuterol for a single breed, specifically quarter horses. However, quarter horse owners and trainers are concerned about the fact that thoroughbreds and appaloosas may participate in mixed breed quarter horse races with threshold levels of clenbuterol when quarter horses are not. Regardless of whether clenbuterol actually gives thoroughbreds and appaloosas an advantage, the perception is that they may not be racing on a level playing field with the quarter horses. The proposed changes to subsection 1844(e)(6) will address the concerns of quarter horse horsemen and level the playing field by prohibiting the use of clenbuterol in quarter horse races for all participating breeds.

Additional modifications to the text of Rule 1844 have been made in response to changes in the ARCI-CTMSH, which was revised and approved by the ARCI in April 2017. (The ARCI is the only umbrella organization of the official governing rule making bodies for professional horse racing in North America. It sets standards for racing regulation, medication policy, drug testing and all other aspects of the sport.) The CTMSH lists thresholds and a recommended withdrawal time for a number of horseracing’s commonly used legal drug substances, and is one of the four components of the ARCI Model Rules of Racing. California’s adoption of ARCI Model Rule guidelines brings the Board’s regulations in line with ARCI recommendations and promotes uniformity and consistency in the various states’ horse racing regulations. This provides clarity and consistency in medication regulations for horsemen who compete in the various racing states. A trainer who is headquartered in New York may be assured that California’s medication regulations will not differ significantly from those of this home state. The amended subsection 1844(e) lists the drug substances that may be present in official urine test samples, while the amended subsection 1844(f) lists the drug substances that may be present in official blood test samples. An amended subsection 1844(e)(7) deletes the drug substance Omeprazole, a proton-pump inhibitor used to treat gastro esophageal reflux disease and other conditions caused by excess stomach acid, and adds the drug substance Detomidine, a sedative with analgesic properties used to calm the horse and relieve abdominal pain. Omeprazole has been moved to a new subsection 1844(f)(20), which means that it will only be allowed in official blood test samples. Subsection 1844(e)(11) has been modified to provide mares in foal with an exemption from the allowed level of testosterone. This is necessary as pregnant mares produce excessive testosterone compared to

non-pregnant fillies and mares. If the mare is pregnant, there is no limit on testosterone, similar to intact males. An amended subsection 1844(f)(14) brings the allowed level of Xylazine in line with the ARCI-CTMSH. In addition, new subsections 1844(f)(17) through (19) and 1844(f)(21) add drug substances that may be present in the official blood test sample. The drug substances are: Cetirizine, an antihistamine; Cimetidine, a histamine H2 receptor antagonist that inhibits stomach acid production; Guaifenesin, a muscle relaxant used as an adjunct to anesthesia for horses; Ranitidine, used in horses to reduce stomach acid production and to treat ulcers. Subsection 1844(g) was modified to be consistent with changes to subsection 1844(e). The drugs omitted under subsection 1844(g) also have an allowable level in blood, so they were intentionally omitted for that reason.

BENEFITS ANTICIPATED FROM THE REGULATORY ACTION

The proposed amendment to Rule 1844 is necessary to ensure the integrity of mixed breed quarter horse races and the protection of the public. The modifications to the regulations will provide a level playing field in mixed breed quarter horse races by ensuring all horses entered in such races run without clenbuterol in their systems. The proposed amendment to Rule 1844 is necessary to ensure the Board's medication regulations are in line with the ARCI-CTMSH. The amendment will promote the health and safety of race horses, which is jeopardized if they workout or race when they are not sound due to the unauthorized administration of medications or drug substances. In addition, the proposed amendment will provide clarity and consistency in the Board's medication regulations for horsemen who compete in the various racing states. Healthy race horses protect the economic interest of owners and ensures that there is adequate horse inventory. Ensuring that horses entered to race are sound also promotes jockey safety. Sound, healthy horses results in a favorable public response to horse racing, which could result in an increase in wagering activity, and a positive economic impact on the industry.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS OR DOCUMENTS

The Board relied on the Association of Racing Commissioners International's ARCI Controlled Therapeutic Medication Schedule for Horses - Version 4.0, revised April 20, 2017, in proposing the amendment of Rule 1844.

ECONOMIC IMPACT ASSESSMENT

The results of the Board's Economic Impact Assessment as required by Government Code Section 11346.3(b) are as follows:

- The proposed regulation will not impact the creation or elimination of jobs within the State of California.
- The proposed regulation will not have an impact on the creation of new businesses or the elimination of existing businesses in the State of California.
- The proposed regulation will not have an impact on the expansion of existing businesses in the State of California.

- The proposed regulation will benefit California by promoting the safety and welfare of horse and rider and will not benefit the State's environment.

The Board has made the initial determination that the proposed amendment of Rule 1844 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 to Rule 1844 impacts individuals who participate in California's mixed breed quarter horse races, or individuals who administer authorized medications to horses entered to race. In making the determination that the proposed amendment to Rule 1844 will not have an adverse economic impact, the Board looked at the number of licensees who might be affected, and compared it to the total number of persons who hold CHRB occupational licenses. The individuals impacted are licensed horse trainers, horse owners, veterinarians, and an occasional individual holding another class of CHRB license. There are currently 9,020 individuals who hold CHRB owner's licenses, 640 CHRB licensed trainers and 137 licensed veterinarians. In fiscal year 2013/2014, the CHRB issued penalties for medication violations to 128 licensees. In fiscal year 2014/2015, the CHRB issued penalties for medication violations to 94 licensees. Rule 1844 provides guidelines for horsemen and veterinarians regarding the administration of authorized medications to horses entered to race, as is demonstrated by the low percentage of licensees who have been found to have violated the Board's medication regulations.

The proposed amendment to Rule 1844, Authorized Medication, will change subsection 1844(e)(6) to provide that no clenbuterol, or its metabolites or analogs, may be present in the official urine test samples for any horse competing in a quarter horse race. The proposed amendment will also change subsection 1844(e)(7) to eliminate the drug Omeprazole and add the drug Detomidine. Subsection 1844(e)(11) has been modified to provide mares in foal with an exemption from the allowed level of testosterone. In addition, new subsections 1844(f)(17) through 1844(f)(21) have been added to allow for the presence of specified levels of Cetirizine, Cimetidine, Guaifenesin, Omeprazole and Ranitidine, or their metabolites or analogs, in official blood test samples. Subsection 1844(g) was modified to be consistent with changes to subsection 1844(e). All other changes to Rule 1844 are for the purposes of clarity and consistency.

PURPOSE

The proposed amendment to Rule 1844, Authorized Medication, will change subsection 1844(e)(6) to provide that no clenbuterol, or its metabolites or analogs, may be present in the official urine test samples for any horse competing in a quarter horse race. The proposed amendment will also change subsection 1844(e)(7) to eliminate the drug Omeprazole and add the drug Detomidine. Subsection 1844(e)(11) has been modified to provide mares in foal with an exemption from the allowed level of testosterone. In addition, new subsections 1844(f)(17) through 1844(f)(21) have been added to allow for the presence of specified levels of Cetirizine, Cimetidine, Guaifenesin, Omeprazole and Ranitidine, or their metabolites or analogs, in official blood test samples. Subsection 1844(g) was modified to be consistent with changes to subsection 1844(e). All other changes to Rule 1844 are for the purposes of clarity and consistency.

THE CREATION OR ELIMINATION OF JOBS WITHIN THE STATE OF CALIFORNIA

The proposed amendment to Rule 1844, Authorized Medication, will change subsection 1844(e)(6) to provide that no clenbuterol, or its metabolites or analogs, may be present in the official urine test samples for any horse competing in a quarter horse race. The proposed amendment will also change subsection 1844(e)(7) to eliminate the drug Omeprazole and add the drug Detomidine. Subsection 1844(e)(11) has been modified to provide mares in foal with an exemption from the allowed level of testosterone. In addition, new subsections 1844(f)(17) through 1844(f)(21) have been added to allow for the presence of specified levels of Cetirizine, Cimetidine, Guaifenesin, Omeprazole and Ranitidine, or their metabolites or analogs, in official blood test samples. Subsection 1844(g) was modified to be consistent with changes to subsection 1844(e). All other changes to Rule 1844 are for the purposes of clarity and consistency. The proposed regulation will only affect licensees who participate in mixed breed quarter horse races, or who administer authorized medication to horses entered to race, and as such only has an effect on horseracing and not any other type of California business. Therefore, the Board has determined that this regulatory action will not have a significant impact on the creation or elimination of jobs in the State of California.

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

The proposed amendment to Rule 1844, Authorized Medication, will change subsection 1844(e)(6) to provide that no clenbuterol, or its metabolites or analogs, may be present in the official urine test samples for any horse competing in a quarter horse race. The proposed amendment will also change subsection 1844(e)(7) to eliminate the drug Omeprazole and add the drug Detomidine. Subsection 1844(e)(11) has been modified to provide mares in foal with an exemption from the allowed level of testosterone. In addition, new subsections 1844(f)(17) through 1844(f)(21) have been added to allow for the presence of specified levels of Cetirizine, Cimetidine, Guaifenesin, Omeprazole and Ranitidine, or their metabolites or analogs, in official blood test samples. Subsection 1844(g) was modified to be consistent with changes to subsection 1844(e). All other changes to Rule 1844 are for the purposes of clarity and consistency. The proposed regulation will only affect licensees who participate in mixed breed quarter horse races, or who administer authorized medication to horses entered to race, and as such only has an effect on horseracing and not any other type of California business. Therefore, the Board has determined this regulatory action will not have an impact on the creation of new businesses or the elimination of existing businesses in the State of California.

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

The proposed amendment to Rule 1844, Authorized Medication, will change subsection 1844(e)(6) to provide that no clenbuterol, or its metabolites or analogs, may be present in the official urine test samples for any horse competing in a quarter horse race. The proposed amendment will also change subsection 1844(e)(7) to eliminate the drug Omeprazole and add the drug Detomidine. Subsection 1844(e)(11) has been modified to provide mares in foal with an exemption from the allowed level of testosterone. In addition, new subsections 1844(f)(17) through 1844(f)(21) have been added to allow for the presence of specified levels of Cetirizine, Cimetidine, Guaifenesin, Omeprazole and Ranitidine, or their metabolites or analogs, in official

blood test samples. Subsection 1844(g) was modified to be consistent with changes to subsection 1844(e). All other changes to Rule 1844 are for the purposes of clarity and consistency. The proposed regulation will only affect licensees who participate in mixed breed quarter horse races, or who administer authorized medication to horses entered to race, and as such only has an effect on horseracing and not any other type of California business. Therefore, the Board has determined that the proposed regulatory action is not relevant to the expansion of businesses currently doing business in the State of California.

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

The proposed amendment to Rule 1844, Authorized Medication, will change subsection 1844(e)(6) to provide that no clenbuterol, or its metabolites or analogs, may be present in the official urine test samples for any horse competing in a quarter horse race. The proposed amendment will also change subsection 1844(e)(7) to eliminate the drug Omeprazole and add the drug Detomidine. Subsection 1844(e)(11) has been modified to provide mares in foal with an exemption from the allowed level of testosterone. In addition, new subsections 1844(f)(17) through 1844(f)(21) have been added to allow for the presence of specified levels of Cetrizine, Cimetidine, Guaifenesin, Omeprazole and Ranitidine, or their metabolites or analogs, in official blood test samples. Subsection 1844(g) was modified to be consistent with changes to subsection 1844(e). All other changes to Rule 1844 are for the purposes of clarity and consistency. The proposed amendment to Rule 1844 will benefit the health and welfare of California horsemen by helping to ensure the health and safety of horses participating in California horseracing meetings. The regulation does not benefit 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 or 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.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION

The proposed amendment to Rule 1844 was discussed at the August 2016 Medication and Track Safety Committee Meeting and the September 2016 Regular Board Meeting. No alternatives to the recommendation were proposed by the Board or by any other individual or entity at the meetings. No subsequent alternative recommendations were made prior to the notice. The Board invites any interested party to submit comments which offer any alternative proposal.

California Horse Racing Board
July 21, 2017

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 15. VETERINARY PRACTICES
PROPOSED AMENDMENT OF
RULE 1844. AUTHORIZED MEDICATION

1844. Authorized Medication.

Consistent with the intent of these rules, drug substances and medications authorized by the Board for use may be administered to safeguard the health of the horse entered to race provided that:

- (a) No person shall administer a drug substance to any horse entered to race except upon authorization of the official veterinarian in conformance with these rules.
- (b) No drug substance, other than authorized bleeder medication, shall be administered to a horse entered to race within 24 hours of the race in which entered.
- (c) Not more than one approved non-steroidal anti-inflammatory drug substance (NSAID) may be administered to a horse that is entered to race and shall be only one of the following authorized drug substances:
 - (1) Phenylbutazone in a dosage amount that the test sample shall contain not more than 2 micrograms of the drug substance per milliliter of blood plasma or serum.
 - (2) Flunixin in a dosage amount that the test sample shall contain not more than 20 nanograms of the drug substance per milliliter of blood plasma or serum.
 - (3) Ketoprofen in a dosage amount that the test sample shall contain not more than 2 nanograms of the drug substance per milliliter of blood plasma or serum.
 - (4) Metabolites or analogues of approved NSAIDs may be present in post race test samples.
- (d) If the official chemist reports that a blood test sample contains an authorized NSAID in excess of the limit for that drug substance under this rule, the official veterinarian shall, in conjunction with the veterinarian who administered or prescribed the authorized drug substance, establish a dosage amount or

time of administration of the drug substance that will comply with the limits under this rule; or the official veterinarian may, if in his/her judgment no such reduced dosage amount or amendment to time of administration will result in a test sample level within the limits of this rule, withdraw authorization for the use of any one NSAID.

(e) Official urine test samples may contain one of the following drug substances, their metabolites and analogs, in an amount that does not exceed the specified levels:

(1) Acepromazine; 10 nanograms per milliliter

(2) Mepivacaine; 10 nanograms per milliliter

(3) Albuterol; 1 nanograms per milliliter

(4) Procaine; 25 nanograms per milliliter

(5) Salicylates; 750 micrograms per milliliter

(6) Clenbuterol; 140 picograms per milliliter, except for any horse participating in a quarter horses race for which no level of clenbuterol is authorized.

(7) ~~Omeprazole~~ Detomidine; 42 nanograms per milliliter

(8) Nandrolone; 1 nanograms per milliliter for geldings, fillies and mares; 45 nanograms for males other than geldings.

(9) Boldenone; 15 nanograms per milliliter in males other than geldings.

(10) Testosterone; 20 nanograms per milliliter in geldings.

(A) Testosterone at any level in males other than geldings is not a violation of this regulation.

(11) Testosterone; 55 nanograms per milliliter in fillies or mares (unless in foal)

(12) Butorphanol 300 nanograms per milliliter

(f) Official blood test samples may contain the following drug substances, their metabolites and analogs, in an amount that does not exceed the specified levels in serum or plasma:

(1) Bethamethasone; 10 picograms per milliliter

(2) Dantrolene; 100 picograms per milliliter

(3) Detomidine; 1 nanogram per milliliter

- (4) Dexamethasone; 5 picograms per milliliter
- (5) Diclofenac; 5 nanograms per milliliter
- (6) Dimethylsulfoxide (DMSO); 10 micrograms per milliliter
- (7) Firocoxib; 20 nanograms per milliliter
- (8) Lidocaine; 20 picograms per milliliter
- (9) Methocarbamol; 1 nanogram per milliliter
- (10) Methylprednisolone; 100 picograms per milliliter
- (11) Glycopyrrolate; 3 picograms per milliliter
- (12) Prednisolone; 1 nanogram per milliliter
- (13) Triamcinolone Acetonide; 100 picograms per milliliter
- (14) Xylazine; ~~10-200~~ picograms per milliliter of serum or plasma
- (15) Butorphanol; 2 nanograms per milliliter
- (16) Isoflupredone; 100 picograms per milliliter
- (17) Cetirizine; 6 nanograms per milliliter
- (18) Cimetidine; 400 nanograms per milliliter
- (19) Guaifenesin; 12 nanograms per milliliter
- (20) Omeprazole; 10 nanograms per milliliter
- (21) Ranitidine; 40 nanograms per milliliter

(g) Official blood test samples shall not contain any of the drug substances, or their metabolites or analogs listed in subsection (e)(1)-~~(12)~~ to (6) and (e)(8) to (11).

(h) Procaine, following administration of procaine penicillin, is an authorized medication provided:

(1) Official blood test samples shall not contain any procaine, or its metabolites or analogs in excess of 25 nanograms per milliliter.

(2) all procaine penicillin administrations have been reported pursuant to Rule 1842 of this division,

(3) procaine penicillin was not administered after entry to race,

(4) the horse was under surveillance for a minimum of six hours prior to racing.

(i) All expenses related to surveillance and testing for procaine under subsection (h) of this regulation shall be paid by the owner of the horse.

Authority: Sections 19440 and 19562,
Business and Professions Code.

Reference: Sections 19580 and 19581,
Business and Professions Code.