

CALIFORNIA CODE OF REGULATIONS
TITLE 4. BUSINESS REGULATIONS
DIVISION 4. CALIFORNIA HORSE RACING BOARD
ARTICLE 8. RUNNING THE RACE
PROPOSED AMENDMENT OF RULE 1693,
CONTROL OF HORSES AND JOCKEYS ON ENTERING THE TRACK

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

PROPOSED REGULATORY ACTION

The Board proposes to amend Board Rule 1693, Control of Horses and Jockeys on Entering the Track, to define manipulation of the ear, prohibit manipulation of the ear for purposes of controlling a horse, and subject the practice to a fine and/or suspension.

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 **November 11, 2024**. The Board must receive all comments by that time. Submit comments to:

Mikayla Triffo, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6008
Email: mntriffo@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19420, 19440, and 19562, Business and Professions Code (BPC). Reference: Sections 19440 and 19562, BPC.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

BPC section 19420 provides that 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, is vested in the Board. 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, whereby responsibilities of the Board shall include, but not be limited to, adopting rules and regulations that protect and advance the health, safety, welfare, and aftercare of racehorses. BPC section 19562 provides that the Board may prescribe rules, regulations, and conditions, consistent with Horse Racing Law, under which all horse races with wagering on their results shall be conducted.

Assistant starters at times employ the practice of manipulating a horse's ears in order to gain control over the horse. While it may be effective, the Board deems this practice as potentially harmful to the horse's health and welfare. Therefore, the Board seeks to amend Board Rule 1693 to address the issue.

Currently, Board Rule 1693, in part, provides that horses are under the control of the starter from the time they enter the track until dispatched at the start of the race and that, with the sanction of the starter, may be led to its position in the gate by an assistant starter, and the assistant may enter the gate to handle a fractious horse. The proposed amendment will prohibit the assistant starter from manipulating the horse's ears when handling the horse in the gate and impose a fine and/or suspension on the individual for violation of the rule, which will discourage the behavior, and, thereby, protect the health and welfare of the horse.

ANTICIPATED BENEFIT OF THE PROPOSED REGULATION

By prohibiting the practice of assistant starters manipulating a horse's ears to gain control over the horse in the gate, the proposed regulation will help prevent unnecessary harm to the horse and, thereby, protect its health and welfare.

CONSISTENCY EVALUATION

Evaluation of Consistency and Compatibility with Existing State Regulations: During the process of developing the regulatory action, the Board conducted a search of any similar regulations on the topic and concluded that Board Rule 1693 is the only regulation that concerns the control of a horse upon entering the track until dispatched at the start of a race and, namely, the handling of a fractious horse in the gate. Additionally, the proposed amendment is the only regulation that defines manipulation of the ear, prohibits manipulation of the ear for purposes of controlling a horse, and subjects the practice to a fine and/or suspension. Accordingly, the proposed regulatory action is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings 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 cost or savings imposed upon local agencies: none.

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

The Board has made an initial determination that the proposed regulatory action 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, as the proposed regulatory action will merely define manipulation of the ear, prohibit manipulation of the ear for purposes of controlling a horse, and subject the practice to a fine and/or suspension.

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 the health and welfare of California residents, worker safety, or the state's environment.

Effect on small business: none. The proposed regulatory action 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. The proposed regulatory action will define manipulation of the ear, prohibit manipulation of the ear for purposes of controlling a horse, and subject the practice to a fine and/or suspension.

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:

Mikayla Triffo, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6008
E-mail: mntriffo@chrb.ca.gov

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

Sandra Shinn, Manager
Regulations and Industry Applications Unit
Telephone: (916) 869-3255
Email: skshinn@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 Mikayla Triffo 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 Mikayla Triffo 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 Mikayla Triffo 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.