

ADDENDUM TO THE INITIAL STATEMENT OF REASONS

California Horse Racing Board (Board) Rule 1846.5. Postmortem Examination, and Rule 1846.6, Postmortem Examination Review.

UPDATE TO NECESSITY.

Rule 1846.5, Postmortem Examination

Currently, “racing association” and “racetrack” are both used in the text of Rule 1846.5. For consistency and clarity purposes, on the existing text of subsection 1846.5 (c), “racing association” was stricken and replaced with “racetrack.” It is necessary to replace “racing association” with “racetrack” to be consistent with terminology already used in Rule 1846.5 and throughout existing regulations. Specifically, the term “racetrack” is used on subsections 1846.5 (a), (c), and (f).

On the proposed new text of subsection 1846.5 (c), for consistency and clarity purposes, “racing association” was stricken and replaced with “racetrack;” “facility” was stricken and replaced with “center;” “resided” was stricken and replaced with “stabled.” It is necessary to replace the terms “racing association,” “facility,” and “resided” from the proposed new text to be consistent with the terminology already used in Board Rule 1846.5 and other regulations in the California Code of Regulations. Currently, “racetrack” is used in subsections 1846.5 (a), (c), and (f). Currently, “center” is used in subsections 1846.5 (c) and (f). Currently, “stabled” is used in subsection 1846.1 (a).

For clarity purposes, the proposed new text of subsection 1846.5 (c) was modified, the following statement was added “immediately prior to the time of death” to the end of the proposed new text of subsection 1846.5 (c), after the word “stabled.” This change is necessary for the Board to assign responsibility to the racetrack or training center “where the horse was last stabled immediately prior to the time of death,” for the costs associated with transportation of a horse, after it has died, to the diagnostic laboratory. It is the intent of the Board to reduce the risk of non-payment of the costs associated with transportation of the horse. The Board made the determination that assigning the responsibility to the racetrack or training center, “where the horse was last stabled immediately prior to the time of death,” for the costs associated with transportation of a horse to the diagnostic laboratory, is consistent with the existing process per subsection 1846.5 (c). Currently, subsection 1846.5 (c) states, “The costs associated with transportation to the diagnostic laboratory of any horse which has died under the provisions of subparagraph (a) shall be the responsibility of the racetrack conducting the meeting where the death occurred or the training center or racetrack where death occurred when no meeting is in progress.”

For clarity purposes, the proposed new text of subsection 1846.5 (d) was modified, the sentence beginning with, “The trainer is” and continued with the statement “the absolute insurer of the horse and responsible for the timely submission of CHRB-72 to the extent that the trainer exercised care and control at the time of death,” was stricken. This change is necessary for the Board to assign responsibility for the timely submission of CHRB-72

and to mitigate and reduce the risk of non-timely submission or non-submission of CHRB-72.

Furthermore, for clarity purposes, on the proposed new text of subsection 1846.5 (d), the last sentence that began with “The owner,” and continued with the statement, “of the horse is the joint absolute insurer and is equally responsible for ensuring CHRB-72 is filed,” was stricken and replaced with the text, “is co-responsible to supply all information to complete and file CHRB-72.” This change is necessary for the Board to assign the responsibility of completing and filing CHRB-17, to the trainer and owner, and to mitigate and reduce the risk of non-completion or non-filing of CHRB-72. Additionally, this change was necessary to provide clarity that we were referring to responsibility of completing the CHRB-72 and not for insurance purposes.

On the proposed new text of subsection 1846.5 (e), the last sentence that began with, “On the official,” and continued with the statement, “veterinarian’s next scheduled work day of the racing association or training facility where the horse was last resided,” was stricken and replaced with new text. This change is necessary for the Board to provide written guidance to the owner and trainer on how to proceed with the handling of the original CHRB-72, in the case of a horse which a horse dies or is euthanized in California within 72 hours of leaving a facility under the jurisdiction of the Board, to mitigate misunderstandings and reduce the risk of misplacement of original CHRB-17.

For consistency and clarity purposes, on the existing text of subsection 1846.5 (f), “racing association” was stricken and replaced with “racetrack.” It is necessary to replace “racing association” with “racetrack” to be consistent with terminology already used in Rule 1846.5 and throughout existing regulations. Specifically, the term “racetrack” is used on subsections 1846.5 (a), (c), and (f).

For clarity purposes, the proposed new text of subsection 1846.5 (g) was modified, the sentence beginning with “Once” and ending with the word “release,” was stricken and replaced with the statement “Upon written request, the Board shall release.” In addition, the following terms were added to proposed new text of subsection 1846.5 (g): “unredacted;” “of the report;” and “was.” Furthermore, “racing association” was stricken and replaced with “racetrack;” “facility” was stricken and replaced with “center;” “resided” was stricken and replaced with “stabled.” It is necessary to replace the terms “racing association,” “facility,” and “resided” to be consistent with the terminology already used in Board Rule 1846.5 and other regulations in the California Code of Regulations. Currently, “racetrack” is used in subsections 1846.5 (a), (c), and (f). Currently, “center” is used in subsections 1846.5 (c) and (f). Currently, “stabled” is used in subsection 1846.1 (a). Lastly, the following statement was added to the end of the sentence of the proposed new text, “immediately prior to the time of death.” This change is necessary to implement the proposed new text for subsection 1846.5 (g) to enact the changes presented and adopted by the Board at its August 17, 2023, meeting. The Board determined that it agreed with the public comment received, during the 45-day comment period (April 14, 2024, to May 30, 2023), on behalf of Santa Anita and Golden Gate Fields, to release an unredacted copy of the necropsy report to the racetrack (former term racing association) or training center (former term training facility) where the horse suffered a catastrophic injury.

Currently per existing subsection 1846.5 (g) upon completion of the postmortem examination, a written report is filed with the Executive Director of the Board. The written report filed with the Executive Director is an unredacted report. It is the intent of the Board to improve the safety of racehorses and to further the efforts to reduce equine fatalities in California. The Board concluded that releasing an unredacted copy of the report to the racetrack or training center where the horse was last stabled immediately prior to the time of death, will support the goal to improve the safety of racehorses and reduce equine fatalities in California. Currently, necropsy reports are released as unredacted reports after completed only to related parties and other copies of the reports are released through Public Records Act Requests pursuant to Government Code section 7920.000 et seq. and are redacted for confidentiality purposes. In order to decrease fatalities and increase the welfare of horses, and improve the overall mission of the Board, the Board proposes to include racetrack or training center to be authorized to receive an unredacted copy of the report.

Rule 1846.6, Postmortem Examination Review

For clarity purposes, the proposed new text of subsection 1846.6 (g) was modified, the sentence beginning with “Once” and ending with the word “release,” was stricken and replaced with the statement “Upon written request, the Board shall release.” In addition, the following terms were added to proposed new text of subsection 1846.6 (g): “unredacted;” “of the report;” and “was.” Furthermore, “racing association” was stricken and replaced with “racetrack;” “facility” was stricken and replaced with “center;” “resided” was stricken and replaced with “stabled.” It is necessary to replace the terms “racing association,” “facility,” and “resided” to be consistent with the terminology already used in Board Rule 1846.5 and other regulations in the California Code of Regulations. Currently, “racetrack” is used in subsections 1846.5 (a), (c), and (f). Currently, “center” is used in subsections 1846.5 (c) and (f). Currently, “stabled” is used in subsection 1846.1 (a). Lastly, the following statement was added to the end of the sentence of the proposed new text, “immediately prior to the time of death.” This change is necessary to adopt the proposed new text for subsection 1846.5 (g) to implement the changes presented and adopted by the Board at its August 17, 2023, meeting. The Board determined that it agreed with the public comment received, during the 45-day comment period (April 14, 2024, to May 30, 2023), on behalf of Santa Anita and Golden Gate Fields, to release an unredacted copy of the necropsy report to the racetrack (former term racing association) or training center (former term training facility) where the horse suffered a catastrophic injury. Currently per existing subsection 1846.6 (g) upon completion of the postmortem examination review, a written report is filed with the Executive Director of the Board, the owner, and trainer of the expired horse. The written report filed with the Executive Director, the owner, and the trainer is an unredacted report. It is the intent of the Board to improve the safety of racehorses and to further the efforts to reduce equine fatalities in California. The Board concluded that releasing an unredacted copy of the report to the racetrack or training center where the horse was last stabled immediately prior to the time of death, will support the goal to improve the safety of racehorses and reduce equine

fatalities in California. Currently, necropsy reports are released as unredacted reports after completed only to related parties and other copies of the reports are released through Public Records Act Requests pursuant to Government Code section 7920.000 et seq. and are redacted for confidentiality purposes. In order to decrease fatalities and increase the welfare of horses, and improve the overall mission of the Board, the Board proposes to include racetrack or training center to be authorized to receive an unredacted copy of the report.