

CALIFORNIA CODE OF REGULATIONS
TITLE 4. BUSINESS REGULATIONS
DIVISION 4. CALIFORNIA HORSE RACING BOARD
ARTICLE 4. OCCUPATIONAL LICENSES
RULE 1500. APPRENTICE JOCKEY, AND
ARTICLE 6. ENTRIES AND DECLARATIONS
RULE 1619. APPRENTICE ALLOWANCE

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

PROPOSED REGULATORY ACTION

The Board proposes to amend Board Rule 1500, Apprentice Jockey, and Board Rule 1619, Apprentice Allowance, to align with proposed language for the Association of Racing Commissioners International (ARCI) model rule by specifying general license eligibility to include modified requirements for five-pound and seven-pound allowances.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period.

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 on **May 15, 2023**. The Board must receive all comments by that time. Submit comments to:

Nicole Lopes-Gravely, Policy and Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6397
Fax: (916) 263-6042
Email: nlgravely@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440, 19460, and 19562, Business and Professions Code (BPC). Reference: Sections 19440, 19460, and 19562, BPC.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

BPC 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 Horse Racing Law. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and control of horse racing and parimutuel wagering. BPC section 19460 provides that all licenses granted under this chapter shall be in writing, subject to all rules, regulations, and conditions prescribed by the Board, and shall contain such conditions as deemed necessary or desirable by the Board for the best interests of horse racing and the purposes of this chapter. BPC section 19562 provides that the Board may prescribe rules, regulations, and conditions, consistent with the provisions of Horse Racing Law, under which all horse races with wagering on their results shall be conducted in California.

The Board is constantly looking for areas to both improve animal and human welfare and ensure that rules established by the Board are effectively serving the purposes of their intent. As humans evolve and nutrition and dieting are better understood, the ability for apprentice jockeys to realize the benefit of specified weight allowances is increasingly difficult and unhealthy when achieved. In fact, at the lower end of the assigned weight for particular races, most apprentice jockeys simply cannot ride at that weight and are therefore not able to realize the intended benefit of the allowances provided. Furthermore, the current jockey apprentice allowance rule is difficult to implement effectively due its complexity and specificity. The proposed amendment to Board Rule 1500 will specify the eligibility requirements under which a license as an apprentice jockey is granted. The proposed amendment to Board Rule 1619 will modify the requirements for the five-pound and seven-pound allowances to ensure rider safety.

ANTICIPATED BENEFIT OF THE PROPOSED REGULATION

The proposed amendment to Board rules 1500 and 1619 will improve human welfare by ensuring specific, realistic standards are set for apprentice jockey weight allowances, and specifying the eligibility requirements under which a license as an apprentice jockey is granted. These changes will align with proposed language for the ARCI model rule, provide clarity and make less complicated these required specifications for apprentice jockeys, and will benefit the health and welfare of riders by creating more realistic weight limits.

CONSISTENCY EVALUATION

Evaluation of Consistency and Compatibility with Existing State Regulations: During the process of developing the amendment, the Board conducted a search for any similar regulation on this topic and has concluded that Board rules 1500 and 1619 are the only regulations that address apprentice jockey license requirements and weight allowances. Therefore, the proposed regulation is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or saving to any state agency: none.

Cost to local agencies and school districts that must be reimbursed in accordance with Government Code (GC) sections 17500 through 17630: none.

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

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

The Board has made an initial determination that the proposed amendment to Board rules 1500 and 1619 will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed amendment will specify the eligibility requirements under which a license as an apprentice jockey is granted and modify requirements for the five-pound and seven-pound allowance to ensure rider safety. These changes will benefit the health and welfare of racehorses and California riders by ensuring both the humans and the horses maintain good health and realistic expectations for safety.

The following studies/relevant data were relied upon in making the above determination: none.

Cost impact on representative private persons or businesses: none. 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.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The adoption of the proposed regulatory action **will not** create or eliminate jobs within the state, **will not** create new businesses or eliminate existing businesses within the state, **will not** result in the expansion of businesses currently doing business with the state, and **will not** benefit worker safety or the state's environment. However, it **will** benefit the health and welfare of California riders by ensuring they maintain good health and realistic expectations for safety.

Effect on small business: none. The proposal to amend Board rules 1500 and 1619 does not affect small business because small businesses are not legally required to comply with or enforce the regulation and neither derive a benefit nor incur a detriment from the enforcement of the regulation.

CONSIDERATION OF ALTERNATIVES

In accordance with GC 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, 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.

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 PERSONS

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:

Nicole Lopes-Gravely, Policy and Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6397
Fax: (916) 263-6042
E-mail: nlgravely@chrb.ca.gov

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

Amanda Drummond, Manager
Policy, Regulations, and Administrative Hearings
Telephone: (916) 869-3255
Email: amdummond@chrb.ca.gov

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, may be obtained by contacting Nicole Lopes-Gravely or the alternative contact person at the address, phone number, or email 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 that 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 regulation should be sent to the attention of Nicole Lopes-Gravely 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 made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Nicole Lopes-Gravely 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 website. 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.