

FINAL STATEMENT OF REASONS

UPDATED INFORMATIVE DIGEST

There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action.

The California Horse Racing Board (Board) did not hold a public hearing for the amendment of Board Rule 1875, Firearms, as the Board did not receive a written request for a public hearing from any interested person, or his or her authorized representative, at least 15 days prior to the close of the written comment period.

LOCAL MANDATE DETERMINATION

The amendment of Board Rule 1875 does not impose any mandates on local agencies or school districts.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE ORIGINAL NOTICE PERIOD OF MARCH 29, 2024, TO MAY 13, 2024

No comments were received.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED AT THE REGULATORY HEARING

No public hearing was held for the proposed regulatory action, as the Board did not receive a written request for a public hearing from any interested person, or his or her authorized representative, at least 15 days prior to the close of the written comment period.

The amendment of Board Rule 1875 has no significant, adverse economic impact on small business.

The amendment of Board Rule 1875 has no significant, adverse economic impact on business.

ALTERNATIVE DETERMINATION

The Board has determined that no reasonable alternative would be more effective in carrying out the purpose for which the regulation was proposed, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The amendment to Board Rule 1875 will expand the scope of the rule to reduce the risk of injury, promote, and foster safety of all individuals and participants in horse racing by banning the possession of weapons and ammunition, unless authorized by state and federal law and maintaining documentation, and banning the possession of pellet and non-powder guns on CHRB grounds.

No public hearing was held for the proposed regulatory action, as the Board did not receive a written request for a public hearing from any interested person, or his or her authorized representative, at least 15 days prior to the close of the written comment period. The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period. No alternatives were proposed.

No alternatives that would lessen any adverse economic impact on small business were proposed.

UPDATE REGARDING BENEFITS TO HEALTH AND WELFARE OF CALIFORNIA RESIDENTS AND WORKER SAFETY

In the Initial Statement of Reasons, under the Results of Economic Impact Assessment heading, the fourth bullet point states that the proposed regulation will not benefit the health and welfare and California residents, worker safety, or the state's environment. This was an inadvertent error. On the contrary, the proposed regulation will indeed benefit the health and welfare of California residents and worker safety. These points were explained in other sections of the Initial Statement of Reasons, as well as in the Notice of Proposed Action. The banning of firearms and ammunition, unless authorized, as well as devices that expel a projectile and non-powder guns, will help prevent accidental injuries caused by the use of said items.

NOTE REGARDING ABILITY OF BOARD'S LAW ENFORCEMENT DIVISION TO INITIATE INVESTIGATIONS

In the Initial Statement of Reasons sections concerning necessity and anticipated benefits, as well as in the section on anticipated benefits in the Notice of Proposed Action, it is stated that the proposed regulatory action will allow the Board's Law Enforcement Division to initiate investigations. This is not stated explicitly in the proposed regulation. Instead, Business and Professions Code section 19433 provides broad authority for the Board to investigate a licensee's place of business to ensure compliance with its rules and regulations, while the specifics of the proposed regulation will act as a trigger to initiate an investigation.

EXPLANATION OF NON-SUBSTANTIVE EDITS TO PROPOSED REGULATORY TEXT MADE AFTER SUBMISSION OF RULEMAKING FILE TO OFFICE OF ADMINISTRATIVE LAW

In subsection (1) of the proposed regulation, a comma was added after "ammunition," the comma after "law" was stricken, and the word "unless" immediately preceding "the" was stricken. These non-substantive changes, which do not alter the intent of the regulation, were needed to clarify that a firearm or any ammunition shall not be possessed unless authorized by state or federal law and documentation thereto is on the individual's person.

In subsection (2) of the proposed regulation, a comma was added after "gas pressure" for clarity, as it helps distinguish the three means by which a projectile is expelled.

In subsection (3) of the proposed regulation, “airsoft gun” was moved to be included as part of the list of types of non-powder guns, consistent with the intent of the regulation. It is a non-substantive change that provides clarity. Punctuation and wording were edited accordingly for grammar.