

**State of California
Office of Administrative Law**

In re:
California Horse Racing Board

Regulatory Action:

Title 04, California Code of Regulations

Adopt sections:

Amend sections: 1840, 1890

Repeal sections:

NOTICE OF APPROVAL OF REGULATORY
ACTION

Government Code Section 11349.3

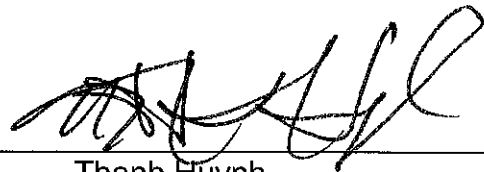
OAL Matter Number: 2024-0809-01

OAL Matter Type: Regular (S)

In this rulemaking action, the Board amends its regulations to specify that performing an endoscopy and administering any substance to any horse with a hypodermic needle may only be done by a Board-licensed veterinarian or a registered veterinary technician (RVT) under the direct supervision of a Board-licensed veterinarian. The amendments further specify that only a Board-licensed veterinarian can administer to a horse a substance through a nasogastric tube. Furthermore, the amendments add RVTs and licensed veterinarian assistants in their regulation related to possession of contraband.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2025.

Date: September 19, 2024



Thanh Huynh
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Scott Chaney, Executive
Director

Copy: Sandra Shinn

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2024-0130-01	REGULATORY ACTION NUMBER 2024-0809-015	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE			REGULATIONS
AGENCY WITH RULEMAKING AUTHORITY California Horse Racing Board			AGENCY FILE NUMBER (If any)

ENDORSED - FILED
in the office of the Secretary of State
of the State of California19
SEP 18 2024
1:45 PMOFFICE OF ADMIN. LAW
2024 AUG 9 AM 10:41**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER		PUBLICATION DATE 2/9/2024	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Veterinary Practices and Treatments Restricted		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT	
TITLE(S) 4		AMEND 1840 and 1890	
3. TYPE OF FILING		REPEAL	
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> File & Print <input type="checkbox"/> Print Only <input type="checkbox"/> Other (Specify) _____			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATION AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) 7/10/2024 to 7/25/2024			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) <input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Nicole Lopes-Gravelly Sandra Shinn		TELEPHONE NUMBER 916-869-3255	FAX NUMBER (Optional) E-MAIL ADDRESS (Optional) skshinn@chrb.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE S. Shinn Digitally signed by S. Shinn Date: 2024.08.08 10:09:24 -0700	DATE 08/08/2024
TYPED NAME AND TITLE OF SIGNATORY Sandra Shinn, Manager, Regulations and Industry Applications	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

SEP 19 2024

Office of Administrative Law

CALIFORNIA CODE OF REGULATIONS
TITLE 4. BUSINESS REGULATIONS
DIVISION 4. CALIFORNIA HORSE RACING BOARD
ARTICLE 15. VETERINARY PRACTICES
PROPOSED AMENDMENT OF RULE 1840,
VETERINARY PRACTICES AND TREATMENTS RESTRICTED

1840. Veterinary Practices and Treatments Restricted.

(a) No person other than Californiaa Board-licensed veterinariansveterinarian who have obtained a license from the Board shall administer to any horse within the inclosure any veterinary treatment or any medicine, medication, or other substance recognized as a medication, except for recognized feed supplements or oral tonics or substances approved by the official veterinarian, or except under the direction or prescription of a veterinarian licensed by the Board.

(b) No person other than a Board-licensed veterinarian or registered veterinary technician (RVT) under the direct supervision of a Board-licensed veterinarian, may perform endoscopy within an inclosure. Nothing in this rule shall be construed to permit an RVT to make a diagnosis.

(c) No person other than a Board-licensed veterinarian or RVT under the supervision of a Board-licensed veterinarian, shall administer to any horse within the inclosure any substance with a hypodermic needle.

(d) No person other than a Board-licensed veterinarian shall administer to any horse within the inclosure any substance through a nasogastric tube.

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

Reference: Sections 19440, 19562, and 19583,
Business and Professions Code.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 16. GENERAL CONDUCT
PROPOSED AMENDMENT OF
RULE 1890. POSSESSION OF CONTRABAND

1890. Possession of Contraband

(a) No person other than a veterinarian licensed by the Board, a registered veterinary technician (RVT), or a licensed veterinarian's assistant shall have in his or her possession at a facility under the jurisdiction of the Board any drug which is a narcotic, stimulant, or depressant, or any other substance or medication that has been prepared or packaged for injection by a hypodermic syringe or hypodermic needle, or any hypodermic syringe or hypodermic needle or similar instrument which may be used for injection.

(b) No person other than a veterinarian licensed by the Board, RVT, or a licensed veterinarian's assistant shall have in his or her possession at a facility under the jurisdiction of the Board any veterinary treatment or any medicine, medication, or other substance recognized as a medication, which has not been prescribed in accordance with Rule 1840 of this division and labeled in accordance with Rule 1864 of this division.

(c) No person shall have in his or her possession on the premises during any recognized meeting any electrical stimulating or shocking device commonly known as a battery, or any mechanical stimulating device, or any other appliance, which might affect the speed or actions of a horse.

(d) The stewards may permit the possession of drugs or appliances by a licensee for personal medical needs under such conditions as the stewards may impose.

Authority: Sections 19420, 19440 and 19580,
Business and Professions Code.

Reference: Sections 19460, 19580 and 19581,
Business and Professions Code.