

**State of California  
Office of Administrative Law**

**In re:**  
**California Horse Racing Board**

**Regulatory Action:**

**Title 04, California Code of Regulations**

**Amend sections: 1927, 1928, 2101, 2103**

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

**Government Code Section 11349.3**

**OAL Matter Number: 2024-0514-02**

**OAL Matter Type: Regular Resubmittal (SR)**

This action by the California Horse Racing Board revises fire safety regulations to align with federal standards.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on October 1, 2024.

**Date:** June 26, 2024



Nicole C. Carrillo  
Senior Attorney

**For:** Kenneth J. Pogue  
Director

**Original:** Scott Chaney, Executive  
Director

**Copy:** Rick Pimentel

## RESUBMITTAL

Instructions on  
(Reverse)

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-2023-0712-01</b>	REGULATORY ACTION NUMBER <b>2024-0514-0252</b>	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY California Horse Racing Board			

**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

JUN 26 2024

2:55 PM  
1:55 PM

## 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	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

## B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Fire Safety	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2023-0926-01
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## 2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 25, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 1927, 1928, 2101, 2103
	REPEAL
TITLE(S) 4	

## 3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<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"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)		<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> Other (Specify)	

## 4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

1/19/24 - 2/3/24

## 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)
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## 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 checked="" type="checkbox"/> State Fire Marshal
<input checked="" type="checkbox"/> Other (Specify) Received approval from State Fire Marshal (included in resubmittal of rulemaking)		

7. CONTACT PERSON Rick Pimentel	TELEPHONE NUMBER (916) 274-6043	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) repimentel@chr.ca.gov
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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 C. Scott Chaney Digitally signed by C. Scott Chaney Date: 2024.05.14 13:18:30 -07'00'	DATE 5/14/24
TYPED NAME AND TITLE OF SIGNATORY Scott Chaney, Executive Director	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUN 26 2024

Office of Administrative Law

CALIFORNIA CODE OF REGULATIONS  
TITLE 4. BUSINESS REGULATIONS  
DIVISION 4. CALIFORNIA HORSE RACING BOARD  
ARTICLE 17. FIRE PREVENTION AND SECURITY  
AMENDMENT OF RULE 1927, FIRE PREVENTION

1927. Fire PreventionSafety.

~~Associations shall make adequate provision for fire prevention, protection against fire, and fire suppression within the inclosure. Before any license is granted to any association, each applicant therefor must inform the Board, in detail, of the fire prevention facilities at or available to its inclosure, and particularly its stable area.~~

~~When a licensee is unable to stable all the horses participating at its meeting on its grounds, such licensee must advise the Board of the facilities for fire prevention at the additional location where such excess number of horses will be stabled.~~

A racing association, fair, or approved training facility shall plan for and have protocols in place for instances of fire within their inclosures. Fire and life safety inspections shall be performed in accordance with the local authority and the California Building Standards Code (California Code of Regulations, Title 24).

~~A written clearance from the fire authority having jurisdiction, stating that an inspection has been made of the inclosure and any additional location where any excess number of horses will be stalled and that the facilities conform with a reasonable standard of fire safety, shall be filed with the Board prior to the commencement of a race meeting. Such inspection shall have been made within 45 days prior to the commencement of the meeting.~~

Licensees shall document to the Board adherence to the applicable local fire protection authority by providing the following to the Board:

(a) A written clearance from the fire authority having jurisdiction over the inclosure. This written clearance shall be filed with the Board on an as-needed basis such that the written clearance is continuously in effect during the period horses or licensees are present at the inclosure.

(b) The protocols in place for instances of fire within the inclosure.

~~For the purposes of this regulation, a reasonable standard of fire safety shall require that each building, barn or structure which is used by an association for the stabling of horses or human habitation, be equipped with an automatic sprinkler system and an automatic fire alarm system, and that the stable area grounds, including any additional location where any excess number of horses will be stabled, be patrolled by a watchman during the hours of darkness. The type and installation of automatic sprinkler and automatic fire alarm systems shall be of such quality as to afford the protection required by this~~

~~Any association whose stable area, including any additional location where any excess number of horses will be stabled, does not conform with a reasonable standard of fire safety as defined in this regulation may petition the Board for an extension of time within which to comply with this regulation or exemption from such requirements. In reviewing any such petition, the Board shall take into consideration any written recommendations from the fire authority having jurisdiction as well as all other matters pertinent to the petition, including the fact that the Board recognizes that the physical structure of each racing inclosure is unique and, as such, inherent with its own particular problems. Any extension of time or exemption granted by the Board shall be in writing and may be on such conditions as the Board may deem appropriate.~~

Reference: Sections 19440 and 19481,  
Business and Professions Code.

CALIFORNIA CODE OF REGULATIONS  
TITLE 4. BUSINESS REGULATIONS  
DIVISION 4. CALIFORNIA HORSE RACING BOARD  
ARTICLE 17. FIRE PREVENTION AND SECURITY  
AMENDMENT OF RULE 1928, FIRE REGULATIONS

1928. ~~Fire Regulations~~Evacuation Plan.

(a) Every association, fair, or approved training facility shall post in its stable and backstretch worker housing areas ~~the fire regulations applicable on its grounds. The association shall also post:~~ emergency evacuation plan, which shall state the following:

(1) ~~its emergency evacuation plan, which shall state the~~The nearest exit in case of fire or other emergency,

(2) ~~the~~The location of the nearest fire alarm box, ~~and~~

(3) ~~the~~The telephone number of the fire department or other pertinent instructions as to the method for reporting a fire in the area.

(b) The notices shall be in English and Spanish, and posted no more than 100 feet apart or as approved by the local fire authority.

~~(c) No person shall violate the posted fire regulations.~~

Authority:               Section 19440,  
Business and Professions Code.

Reference:             Sections 19481(a) and 19481.5(b)(4),  
Business and Professions Code.

CALIFORNIA CODE OF REGULATIONS  
TITLE 4. BUSINESS REGULATIONS  
DIVISION 4. CALIFORNIA HORSE RACING BOARD  
ARTICLE 28. BACKSTRETCH WORKER HOUSING  
AMENDMENT OF RULE 2101, DEFINITIONS

2101. Definitions.

As used in this article:

(a) "Backstretch worker" means a person required to be licensed under Rule 1481(c) of this division.

(b) "Backstretch worker housing", "habitable room" means any structure or portion of a structure whose primary purpose is for sleeping or living and is located within the restricted area of the inclosure as defined in Rule 1420(v) of this division.

(c) "Damaged" means property in a condition in which its worth or usefulness is impaired. Damage includes, but is not limited to backstretch worker housing whose components are split, buckled, sagging, rotting, broken, or defective.

(d) "Substandard housing" means backstretch worker housing or a habitable room, or any portion thereof, for which, through lack of maintenance or repair, there exists any of the following conditions to an extent that endangers the health, safety, or welfare of the occupants:

- (1) Lack of toilet or privy structure, bathtub or shower, or hot and cold running water.
- (2) Plumbing fixtures and piping that have become unsanitary or damaged.
- (3) Lack of exterior wall or roof covering adequate to protect the occupants from the elements.
- (4) Damaged exterior wall or roof coverings.
- (5) Damaged windows, exterior window coverings, or doors.
- (6) Lack of natural light and ventilation.
- (7) Damaged interior walls, ceilings, or floors.
- (8) Lack of interior flooring adequate to protect occupants from the elements.
- (9) Dampness of habitable rooms.
- (10) Lack of garbage and rubbish removal as required under Rule 3010 of this article.

(11) Infestation of insects, rodents, or other vermin.

(12) Lack of smoke detector in working order, ~~or other fire alarm system as required under Rule 1927 of this division.~~

(13) Lack of emergency evacuation plan as required under Rule 1928 of this division.

Authority: Sections 19440 and 19481.5(b),  
Business and Professions Code.

Reference: Section 19481.5,  
Business and Professions Code; and  
Section 17920.3,  
Health and Safety Code.

CALIFORNIA CODE OF REGULATIONS  
TITLE 4. BUSINESS REGULATIONS  
DIVISION 4. CALIFORNIA HORSE RACING BOARD  
ARTICLE 28. BACKSTRETCH WORKER HOUSING  
AMENDMENT OF RULE 2103, HABITABLE ROOMS

2103. Habitable Rooms.

(a) Habitable rooms used for sleeping shall have natural light by means of at least one exterior window that, if it can be opened, has screening with a tight fitting frame. Natural ventilation shall be provided by exterior openings that can be opened, or, in lieu of exterior openings, a mechanical ventilating system.

(b) Habitable room exterior doors shall be tight fitting and outfitted with door sweeps.

(c) Interior walls, ceilings, and floors of habitable rooms may not be damaged or cause exposure to outside elements or exposed earth.

(d) Habitable rooms shall be provided with electrical switches, outlets, and at least one electric light. Electric components in a habitable room shall be installed to state or local building codes and maintained in a manner that does not endanger the health or safety of the occupants.

(e) Habitable rooms used for sleeping shall be provided with battery operated smoke detectors that shall be maintained in working order, ~~or any other approved fire alarm system as provided under Rule 1927 of this division. Fire regulations and an~~ An emergency evacuation plan shall be posted in backstretch worker housing areas as provided under Rule 1928 of this division.

(f) The dimensions of a habitable room shall not be less than seven feet in any direction and shall provide not less than 50 square feet of space per person.

Authority: Sections 19440 and 19481.5(b),  
Business and Professions Code.

Reference: Section 19481.5,  
Business and Professions Code.