

CALIFORNIA HORSE RACING BOARD

1010 Hurley Way, Suite 300

Sacramento, CA 95825

www.chrb.ca.gov

(916) 263-6000

information@chrb.ca.gov

REGULAR MEETING

Of the **California Horse Racing Board (CHRB/Board)** will be held on **Thursday, April 20, 2023**, commencing at **9:30 a.m.** at the **California Exposition and State Fair Grandstand, 1600 Exposition Boulevard, Sacramento, California**. The audio portion only of the California Horse Racing Board regular meeting will be available online through a link at the CHRB website (www.chrb.ca.gov) under "Webcasts."

The agenda for the regular meeting will consist of the following matters:

AGENDA

Action Items:

1. **Approval of the minutes of March 16, 2023.**
2. Discussion and action by the Board regarding an **amendment to the application for Advance Deposit Wagering (ADW) provider NYRabets, LLC, pursuant to Board Rule 2072(I).**
3. Discussion and action by the Board regarding an **amendment to the application for Advance Deposit Wagering (ADW) provider Game Play Network, Inc., pursuant to Board Rule 2072(I).**
4. Discussion and action by the Board regarding an **amendment to the application for Advance Deposit Wagering (ADW) provider XpressBet, LLC,, pursuant to Board Rule 2072(I).**
5. Discussion and Action on the **amendment to CHRB Rule 1902, Conduct Detrimental to Horse Racing**, to penalize licensee involvement in non-recognized match racing.
6. Discussion and action by the Board regarding the **proposed amendments of CHRB Rule 1927, Fire Prevention, Rule 1928, Fire Regulations, Rule 2101, Definitions, and Rule 2103, Habitable Rooms**, to modify the requirements for racing associations to make adequate provisions for fire prevention, protection against fires, and fire suppression within CHRB inclosures.
7. Discussion and Action on the **adoption of a Social Media Policy regarding the CHRB's social media platforms.**

8. Discussion and Consideration for Action regarding the **Inclement Weather Policy as it relates to surfaces and returning to racing and training.**
9. Discussion and action by the Board on the **Approval for the distribution from ADW market access fees for wagers placed by California residents on all live and imported races hosted by the Los Angeles Turf Club at Santa Anita for the period April 21, 2023, through June 20, 2023,** to be utilized to fund a California co-op marketing program as permitted under Business & Professions Code section 19604(f)(5)(E).
10. Reports
 - A. **Executive Director's Report.**
 - B. **Equine Medical Director's Report.**
11. **Public Comment:** Communications, reports, requests for future actions of the Board. **Note:** During the public comment period, a total of thirty minutes will be allowed for public comments. After thirty minutes, no further comments will be accepted. Each person will be limited to two minutes.
12. **Closed Session:** For the purpose of receiving advice from counsel, considering pending litigation, reaching decisions on administrative licensing and disciplinary hearings, and personnel matters, as authorized by section 11126 of the Government Code.
 - A. The Board may convene a Closed Session to confer with and receive advice from its legal counsel regarding the pending litigation described in the attachment to this agenda captioned "Pending Litigation," and as authorized by Government Code section 11126(e).
 - B. The Board may convene a Closed Session to confer with and receive advice from its legal counsel regarding pending administrative licensing or disciplinary matters as authorized by Government Code section 11126(e).
 - C. The Board may convene a Closed Session for the purposes of considering personnel matters as authorized by Government Code section 11126(a).
13. **Adjournment.**

Additional information regarding this meeting may be obtained from the CHRB Administrative Office, 1010 Hurley Way, Suite 300, Sacramento, CA 95825; telephone (916) 263-6000. This notice is located on the CHRB website at www.chrb.ca.gov. *Information for requesting disability related accommodation for persons with a disability who require aid or services in order to participate in this public meeting, should contact Zachary Voss at information@chrb.ca.gov. Requests will be swiftly resolved by CHRB staff.

CALIFORNIA HORSE RACING BOARD

Gregory L. Ferraro, DVM, Chairman
Oscar Gonzales, Vice Chair
Dennis Alfieri, Member

Damascus Castellanos, Member
Brenda Davis, Member
Thomas C. Hudnut, Member
Wendy Mitchell, Member
Scott Chaney, Executive Director
Cynthia Alameda, Deputy Executive Director

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REGULAR BOARD MEETING MINUTES

Date and Time: March 16, 2023 at 9:30 a.m.

Location: Le Meridien Pasadena Arcadia
130 West Huntington Drive
Arcadia, CA

Board Members Present: Gregory Ferraro, Chairman
Oscar Gonzales, Vice-Chairman
Damascus Castellanos, Member
Dennis Alfieri, Member
Brenda Washington Davis, Member
Thomas Hudnut, Member

Staff Members Present: Scott Chaney, Executive Director
Cynthia Alameda, Deputy Executive Director
Robert Brodник, General Counsel
Amanda Brown, Staff Counsel

1. Approval of the minutes of January 19, 2023.

Motion: To approve the minutes of January 19, 2023.

Motioned/Seconded: Davis/Hudnut.

Roll call vote: **Aye:** Gonzales, Hudnut, Davis, Ferraro. **Nay:** None. **Abstain:** Alfieri, Castellanos. **Motion carried.**

Page 3 in the Board transcript.

2. Presentation by the Race Track Chaplaincy of America.

Pages 4-25 in the Board transcript.

3. Discussion and action by the Board regarding the distribution of race day charity proceeds of the Del Mar Thoroughbred Club, combined 2022 Summer and Fall Race Meetings.

Motion: To approve the distribution of race day charity proceeds.

Motioned/Seconded: Hudnut/Davis.

Proceedings of the Regular Meeting of March 16, 2023

Roll call vote: Aye: Castellanos, Alfieri, Gonzales, Hudnut, Davis, Ferraro. **Nay:** None.
Abstain: None. **Motion carried.**
Pages 25-29 in the Board transcript.

4. Discussion and action by the Board regarding the **distribution of race day charity proceeds of the Los Angeles Turf Club II, Inc., dba Santa Anita Park 2022 Fall Race Meeting.**

Motion: To approve the distribution of race day charity proceeds.

Motioned/Seconded: Hudnut/Castellanos.

Roll call vote: Aye: Castellanos, Alfieri, Gonzales, Hudnut, Davis, Ferraro. **Nay:** None.

Abstain: None. **Motion carried.**

Pages 29-31 in the Board transcript.

5. Discussion and action by the Board regarding the **distribution of race day charity proceeds of the Pacific Racing Association II and Pacific Racing Association, combined 2022 Summer and Fall Race Meetings.**

Motion: To approve the distribution of race day charity proceeds.

Motioned/Seconded: Davis/Alfieri.

Roll call vote: Aye: Castellanos, Alfieri, Gonzales, Hudnut, Davis, Ferraro. **Nay:** None.

Abstain: None. **Motion carried.**

Pages 29-34 in the Board transcript.

6. Discussion and action by the Board regarding the **Allocation of Northern California Thoroughbred Racing Dates for racing year 2023.**

Motion: To allocate the Humboldt County Fair two weeks, from August 16 through August 29, 2023, and that Pacific Racing Association be allocated the weeks from August 23 through October 3, thereby creating one overlapped week for the Humboldt County Fair and Golden Gate Fields.

Motioned/Seconded: Hudnut/Alfieri.

Roll call vote: Aye: Castellanos, Alfieri, Hudnut, Davis, Ferraro. **Nay:** Gonzales. **Abstain:** None. **Motion carried.**

Pages 34-73 in the Board transcript.

7. Discussion and by the Board on the **Request from the California Authority of Racing Fairs (CARF) to Designate the Following 2023 Allocated Race Dates as a Combined Fair Horse Racing Meeting**, pursuant to Business and Professions Code section 19549.1: Alameda County Fair at Pleasanton, June 14, 2023 to July 11, 2023; California Exposition and State Fair, July 12, 2023 to August 1, 2023; Humboldt County Fair at Ferndale, August 16, 2023 to August 29, 2023; and The Big Fresno Fair, October 4, 2023 to October 17, 2023.

Proceedings of the Regular Meeting of March 16, 2023

Motion: To allocate the 2023 CARF race dates as a combined fair horse racing meeting.

Motioned/Seconded: Hudnut/Davis.

Roll call vote: Aye: Castellanos, Alfieri, Gonzales, Hudnut, Davis, Ferraro. **Nay:** None.

Abstain: None. **Motion carried.**

Pages 73-76 in the Board transcript.

8. Discussion and action by the Board regarding the **request to modify the distribution of market access fees from Advanced Deposit Wagering to cover the Horseracing Integrity and Safety Authority's 2023 assessment on California racing associations.**

Motion: To utilize in-state ADW monies that otherwise would be distributed to purses and Commissions to pay for 2023 HISA costs.

Motioned/Seconded: Alfieri/Hudnut.

Roll call vote: Aye: Castellanos, Alfieri, Gonzales, Hudnut, Davis, Ferraro. **Nay:** None.

Motion carried.

Pages 76-81 in the Board transcript.

9. Discussion and action by the Board to **cease pursuit of a 2023 Legislative Proposal to amend health and welfare funding mechanisms for jockeys and backstretch workers** to provide financial stability to those programs.

Motion: To instruct the staff to withdraw our efforts to pass a legislative proposal.

Motioned/Seconded: Ferraro/Gonzales.

Roll call vote: Aye: Castellanos, Alfieri, Gonzales, Hudnut, Davis, Ferraro. **Nay:** None.

Motion carried.

Pages 81-90 in the Board transcript.

10. Discussion regarding the **Inclement Weather Policy as it relates to surfaces and returning to racing and training.**

Pages 90-103 in the Board transcript.

11. REPORTS.

A. Executive Director's Report.

B. Equine Medical Director's Report.

Pages 103-115 in the Board transcript.

12. PUBLIC COMMENT.

Pages 115-133 in the Board transcript.

Proceedings of the Regular Meeting of March 16, 2023

MEETING ADJOURNED AT 1:12 P.M.

Proceedings of the Regular Meeting of March 16, 2023

A full and complete transcript of the aforesaid proceedings are on file at the office of the California Horse Racing Board, 1010 Hurley Way, Suite 300, Sacramento, California, and therefore made a part hereof.

Chairman

Executive Director

STAFF ANALYSIS
DISCUSSION AND ACTION BY THE BOARD REGARDING AN AMENDMENT TO THE
APPLICATION FOR THE ADVANCE DEPOSIT WAGERING (ADW) PROVIDER
NYRABETS, LLC, PURSUANT TO BOARD RULE 2072(I)

Board Meeting
April 20, 2023

ISSUE:

NYRABets, LLC (NYRA Bets), an out-of-state multijurisdictional wagering hub with a Board approval to conduct advance deposit wagering (ADW), has submitted a request to grant American Wagering, Inc. (AWI), a wholly owned subsidiary of Caesars Entertainment, Inc., access to its ADW platform, whereby customers using AWI's Caesars Racebook platform may access, via a portal, NYRA Bets' ADW services in California. Subsection (I) of Board Rule 2072 requires that any amendments to the operating procedures contained in an application for approval to conduct ADW, subsequent to Board approval of the application, be permitted by order of the Board or by Board approval of a request submitted in writing by the applicant.

BACKGROUND:

At its November 22, 2022 meeting, the Board granted NYRA Bets an approval as an out-of-state ADW provider, with a term of January 1, 2023, through December 31, 2024. Currently, under its approval, NYRA Bets may accept wagers from California residents on out-of-state Quarter Horse and Standardbred races. NYRA Bets may also accept wagers from California residents on races conducted by a California association or fair if the Board approves a race meet application submitted by the association or fair that includes an ADW agreement with NYRA Bets, along with approval from the appropriate horsemen's organization.

The Board has approved various requests in the past by ADW providers to amend their plans of operations to include the use of a wagering portal. For example, in 2009, the Board approved requests by XpressBet, LLC (formerly XPRESSBET, INC.) to amend its plan of operations to allow the use of delmarbets.com and oaktreebets.com as wagering portals via marketing agreements with Del Mar and Oak Tree Racing Association, respectively.

ANALYSIS:

The approval of NYRA Bets' request would allow customers of AWI's Caesars Racebook platform to access NYRA Bets' ADW services in California via a portal. NYRA Bets would provide the technology and application programming interfaces to allow customer access, and NYRA Bets' responsibilities would include, but not be limited to, registration and management of customer accounts, verification checks, fraud monitoring and control, financial transactions, and risk management. Customers would create an account with

NYRA Bets and, upon approval, be able to place wagers and manage their accounts in the same manner as direct clients of NYRA Bets. NYRA Bets has stated that there is no change in ownership resulting from its digital services agreement with AWI. In effect, the Caesars Racebook platform would act as another brand through which NYRA Bets would carry out its ADW services.

RECOMMENDATION:

This item is presented for Board discussion and action.

Agenda Item 3

STAFF ANALYSIS
DISCUSSION AND ACTION BY THE BOARD REGARDING AN AMENDMENT TO
THE APPLICATION FOR THE ADVANCE DEPOSIT WAGERING PROVIDER GAME
PLAY NETWORK, INC., PURSUANT TO BOARD RULE 2072(L).

Regular Board Meeting
April 20, 2022

ISSUE:

At its November 22, 2022, regular meeting, the California Horse Racing Board (Board) granted Game Play Network, Inc. (GPN) an approval as an out-of-state advance deposit wagering (ADW) provider. GPN submitted a letter advising the Board of recent changes to its current plan of operation to integrate a new player account management system (PAM), the STRIVE gaming PAM, into its system. The current approval for GPN is active through December 31, 2024.

ANALYSIS:

Pursuant to [Board Rule 2072](#), Approval to Conduct Advance Deposit Wagering by an out-of-state Applicant, subsequent to the issuance of an approval to conduct Advance Deposit Wagering, changes or amendments to information or operating procedures contained in an application will be permitted by order of the Board or by Board approval of a request submitted in writing by the Applicant.

BACKGROUND:

[Business and Professions Code \(BPC\) section 19420](#) provides that the Board shall have jurisdiction and supervision over meetings in California where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings. [BPC section 19440](#) provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually its responsibilities, including the administration and enforcement of all laws, rules, and regulations affecting horse racing and pari-mutuel wagering. [BPC section 19604](#) provides the Board may authorize a racing association, racing fair, betting system, or multijurisdictional wagering hub to conduct advance deposit wagering in accordance with this section.

RECOMMENDATION:

This item is presented for Board discussion and action.

Agenda Item 4

STAFF ANALYSIS DISCUSSION AND ACTION BY THE BOARD REGARDING AN AMENDMENT TO THE APPLICATION FOR THE ADVANCE DEPOSIT WAGERING PROVIDER XPRESSBET, LLC, PURSUANT TO BOARD RULE 2072(L).

Regular Board Meeting
April 20, 2023

ISSUE:

At its December 15, 2022, regular meeting, the California Horse Racing Board (Board) granted Xpressbet, LLC, an approval as an out-of-state advance deposit wagering (ADW) provider. Xpressbet submitted a letter advising the Board of recent changes to its current Plan of Operation, including the addition of a new payment processor vendor (Plaid) and a new “Quick Picks” feature. The current approval for Xpressbet is active through December 31, 2024.

ANALYSIS:

Pursuant to [Board Rule 2072](#), Approval to Conduct Advance Deposit Wagering by an out-of-state Applicant, subsequent to the issuance of an approval to conduct Advance Deposit Wagering, changes or amendments to information or operating procedures contained in an application will be permitted by order of the Board or by Board approval of a request submitted in writing by the Applicant.

BACKGROUND:

[Business and Professions Code \(BPC\) section 19420](#) provides that the Board shall have jurisdiction and supervision over meetings in California where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings. [BPC section 19440](#) provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually its responsibilities, including the administration and enforcement of all laws, rules, and regulations affecting horse racing and pari-mutuel wagering. [BPC section 19604](#) provides the Board may authorize a racing association, racing fair, betting system, or multijurisdictional wagering hub to conduct advance deposit wagering in accordance with this section.

RECOMMENDATION:

This item is presented for Board discussion and action.

STAFF ANALYSIS
DISCUSSION AND ACTION ON THE AMENDMENT TO CHRB RULE 1902,
CONDUCT DETRIMENTAL TO HORSE RACING, TO PENALIZE LICENSEE
INVOLVEMENT IN NON-RECOGNIZED MATCH RACING.

Regular Board Meeting
April 20, 2023

ISSUE:

For several years, the California Horse Racing Board (CHRB) has been aware of unlicensed horse races being carried out at private ranches throughout the state. While it is not unlawful to race horses privately and without a CHRB license, it is illegal to accept or facilitate wagers on such races. Known commonly as “match racing,” CHRB staff believes that such unlawful horse races are being held regularly throughout California.

What is more concerning is the illegal and abhorrent treatment of horses at these unregulated events. Journalists and animal rights activists have well documented evidence of abuse and mistreatment to include illegal doping of horses, physical abuse and death.

While these match races are not sanctioned by the CHRB, and are detested by industry stakeholders, it is clear that their existence detrimentally effects legitimate horse racing by casting it in a negative light. In order to address this issue, the CHRB seeks to hold licensees accountable for participating or being present at unlicensed horse races.

BACKGROUND:

Business & Professions Code section 19660 states that it is a misdemeanor to directly or indirectly hold or conduct an unlicensed horse race meeting where there is any form of wagering on the results. Business & Professions Code section 19560 further mandates that “No person shall, without complying with this chapter, hold or conduct, or assist, aid, or abet in holding or conducting, any meeting in this State where there is horse racing with wagering on its results.” Though similar to 19660, 19560 has broader application in that it reaches any person who assists, aids, or abets an unlicensed/illegal horse race. Business and Professions Code section 19661 explains that any violation of any provision of the Horse Racing Law that does not carry an explicit penalty shall be a misdemeanor, and additionally, the Board may impose up to a \$100,000 fine. Finally, subsection (j) of Rule 1489, Grounds for Denial or Refusal of License, states that the Board may deny (or revoke or suspend via Rule 1900) a license to anyone who violates, aides, abets or conspires to violate any provision of the Horse Racing Law.

ANALYSIS:

The CHRB proposes an amendment to existing rule 1902, Conduct Detrimental to Horse Racing.

A new subsection (d) will be added clarifying that participation in, or presence at, any non-recognized race meeting where racing occurred is conduct detrimental to racing and therefore prohibited. A new subsection (d)(1) will define a recognized race meeting and a new subsection (d)(2) will define racing.

RECOMMENDATION:

This item is presented to the Board for discussion.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 16. GENERAL CONDUCT
PROPOSED AMENDMENT OF
RULE 1902 CONDUCT DETRIMENTAL TO HORSE RACING

No licensee shall engage in any conduct prohibited by this Division nor shall any licensee engage in any conduct which by its nature is detrimental to the best interests of horse racing including, but not limited to:

- (a) knowing association with any known bookmaker, known tout, or known felon,
- (b) indictment or arrest for a crime involving moral turpitude or which is punishable by imprisonment in the state or federal prison, when such indictment or arrest is the subject of notorious or widespread publicity in the news media, and when there is probable cause to believe the licensee committed the offenses charged,
- (c) solicitation of or aiding and abetting any other person to participate in any act or conduct prohibited by this Division.

(d) participation in, or presence at, any non-recognized race meeting where racing occurred.

(1) recognized race meeting is defined pursuant to subsection (u) of Rule 1420

(2) racing is defined pursuant to subsection (s) of Rule 1420

Authority: Sections 19440, and 19460,
Business and Professions Code.

Reference: Sections 19440, 19460, and 19572,
Business and Professions Code.

Agenda Item 6

STAFF ANALYSIS

DISCUSSION AND ACTION BY THE BOARD REGARDING THE PROPOSED AMENDMENTS OF CHRB RULE 1927, FIRE PREVENTION, RULE 1928, FIRE REGULATIONS, RULE 2101, DEFINITIONS, AND RULE 2103, HABITABLE ROOMS, TO MODIFY THE REQUIREMENTS FOR RACING ASSOCIATIONS TO MAKE ADEQUATE PROVISIONS FOR FIRE PREVENTION, PROTECTION AGAINST FIRES, AND FIRE SUPPRESSION WITHIN CHRB INCLOSURES

Board Meeting
April 20, 2023

ISSUE:

The recent implementation of the Horseracing Integrity and Safety Authority's (HISA) federal regulations requires that the California Horse Racing Board's (Board) rules regarding fire safety be amended. Additionally, the Board's rules pertaining to fire safety were originally conceived without consultation with a fire authority and, consequently, do not form a logical set of fire safety provisions. Furthermore, said rules are inconsistent with the realities of performing fire inspections, as local fire authorities have limited resources and must deal with the impact of unpredictable events on workload and availability. Therefore, the Board seeks to revise its fire safety regulations to conform to federal regulations and to provide for consistency with day-to-day fire authority activities, with the effect of improving overall fire safety.

ANALYSIS:

The proposed regulatory action will amend Board Rule 1927, Fire Prevention, to align with HISA Rule 2163, Fire Safety, by requiring that protocols be in place for instances of fire within the inclosure and stipulating that the written fire clearance state that the inspection was performed in accordance with the local authority and appropriate National Fire Protection Association standards, thereby ensuring conformity with federal regulations. The amendment will also eliminate those provisions that have proven to be arbitrary and inconsistent with actual fire authority practice.

The proposed amendment to Board Rule 1928, Fire Regulations, will replace the provision that every association post in its stable and backstretch worker housing areas the fire regulations applicable on its grounds with language clarifying that every association, fair, or approved training facility must post the emergency evacuation plan, which must include specific information that is crucial in the instance of a fire. These changes will clarify that such fire safety provisions apply not only to associations, but to fairs and approved training facilities as well, and set forth minimum requirements for the emergency evacuation plan, which will help ensure safety in the event of a fire.

Board Rule 2101, Definitions, and Board Rule 2103, Habitable Rooms, will be amended to remove the references to Board Rule 1927, as the references will no longer be appropriate considering the changes to Board Rule 1927.

BACKGROUND:

The Horseracing Integrity and Safety Act of the 2021 Consolidated Appropriations Act created HISA as a private self-regulatory organization. HISA must develop rules related to horseracing, including anti-doping, medication control, and racetrack safety rules. The Federal Trade Commission (FTC) is given broad oversight over HISA. The FTC, after providing an opportunity for public comment, must approve or disapprove any rule proposed by HISA. HISA Rule 2163 sets forth general provisions concerning fire safety.

Board Rule 1927 sets forth the provisions pertaining to fire safety, and Board Rule 1928 contains provisions concerning signage for information crucial during the event of a fire, while Board rules 2101 and 2103 both reference Board Rule 1927.

RECOMMENDATION:

This item is presented for Board discussion and action.

CALIFORNIA CODE OF REGULATIONS
TITLE 4. BUSINESS REGULATIONS
DIVISION 4. CALIFORNIA HORSE RACING BOARD
ARTICLE 17. FIRE PREVENTION AND SECURITY
PROPOSED AMENDMENT OF
RULE 1927. FIRE PREVENTION

1927. Fire Prevention Safety.

~~Associations shall make adequate provision for fire prevention, protection against fire, and fire suppression within the inclosure. Before any license is granted to any association, each applicant therefor must inform the Board, in detail, of the fire prevention facilities at or available to its inclosure, and particularly its stable area.~~

~~When a licensee is unable to stable all the horses participating at its meeting on its grounds, such licensee must advise the Board of the facilities for fire prevention at the additional location where such excess number of horses will be stabled.~~

A racing association, fair, or approved training facility shall provide the following to the Board for approval:

(a) A written clearance from the fire authority having jurisdiction, over the inclosure.

(1) The written clearance shall cover the period of time horses or licensees are present at the inclosure.

(2) The written clearance must state at a minimum stating that an inspection has been made of the inclosure and any additional location where any excess number of horses will be stalled and that the facilities conform with a reasonable standard of fire safety, shall be filed with the Board prior to the commencement of a race meeting in accordance with the local authority and appropriate National Fire Protection Association standards. Such inspection shall have been made within 45 days prior to the commencement of the meeting.

(b) The protocols in place for instances of fire within the inclosure.

~~For the purposes of this regulation, a reasonable standard of fire safety shall require that each building, barn or structure which is used by an association for the stabling of horses or human habitation, be equipped with an automatic sprinkler system and an automatic fire alarm system, and that the stable area grounds, including any additional location where any excess number of horses will be stabled, be patrolled by a watchman during the hours of darkness. The type and installation of automatic sprinkler and automatic fire alarm systems shall be of such quality as to afford the protection required by this regulation as determined and approved by the fire authority having jurisdiction. Portable structures or sheds fully open on at least one side, with the approval of the fire authority having jurisdiction, and trailer coaches, campers and unroofed stalls are exempted from~~

~~the automatic sprinkler and fire alarm requirement, so long as they are located within the effective operating distance of exterior wet standpipe fire hose streams and within 150 feet of a manual fire alarm box.~~

~~Any association whose stable area, including any additional location where any excess number of horses will be stabled, does not conform with a reasonable standard of fire safety as defined in this regulation may petition the Board for an extension of time within which to comply with this regulation or exemption from such requirements. In reviewing any such petition, the Board shall take into consideration any written recommendations from the fire authority having jurisdiction as well as all other matters pertinent to the petition, including the fact that the Board recognizes that the physical structure of each racing inclosure is unique and, as such, inherent with its own particular problems. Any extension of time or exemption granted by the Board shall be in writing and may be on such conditions as the Board may deem appropriate.~~

Authority: Sections 19420, 19440, 19460 and 19661,
Business and Professions Code.

Reference: Sections 19440 and 19481,
Business and Professions Code.

CALIFORNIA CODE OF REGULATIONS
TITLE 4. BUSINESS REGULATIONS
DIVISION 4. CALIFORNIA HORSE RACING BOARD
ARTICLE 17. FIRE PREVENTION AND SECURITY
PROPOSED AMENDMENT OF
RULE 1928. FIRE REGULATIONS

1928. ~~Fire Regulations~~ Evacuation Plan.

(a) Every association, fair, or approved training facility shall post in its stable and backstretch worker housing areas the ~~fire regulations applicable on its grounds. The association shall also post:~~ emergency evacuation plan, which shall state the following:

(1) ~~its emergency evacuation plan, which shall state~~ the nearest exit in case of fire or other emergency,

(2) the location of the nearest fire alarm box, and

(3) the telephone number of the fire department or other pertinent instructions as to the method for reporting a fire in the area.

(b) The notices shall be in English and Spanish, and posted no more than 100 feet apart or as approved by the local fire authority.

(c) No person shall violate the posted fire regulations.

Authority: Section 19440,
Business and Professions Code.

Reference: Sections 19481(a) and 19481.5(b)(1),
Business and Professions Code.

CALIFORNIA CODE OF REGULATIONS
TITLE 4. BUSINESS REGULATIONS
DIVISION 4. CALIFORNIA HORSE RACING BOARD
ARTICLE 28. BACKSTRETCH WORKER HOUSING
PROPOSED AMENDMENT OF
RULE 2101. DEFINITIONS

2101. Definitions.

As used in this article:

(a) "Backstretch worker" means a person required to be licensed under Rule 1481(c) of this division.

(b) "Backstretch worker housing", "habitable room" means any structure or portion of a structure whose primary purpose is for sleeping or living and is located within the restricted area of the inclosure as defined in Rule 1420(v) of this division.

(c) "Damaged" means property in a condition in which its worth or usefulness is impaired. Damage includes, but is not limited to backstretch worker housing whose components are split, buckled, sagging, rotting, broken or defective.

(d) "Substandard housing" means backstretch worker housing or a habitable room, or any portion thereof, which through lack of maintenance or repair there exists any of the following conditions to an extent that endangers the health, safety or welfare of the occupants:

(1) Lack of toilet or privy structure, bathtub or shower, or hot and cold running water.

(2) Plumbing fixtures and piping that have become unsanitary or damaged.

(3) Lack of exterior wall or roof covering adequate to protect the occupants from the elements.

(4) Damaged exterior wall or roof coverings.

(5) Damaged windows, exterior window coverings, or doors.

(6) Lack of natural light and ventilation.

(7) Damaged interior walls, ceilings or floors.

(8) Lack of interior flooring adequate to protect occupants from the elements.

(9) Dampness of habitable rooms.

(10) Lack of garbage and rubbish removal as required under Rule 3010 of this article.

(11) Infestation of insects, rodents or other vermin.

(12) Lack of smoke detector in working order, ~~or other fire alarm system as required under Rule 1927 of this division.~~

(13) Lack of emergency evacuation plan as required under Rule 1928 of this division.

Authority: Sections 19440 and 19481.5(b),
Business and Professions Code.

Reference: Section 19481.5,
Business and Professions Code; and
Section 17920.3,
Health and Safety Code.

CALIFORNIA CODE OF REGULATIONS
TITLE 4. BUSINESS REGULATIONS
DIVISION 4. CALIFORNIA HORSE RACING BOARD
ARTICLE 28. BACKSTRETCH WORKER HOUSING
PROPOSED AMENDMENT OF
RULE 2103. HABITABLE ROOMS

2103. Habitable Rooms.

(a) Habitable rooms used for sleeping shall have natural light by means of at least one exterior window that, if it can be opened, has screening with a tight fitting frame. Natural ventilation shall be provided by exterior openings that can be opened, or in lieu of exterior openings a mechanical ventilating system.

(b) Habitable room exterior doors shall be tight fitting and outfitted with door sweeps.

(c) Interior walls, ceilings and floors of habitable rooms may not be damaged or cause exposure to outside elements or exposed earth.

(d) Habitable rooms shall be provided with electrical switches, outlets and at least one electric light. Electric components in a habitable room shall be installed to state or local building codes and maintained in a manner that does not endanger the health or safety of the occupants.

(e) Habitable rooms used for sleeping shall be provided with battery operated smoke detectors that shall be maintained in working order, ~~or any other approved fire alarm system as provided under Rule 1927 of this division. Fire regulations and an~~ An emergency evacuation plan shall be posted in backstretch worker housing areas as provided under Rule 1928 of this division.

(f) The dimensions of a habitable room shall not be less than seven feet in any direction and shall provide not less than 50 square feet of space per person.

Authority: Sections 19440 and 19481.5(b),
Business and Professions Code.

Reference: Section 19481.5,
Business and Professions Code.

Agenda Item 7

**STAFF ANALYSIS
DISCUSSION AND ACTION ON THE ADOPTION OF A SOCIAL MEDIA POLICY
REGARDING THE CHRB'S SOCIAL MEDIA PLATFORMS.**

Regular Board Meeting
April 20, 2023

ISSUE:

The California Horse Racing Board utilizes social media platforms, such as Twitter, to disseminate information about Board meetings or other important announcements. The CHRB seeks to adopt a policy to address how public comments and/or content is handled if it is inappropriate.

ANALYSIS:

The proposed External policy provides guidance on the types of content which would not be permitted on CHRB's social media accounts. This policy will be public facing so users are aware of what is not permitted. The proposed Internal policy provides a procedure which will be followed before any comments or content is removed from CHRB's social media accounts.

RECOMMENDATION:

This item is presented for Board discussion and action.

POLICY

POLICY

Social Media Management Policy

APPLICABILITY

The Social Media Management Policy shall apply to all California Horse Racing Board (“CHRB”) Social Media platforms. The Policy shall govern the manner in which followers, comments and/or postings are monitored and the procedure to be followed if a specific follower, comment or posting is proposed to be blocked, removed, muted or deleted. A description of the types of content that are not permitted on the CHRB’s Social Media platforms is set forth in CHRB’s public-facing Social Media Policy.

DEFINITIONS

TERM	DEFINITION
Social Media	Social media shall include any and all social media platforms utilized by the California Horse Racing Board to include Facebook, Twitter, LinkedIn etc.
Potentially Inappropriate Content	Content that is prohibited under CHRB’s Social Media Policy.

ROLES AND RESPONSIBILITIES

ROLE	RESPONSIBILITIES
CHRB IT Specialist	<ul style="list-style-type: none">Monitors social media platforms, assists with posting of content on behalf of the CHRB, and flags Potentially Inappropriate Content for review.
CHRB Legal	<ul style="list-style-type: none">Reviews flagged content and/or profiles to determine if the content or profile should be blocked, removed, muted or deleted under CHRB’s Social Media Policy and applicable law. Provides analysis and recommendation to the Executive Director.
Executive Director	<ul style="list-style-type: none">Reviews the analysis and recommendation of CHRB Legal and determines if a flagged content or profile should be blocked, removed, muted or deleted under CHRB’s Social Media Policy.

**CALIFORNIA HORSE RACING BOARD
ADMINISTRATIVE POLICY**

PROCEDURE

The CHRB IT Specialist's responsibility is to monitor all CHRB Social Media platforms and assist with posting of content on behalf of the CHRB. If a particular profile has posted content which the IT Specialist believes may qualify as Potentially Inappropriate Content, the IT Specialist shall promptly notify CHRB Legal via email and include a copy of the Potentially Inappropriate Content. The IT Specialist shall take no other action unless and until directed to do so by the Executive Director of the CHRB.

Upon receiving the notification in the foregoing paragraph, CHRB Legal will review the Potentially Inappropriate Content in light of CHRB's Social Media Policy, federal First Amendment protections, the California Constitution, and all other applicable law, and determine if the content and/or profile should be blocked, removed, muted or deleted. Repeat offenders may be subject to permanent blocking consistent with state and federal law. CHRB Legal shall provide its analysis and recommendation to the Executive Director.

Upon receiving CHRB Legal's analysis and recommendation, the Executive Director shall determine whether to block, remove, mute or delete the content and/or profile that posted the content. The Executive Director shall communicate his/her determination via email to the IT Specialist and CHRB Legal.

Upon being notified of the Executive Director's determination, the IT Specialist shall promptly take any action that is required to implement the Executive Director's decision. If any post is deleted or any account is blocked, the IT Specialist shall make reasonable efforts to inform the user that their post was deleted or their account was blocked, as applicable, because it violated CHRB's Social Media Policy including by "direct messaging" the user via the social media platform. Any user whose post was deleted may be permitted to modify their post to remove the content that violated CHRB's Social Media Policy to permit the remaining content to be re-posted. The IT Specialist shall inform the Executive Director and CHRB Legal via email once any such action has been completed.

ADDITIONAL INFORMATION

Questions regarding interpretation or implementation of this policy shall be referred to CHRB LEGAL at (916) 842-0032.

EFFECTIVE DATE

This policy is to remain in effect until rescinded by an executive level officer, i.e., Executive Director or designee.

California Horse Racing Board Social Media Policy

The purpose of this Social Media Policy is to enable the California Horse Racing Board (“CHRB”) to post matters of public interest concerning CHRB’s programs, activities, news stories, and photos on social media, and to enable members of the public to comment on those posts. The purpose of this policy is to prevent content that disrupts the normal flow of dialogue or negatively affects other users’ ability to engage in discussions on the platform.

The following content is prohibited from being posted on CHRB’s social media platforms and may be removed or deleted:

- Content that is threatening, abusive, harassing, defamatory, profane, obscene, or indecent.
- Content that contains hate speech or discriminates against another person because of that person’s race, religious creed, disability, sex, gender, age, or any other protected basis.
- Campaign content, including content urging or opposing the nomination or election of a candidate or the qualification or passage of a ballot measure.
- Advertisements, solicitations, or other content that promotes or endorses services or products.
- Content that suggests or encourages illegal activity.
- Content or conduct in violation of a federal, state, or local law.
- Content that tends to compromise the safety and security of the public.
- Content that is unrelated to the topic being discussed or CHRB’s activities.
- Content that is spamming in nature.
- Content containing or linking to malicious software (malware) such as viruses, worms, trojans, rootkits, spyware, adware or any other unwanted software.
- Content that infringes on a copyright, trademark, or other proprietary right of any party.
- Content that is confidential, invasive of another person’s privacy, or contains personal information.

CHRB may remove content that violates these guidelines. Repeated violations may limit the ability of the party posting such content to comment on the social media platform in the future. CHRB is not responsible for, and neither endorses nor opposes, comments placed on its social media platforms (Twitter, Facebook, and LinkedIn) by visitors.

Any comments or other content posted or submitted to CHRB’s social media accounts for posting, as well as information pertaining to CHRB’s social media accounts’ users and visitors, may be public records subject to disclosure pursuant to the California Public Records Act (Cal. Gov. Code § 7920.000, et seq.).

Agenda Item 8

STAFF ANALYSIS
DISCUSSION REGARDING THE INCLEMENT WEATHER POLICY AS IT RELATES
TO SURFACES AND RETURNING TO RACING AND TRAINING
Regular Board Meeting
April 20, 2023

ISSUE:

Discussion regarding amending the California Horse Racing Board (“Board” or “CHRB”) Inclement Weather Policy in light of insights gained from the inordinate amount of rain experienced this winter and in consideration of federal Horse Racing Integrity and Safety Act regulations.

BACKGROUND AND ANALYSIS:

The Board created the Inclement Weather Policy (“Policy”) two years ago in an effort to standardize weather related decisions throughout the state (see attached - proposed amendments designated by strikethrough, underline, and highlight). Since its creation, racing associations have agreed to abide by the Policy as a condition of licensure for their race meets. Subsequent to the Board’s efforts, the federal Horseracing Integrity and Safety Authority (“HISA” or “Authority”) began requiring that all racing jurisdictions with thoroughbred racing have an Inclement Weather Policy in place.

Recent historic rain falls have tested the Board’s Policy - which has worked well and led several tracks to cancel racing due to less-than-ideal racing surfaces. Given this experience, it is necessary to reexamine the Policy and discuss modification based on current needs. One issue that requires discussion is how quickly horses should be permitted to return to working and racing after a track is unsealed. Anecdotally, it appears that horses that work or race immediately after a track is unsealed are at a higher risk for future injury. CHRB Equine Medical Director (EMD) Dr. Jeff Blea has engaged UC Davis to study this matter. At the Board’s March 2023 meeting, Dr. Blea recommended that for the first 24 hours after a track is unsealed, training be limited to jogging only and the next 24 hours be more scrutinized. He also recommended that the policy apply to surfaces used for both training and racing.

Based on the discussion by the Board at the March 2023 meeting and the recommendations by EMD Dr. Jeff Blea, staff proposes the attached changes to the current Inclement Weather Policy.

RECOMMENDATION:

This item is presented for discussion and action by the Board.

Inclement Weather Policy

Policy Statement:

The California Horseracing industry recognizes that inclement weather may temporarily prevent the normal operations of the racetrack and that coordinated decision making promotes the health and safety of all participants, including the equine athletes and riders.

In anticipation of inclement weather events, the following policy and protocols will drive the decision-making process to either delay or cancel racing and training. The concern for the equine athletes, riders and all other participants' safety serves as the main driver when these decisions are made, and decisions should always strive to err on the side of caution. Each weather incident is unique, and each will demand individual attention and analysis.

Purpose:

The Purpose of this policy is to:

- Assign responsibility in evaluating inclement weather events;
- Assign responsibility in determining postponement and cancellations of racing and training;
- Clarify the responsibilities and expectations of the stakeholders in an inclement weather event;
- Clearly outline communication protocol around decisions of postponement and/or cancellations resulting from inclement weather;
- Outline protocols to be followed after an inclement weather event;
- Help define what constitutes an "unsafe" track for training or racing;
- Be consistent with the Association of Racing Commissioners International – Model Rules: **ARCI-007-025 (G)** and **ARCI-007-020(M)**;
- **Comply with the Horse Racing Integrity and Safety Act's regulations - Racetrack Safety Program Rule 2164.**

Scope:

This policy applies to all racetracks and approved auxiliary training centers which are operating under CHRB rules and regulations. Note: Portions of this policy relating to sealed, floated, or other similar practices will not be applicable to any synthetic racing surface, or surfaces used for Standardbred racing. **However, this policy does apply to surfaces used for training and racing.**

Date of Effect:

This policy **shall take originally took** effect starting December 26th, 2020 and may be repealed or amended from time to time with the approval of the CHRB. **Amendments become effective immediately upon Board approval.**

Track Superintendent:

The Racing Association must notify the CHRB of any change to the Track Superintendent position prior to making the change.

Racing Surface Maintenance Data Collection:

The Racing association shall collect data and maintain electronic records to assist in the consistent maintenance of all racing surfaces. This data shall be available for review and inspection by the Board of Stewards, Equine Medical Director, TOC, CTT, and the CHRB when requested.

These data collection protocols shall include:

- **Watering and Moisture Content control:** Electronically document all watering and irrigation on main and turf tracks. Include details on the time of application, method of application, amount of water added (gallons) and area of the racing surface to which the water was applied. For water trucks, also direction of equipment. Quality control measurements of the moisture content should be checked daily to ensure consistency in the moisture content around a dirt or turf track. This should be measured, typically at least weekly, using a device such as the time domain reflectometry or other similar measurement methods.
- **Harrowing:** document the number of rounds and direction with the motor grader, cutting harrows, and conditioning harrows. Record the depth of the cutting harrows and conditioning harrows.
- **Material additions:** Document the source, timing, quantity and method of all additions to the surfaces including sand, silt, clay, organic material, or chemicals (e.g., acids) for dirt tracks; and top dressing, fertilizer, pesticides, fungicides, seeding and sod replacement for turf tracks.
- **Turf Track:** Electronically document the turf grass species, areas of re-sodding, and cutlengths.
- **Cushion depth:** Perform periodic, typically at least once per day during racing, cushion depth measurements by using a hand probe over the surface of the track. Depth of cushion should also be verified before and after any large movement of material from either grading or washouts. Data should be stored electronically to allow tracking of results over time to ensure that track grades do not get out of tolerance ranges prior to grading.
- **Material composition:** Perform testing of track material composition at least monthly per race meet. Each sample should be analyzed separately and not mixed with other samples. Composition should include at least the following tests:
 - **Turf Track:** Soil chemistry panel including soil pH, organic carbon, major nutrients (e.g. phosphorus, potassium, calcium, magnesium, and sulfur) and soluble salts to ensure that reviews of maintenance processes can be performed, all protocols for surface preparation, maintenance and quality control measures will be documented electronically outlining procedures and schedules for all of the items above. These electronic records shall be made available for review.
 - **Dirt tracks:** sieve and hydrometer data for all samples; and organic, soil chemistry, X-ray diffraction, bulk density, and salinity measurements for a single representative sample.
- **Surveying:** For dirt and synthetic tracks the method used, and measurements obtained should be documented to ensure that the cross-fall in the straights and transitions from the straights to the turns are consistent and within specification. A track survey should be performed at least once per year with the track referenced to survey markers, laser checks or GPS mapping. Grades should be documented for internal reference.

Incllement Weather Events:

Severe or harsh weather environmental conditions that may include, without limitation:

1. Extreme Temperatures;
2. High Winds;
3. Lightning;
4. Precipitation;
5. Air quality;
6. Fog/Visibility.

1. EXTREME TEMPERATURES

Symptoms of heat stress in Thoroughbreds:

- Rapid shallow breathing (i.e., panting);
- Very high body temperature;
- Flared nostrils;
- A congestion appearance of the gums;
- Staggering or weakened gait;
- Abnormal, irrational behavior;
- In extreme circumstances – collapse.

Circumstances contributing to Heat Stress:

The susceptibility of a horse to heat stress may not solely be influenced by temperature or the prevailing conditions. Certain other factors may adversely affect an individual horse's ability to withstand racing in hot conditions.

These include:

- A horse traveling long distances prior to or on the same day as the race;
- The temperament of the horse;
- Younger horses less acclimatized to heat;
- Heavy sweating;
- Withholding drinking water on the day of race.

Requirements of Racetrack/Safety Steward:

It shall be the responsibility of the Track Superintendent/Safety Steward on any race day to;

- Obtain and monitor the forecast conditions for the race day;
- Initiate the Extreme Temperature Weather Policy when necessary, and ensure the provisions are appropriately observed, where applicable;
- Communicate with racetrack personnel regarding requirements;
- During the race day monitor the air temperature provided by commercial weather service (e.g., Universal Weather Service);
- Throughout the race day communicate and take advice from the Official Veterinarian regarding current conditions and the condition of any horse;
- Consider whether modifying the racing program may provide improved conditions; and
- Minimize the time horses are required to be in post parade.

Modification to the race day program may include advancement or delay in the races if it appears possible the extreme conditions might ease or can be avoided.

In the event a trainer is concerned with their horse coping with the current conditions and requests to be withdrawn from the race, the stewards shall consider all requests on merit and the stewards may seek the opinion of the Official Veterinarian before adjudicating any request.

Postponement and Cancellation:

In the event of a forecasted extreme temperature as defined below the decision to cancel racing shall be made by the General Manager of the Association and confirmed by the Board of Stewards by applying the Extreme Temperature Standard and Policy.

Notification of cancelation shall be communicated to the following:

- Jockey's Guild Representative;
- Board of Stewards;
- TOC and CTT

Heat Stress Index:

Horses generate heat during relatively short episodes of intense exercise, such as racing. Heat and humidity can affect horses more than humans. An important calculation when determining the risk to a horse during hot and humid conditions is the Heat Stress Index (HSI), which is a simple way to estimate the ability of a horse to dissipate heat naturally.

Horses' ability to dissipate heat begins to decrease at HSI 130; horses cannot dissipate heat at or above HSI 180. HSI is calculated by adding the current temperature (in Fahrenheit) and the relative humidity (in % RH) **and subtracting wind speed (in mph)**. The total determines the conditions. For example, if it is 77 degrees out and the relative humidity is 65%, and the windspeed is 8 mph, ~~added together the heat index is 142,~~ **the HSI is 134.**

Heat mitigation precautions should be in place whenever HSI is expected to exceed 130.

These precautions should include the following:

1. strategically placed hoses for both before and after the race;
2. ice buckets with sponges in the unsaddling area;
3. ice blankets in coolers in ambulances/ track veterinarian vehicles; and
4. additional monitoring of horses post-race for heat-related problems.

180 or more:

The horse has no natural means to cool off, and the rider/handler must provide aggressive cooling.

150 or more:

The horses cooling mechanisms are reduced and supplemental cooling must be provided.

130 or more:

The horse's cooling is mildly diminished, and some horses may need assistance.

Less than 130:

The horse can cool itself.

In the event HSI exceeds 160, any determination to proceed with racing or training requires the approval of the stewards based upon a recommendation from the Official or Association Veterinarian.

No training or racing shall be permitted when HSI exceeds 175.

Post-Race Attention:

All Trainers shall ensure that post-race, horses are cooled down promptly and adequately. Trainers should be alerted that unless appropriate care is provided, a horse's core temperature may continue to RISE for up to 20 minutes post-race.

2. HIGH WINDS

This procedure outlines the various steps that will be taken to safeguard riders and equine athletes and

minimize risk in the event of high winds across the racetrack. Training and Racing restrictions may be implemented during high winds to protect the riders and equine athletes' safety.

Wind speed and direction will be regularly monitored by the Track Superintendent or his staff and recorded on a daily basis.

Equipment:

The racetrack shall install an **anemometer** near the racing surface at the approximate height of the rider.

Wind speed threshold:

- **Sustained 38 mile per hour and/or gusts over 50 miles per hour** – Racetrack management will temporarily suspend Racing and Training.
- A warning about the potential need to cancel will be communicated by the racetrack management to the following:
 - Jockey's Guild representative;
 - Board of Stewards;
 - TOC and CTT.
- The final decision to cancel will be made by the General Manger of the Association and confirmed by the Board of Stewards and communicated to same parties above.

3. LIGHTNING

The following protocols for lightning are consistent with the Association of Racing Commissioners International model rule **ARCI-007-020**. The racing association shall install a real-time lightning detector and warning system that has been independently and objectively verified and subscribe to a commercial weather service (e.g., Universal Weather Service) that provide lightning detection services.

The detection service must include strike distance and radius notifications in order to provide lightning delay decision-making.

The lightning detection information shall be monitored by the Track Superintendent, or his staff during training and racing hours. This information will also be available to racetrack management and stewards at all times.

Suspension of Racing and Training:

When lightning is detected within an **8-mile radius of the racetrack** the following actions will take place:

- Track Superintendent shall notify racetrack management immediately;
- Racetrack management will suspend racing and training;
- Racetrack Management will notify the Board of Stewards and Jockey's Guild representative;
- Alert all participants to seek shelter;
- Track Superintendent will be responsible for enforcing training delay.

Resume Activity:

Racing and training activities may resume 30 minutes after the last lightning strike within an 8-mile radius of the racetrack as indicated by the lightning detection service.

4. PRECIPITATION

The following protocols will assist with the decision-making process to either suspend or cancel racing until the track is deemed safe after an extreme precipitation event. The first priority of all decisions made shall be the well-being and safety of the equine athletes and riders.

These protocols are consistent with Association of Racing Commissioners International model rule **ARCI-007-025(G)**.

Weather Monitoring:

The Racing association shall subscribe to a commercial weather service (e.g. Universal Weather Service) and install a professional weather station that will provide the following information:

- Temperature;
- Relative Humidity;
- Rainfall amount;
- Wind Speed;
- Wind Direction;
- Barometric Pressure;
- Solar Radiation.

Weather Data Collection:

All weather data shall be maintained on a daily basis by the Track Superintendent and recorded in electronic format that shall be made available to racetrack management and Board of Stewards. Any precipitation event during racing and training will require the rainfall data to be logged in 15-minute increments.

Dirt Track:

Sealed or Floated Track: is a track surface that has been smoothed and compacted utilizing specialized equipment. A sealed dry track allows water to run off the track, reducing the amount of precipitation absorbed. Wet tracks are sealed to provide a safe and even racing surface. Periodically, a “float,” which is a lighter slab of metal, will be pulled over the track to squeeze off surface water.

When precipitation is forecasted the Track Superintendent will analyze the following:

- Total amount of rainfall;
- Duration of rainfall;
- Predicted timing relative to training or racing.

Based on data received, the Track Superintendent will make a determination if the track needs to be sealed and or floated. When the track is sealed, horses will **NOT** be permitted to train on the surface. Any decision to race on a sealed or floated track will be made based upon a decision by the Track Superintendent that in his or her professional opinion the resulting track surface is safe for the conduct of races. That decision shall also provide that the conduct of racing will not jeopardize the safe conduct of racing or training on days subsequent to the inclement weather event. That decision will require the unanimous consent of a committee consisting of the Track Superintendent, Association General Manager, Jockeys Guild Representative, and Safety Steward subject to confirmation by the Board of Stewards. Notice of that decision will be provided to the following:

- Board of Stewards;
- Jockeys Guild;
- TOC;
- CTT.

When the rain event has ended the Track Superintendent will determine the optimal time to harrow the track using the float rake or conditioning harrows. Once the track is harrowed after being sealed, ~~no horses will be permitted to engage in high speed workouts~~ only jogging will be permitted over the harrowed track for at least 24 hours. ~~High speed workouts may resume only when approved by the Track Superintendent.~~ The type of training activity in the 24-48 hours following the harrowing of a sealed track will be determined by the track superintendent based upon the condition of the track surface, the amount of rainfall received, and predicted weather conditions that may affect the track surface.

No Racing or Training shall be permitted on any surface deemed unsafe by the Track Superintendent or Board of Stewards.

Turf Track:

When deciding to take racing off the turf the safety of the equine athletes and rider must be the driving factor.

During a rain event the Turf Track Supervisor will continually monitor turf course to determine the amount of moisture in the track by using the following methods:

- Visual inspections;
- Walking the course;
- Using a GoingStick or probe.

If the Turf Track Supervisor determines there is too much moisture in the track and could be unsafe, he will notify the General Manger immediately. The decision to take races off or leave races on the turf shall be made by the General Manager of the association subject to confirmation by the Board of Stewards. Notification shall be made to the following:

- Jockey’s Guild;
- TOC;
- CTT.

5. Air Quality

The U.S. Air Quality Index (AQI) is an index developed by the Environmental Protection Agency to measure air quality. The higher the number (1-500), the higher the level of concern.

The projected AQI for a given location can be found at <https://www.airnow.gov/>.

Tracks may also utilize on-site AQI monitors.

Daily AQI Color	Levels of Concern	Values of Index	Description of Air Quality
Green	Good	0 to 50	Air quality is satisfactory, and air pollution poses little or no risk.
Yellow	Moderate	51 to 100	Air quality is acceptable. However, there may be a risk for some people, particularly those who are unusually sensitive to air pollution.
Orange	Unhealthy for Sensitive Groups	101 to 150	Members of sensitive groups may experience health effects. The general public is less likely to be affected.
Red	Unhealthy	151 to 200	Some members of the general public may experience health effects; members of sensitive groups may experience more serious health effects.
Purple	Very Unhealthy	201 to 300	Health alert: The risk of health effects is increased for everyone.
Maroon	Hazardous	301 and higher	Health warning of emergency conditions: everyone is more likely to be affected.

Responsible Parties

During an extreme air pollutant event, including when smoke from wildfires is forecasted or detected, the General Manager of the track shall be responsible for monitoring air quality daily during extreme air pollutant events and communicating with the association and regulatory veterinarians. The General Manager (GM) of the track, representing the racing association, and the Equine Medical Director (EMD), representing the state racing regulatory body, will assess the situation and determine the safest course of action for the equine population. The GM and EMD reserve the right to recommend cancelation of racing, training, or otherwise restrict activity at any time if conditions are deemed unfavorable.

AQI Ratings and Recommendations

The GM and EMD may use the Air Quality Index (AQI) for guidance. Because the AQI is not measured directly at the track the AQI will be considered in conjunction with conditions observed at the racetrack. Generally, however, the following recommendations will be used:

AQI=100-150

If the forecasted AQI is projected to reach 100, this could be considered unhealthy for some members of the human population. The GM, and EMD may begin to monitor the facility daily if the AQI consistently reaches 100 and there is cause for concern in the local environment, including the presence of a wildfire in the area.

AQI= 150-174

If the forecasted AQI is projected to reach 150, the CVO, GM, and EMD will closely monitor the facility and may limit training to jogging and/or jogging and gallops only and be prepared to take further action if conditions worsen.

AQI = 175+

If the forecasted AQI is 175 or higher, the CVO, GM, and EMD will restrict activity at the track, including but not limited to:

- Canceling live racing (if applicable);
- Canceling official workouts; and
- Prohibiting galloping, breezing or anything more strenuous than a jog.

The GM and EMD may elect to allow horses to access the track for necessary daily exercise (walk or trot only) for their safety and welfare.

Cancellation of Track Activities

If recommended by the GM, and EMD, live racing and/or training will be canceled due to unsafe air conditions. The GM and EMD will recommend to the Stewards that racing be canceled.

The racing office will notify horsemen if access to any of the tracks is restricted.

6. Fog/Visibility

In the event of impaired visibility, the Board of Stewards, the GM of the association and the Jockeys' Guild representative shall meet to determine if the races should be cancelled or delayed. If any entity in the aforementioned group believes that the visibility is compromised such that racing would be unsafe, then the races shall be cancelled or postponed. If the evidence indicates that visibility will improve, the races may be delayed for a period not to exceed one hour, at which time the group will meet again to decide if the races can safely continue.

HISA Regulations Related to Track Surface and Inclement Weather

2152. Testing Methods

Surface test methods and surface material test methods must be documented and consistent with testing standards from internationally recognized standards organizations including ASTM International, American Society of Agricultural and Biological Engineers, or other relevant international standards, and when possible for unpublished standards, methods consistent with those documented by the Racing Surfaces Testing Laboratory.

2153. Racetrack Facilities

The Racetrack facilities must be designed, constructed, and maintained as provided in Rule 2153 to provide for the safety of Covered Persons and Covered Horses.

(a) Rails.

- (1) Racetracks shall have inside, outside, and gap rails designed, constructed, and maintained to provide for the safety of Jockeys and Horses.
- (2) Objects within 10 feet of the inside rail shall be flexible enough to collapse upon impact of a Horse or rider, or sufficiently padded as to prevent injury.
- (3) Rails shall be inspected prior to each Race Meet and daily during training and racing events.

(b) Gaps.

- (1) All gaps must be clearly marked, must have protective padding covering any sharp edges or unique angles, and have proper mechanisms to allow for secure closure when needed.
- (2) Main gaps and on-gaps should include signage with safety rules, Racetrack hours, and other applicable rules.
- (3) For Races breaking from a chute there should be sufficient temporary rail extension to prevent Horses from ducking in or out.

(c) Starting gate.

- (1) All gates, and the vehicle that moves the gates, must be inspected pre- Race Meet and documented to be in proper working condition.
- (2) All gates must have protective padding to ensure the safety of the Horse, Jockey, and gate personnel. Protective padding shall protect the riders and gate personnel from contact with sharp edges and help to distribute impact loads. All padding shall be designed to ensure durability for outdoor use and shall be capable of maintaining safety and physical integrity during all weather conditions.
- (3) Gates and the vehicle that moves the gates shall be inspected and tested each race day before the Races and each morning before schooling to ensure proper functioning.
- (4) No personnel, other than those required for steering the gate, shall ride on the gate while the gate is in motion or being transported.
- (5) Racetracks shall have in place annually reviewed and documented standard operating procedures for the removal of the starting gate after the start of each Race as needed in a safe and timely manner. This plan shall also include procedures for gate removal if the primary removal mechanism fails.
- (6) Every Starting Gate Person shall wear protective gear when working on or around the starting gate, including approved helmets and safety vests.

(7) If the starting gate becomes inoperable during racing hours, racing may not continue until the starting gate is brought back to safe operating standards or the inoperable gate is replaced with a properly functioning alternate gate.

(8) During racing hours, a Racetrack should ensure that sufficient assistant starters are available to safely handle each Horse entered in a Race.

(9) A Racetrack shall make at least one starting gate and one Starting Gate Person available for racehorse schooling during designated gate training hours.

(d) Emergency warning system.

(1) Each Racetrack shall have an operational emergency warning system on all racing and training tracks. The emergency warning system shall be approved by the State Racing Commission, subject to the applicable State Racing Commission electing to enter into an agreement with the Authority. If such agreement does not exist, the emergency warning system shall be approved by the Authority.

(2) The emergency warning system shall be tested bi-weekly before training or racing.

(3) During training, when the emergency warning system is activated, all persons on horseback shall slow to a walk and no one on horseback shall enter the racetrack.

(4) The Racetrack announcer shall be trained to utilize the public address system to:

(i) Warn riders of potentially dangerous situations and provide direction; and

(ii) Warn patrons of potentially dangerous situations and provide direction.

2154. Racetrack Surface Monitoring

(a) Racetracks shall provide equipment and personnel necessary to maintain the racetrack surface in a safe and consistent condition.

(b) Pre-meet inspection shall be performed on all surfaces prior to the start of each Race Meet with sufficient time allotted to facilitate corrections of any issues prior to racing. For Race Meets spanning periods with significant weather variation, inspections shall be performed seasonally prior to anticipated weather changes.

(1) Inspections for dirt and synthetic surfaces shall include the following elements:

(i) Determine and document race and training track configurations and geometries, including:

(A) Geometry and slopes of straights and turns and slopes at each distance marker pole;

(B) The accuracy of distances from the finish line to the marker poles; and

(C) Cushion and base geometries;

(ii) Base inspection, including windrowing and base survey, surface survey, ground penetrating radar, or other method;

(iii) Mechanical properties of racing and training tracks using a biomechanical surface tester shall be determined and documented;

(iv) Surface material samples of racing and training tracks shall be analyzed for material composition pursuant to the Racetrack Surface Standard Practices Document; and

(v) Corrective measures to address issues under paragraphs (i) through (iv) above.

(2) Inspections for turf surfaces shall include the following elements:

(i) Determine and document racetrack configuration and geometry, including:

(A) Geometry and slopes of straights and turns and slopes at each distance marker pole;

(B) irrigation systems;

(C) turf profile; and

- (D) ensure distances from the finish line to the marker poles are correct;
- (ii) Document turf species;
- (iii) Mechanical properties of racing and training tracks using a surface tester should be determined and documented;
- (iv) Surface material samples of racing and training tracks shall be analyzed for material composition pursuant to the Racetrack Surface Standard Practices Document;
- (v) The irrigation system must be tested to evaluate function of all components and water coverage including gaps and overlap; and
- (vi) Corrective measures to address issues under paragraphs (i) through (v) above.

(c) Daily measurements shall be taken at the beginning of all daily training and racing sessions for racing and training tracks, and taken at each 1/4 mile marker pole at locations 5 and 15 feet outside the inside rail.

(1) For dirt and synthetic surfaces, such daily measurements shall include: (i) Moisture content; (ii) Cushion depth; and (iii) Weather conditions and precipitation at 15-minute intervals from a national or local weather service.

(2) For turf surfaces, such daily measurements shall include:

- (i) Moisture content; and
- (ii) Penetration and shear properties.

(d) Surface equipment inventory, surface maintenance logs, and surface material addition or renovation logs shall be maintained and submitted to the Authority.

(1) Daily surface maintenance logs should include equipment used, direction of travel, and water administration.

(2) Documentation of the source, timing, quantity, and method of all additions to the surfaces shall be submitted to the Authority.

2160. Emergency Preparedness

2161. Emergency Drills

Emergency protocols shall be reviewed, and drills shall be conducted, prior to the beginning of each Race Meet for purposes of demonstrating the Racetrack's proficiency in managing the following emergencies:

- (a) Starting gate malfunction;
- (b) Paddock emergencies;
- (c) Equine injury;
- (d) Jockey injury;
- (e) Loose Horse;
- (f) Fire;
- (g) Hazardous weather condition; and
- (h) Multiple injury scenarios for both Horses and Jockeys.

2162. Catastrophic Injury

Racetracks and Training Facilities under the jurisdiction of a State Racing Commission shall have protocols in place for instances of catastrophic injury to Horses during racing and training. Protocols should include, but not be limited to, requiring collection of biological samples in sufficient volume, to permit comprehensive drug testing. Planning shall include appropriate means of communication to the public.

2163. Fire Safety

Racetracks and Training Facilities under the jurisdiction of a State Racing Commission shall plan for and have protocols in place for instances of fire within their enclosures. Fire and life safety inspections shall be performed in accordance with the local authority and appropriate National Fire Protection Association standards and shall be conducted at the required frequency. Racetracks shall document adherence to the applicable local fire protection authority.

2164. Hazardous Weather

Each Racetrack shall develop, implement, and annually review a hazardous weather protocol which shall include:

- (a) Designation of the personnel responsible for monitoring weather conditions, immediately investigating any known impending threat of dangerous weather conditions and determining if conditions exist which warrant delay or cancellation of training or racing and the notification to the public of such dangerous weather conditions;
- (b) Use of a designated weather watcher and a reliable source for monitoring the weather, including lightning strike distance/radius notifications;
- (c) Implementation of a dangerous weather protocol, which includes for extreme heat and chill factors and air quality;
- (d) Designation by the Racetrack of an official responsible for monitoring weather conditions during training and racing hours;
- (e) Consideration by the Racetrack of lightning safety guidelines such as the National Athletic Trainers' Association Position Statement, or more recent evidence-based recommendations;
- (f) Requirements that the stewards shall contact Racetrack management when weather conditions may become hazardous, and that the stewards shall commence a racing and training delay when weather conditions pose risks to human and equine welfare; and
- (g) Designation by the Racetrack of an official responsible for enforcing any weather associated training delay.

STAFF ANALYSIS

DISCUSSION AND ACTION BY THE BOARD ON THE APPROVAL FOR THE DISTRIBUTION FROM ADW MARKET ACCESS FEES FOR WAGERS PLACED BY CALIFORNIA RESIDENTS ON ALL LIVE AND IMPORTED RACES HOSTED BY THE LOS ANGELES TURF CLUB AT SANTA ANITA FOR THE PERIOD APRIL 21, 2023, THROUGH JUNE 20, 2023, TO BE UTILIZED TO FUND A CALIFORNIA CO-OP MARKETING PROGRAM AS PERMITTED UNDER BUSINESS & PROFESSIONS CODE SECTION 19604(f)(5)(E).

Regular Board Meeting
April 20, 2023

ISSUE:

The Thoroughbred Owners of California (TOC) and the Los Angeles Turf Club (LATC) are seeking an approval of an agreement under Business and Professions Code (BPC) section [19604\(f\)\(5\)\(E\)](#) for the period April 21, 2023 through June 20, 2023, which will continue the previously modified market access fee distributions for advance deposit wagering (ADW) wagers placed in the applicable zone on races hosted by the signatory host track. The Co-op Marketing Agreement allows the TOC and the track to continue programs that were previously supported by the California Marketing Committee (CMC) which is no longer operating as BPC section 19605.73 allowing its existence has expired.

ANALYSIS:

The TOC and LATC wish to continue certain CMC programs following the January 1, 2019 sunset of BPC section 19605.73, which authorized the CMC and its programs. The cost of these programs will be shared between the TOC and the signatory party on the Co-op Marketing Agreement. The share of cost attributed is based upon a percentage of handle in the applicable California zones that would otherwise be payable as thoroughbred purses and track commissions.

BACKGROUND:

BPC section 19604(f)(5)(E) provides that notwithstanding any provision of this section to the contrary, the distribution of market access fees pursuant to this subparagraph may be altered upon the approval of the Board, in accordance with an agreement signed by all parties whose distributions would be affected.

RECOMMENDATION:

This item is presented for Board discussion and action. Staff recommends the Board hear from the Co-op Marketing Agreement representatives.

CALIFORNIA HORSE RACING BOARD

April 20, 2023

REGULAR BOARD MEETING

There is no board package material for Item 10

CALIFORNIA HORSE RACING BOARD

April 20, 2023

REGULAR BOARD MEETING

There is no board package material for Item 11

CALIFORNIA HORSE RACING BOARD

April 20, 2023

REGULAR BOARD MEETING

There is no board package material for Item 12