

## FINAL STATEMENT OF REASONS

### UPDATED INFORMATIVE DIGEST

There have been no changes in applicable laws or to the effect of the proposed regulation 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 to Board Rule 1927, Fire Prevention; Board Rule 1928, Fire Regulations; Board Rule 2101, Definitions; and Board Rule 2103, Habitable Rooms, 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 made substantive changes to the originally proposed regulation and made the modified text available during the 15-day public comment period of January 19, 2024, through February 3, 2024. The discussion of these changes in the 15-day is incorporated by reference herein. The Board adopted the revised amendment to Board rules 1927, 1928, 2101, and 2103 at the January 18, 2024 Board meeting.

### LOCAL MANDATE DETERMINATION

The amendment to Board rules 1927, 1928, 2101, and 2103 does not impose any mandates on local agencies or school districts.

### MODIFICATIONS MADE TO REGULATORY TEXT FOR 15-DAY COMMENT PERIOD

Board Rule 1927 was modified by striking the reference to “appropriate National Fire Protection Association standards” and adding a reference to the “California Building Standards Code (California Code of Regulations, Title 24).” This was necessary because the Board is required by law to obtain approval of this regulatory action from the California Office of the State Fire Marshal (OSFM), and, in its review, OSFM recommended the above change. OSFM is responsible for the application of laws and regulations related to fire safety within the state and implements its fire safety standards via proposed building standards in Title 24.

### SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE ORIGINAL, EXTENDED NOTICE PERIOD OF JULY 28, 2023, TO SEPTEMBER 21, 2023

No comments were received.

### SUMMARY AND RESPONSE TO COMMENTS RECEIVED AT THE REGULATORY HEARING IMMEDIATELY FOLLOWING THE ORIGINAL COMMENT PERIOD

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.

## SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE 15-DAY PUBLIC COMMENT PERIOD OF JANUARY 19, 2024, THROUGH FEBRUARY 3, 2024

No comments were received.

The adoption of Board rules 1927, 1928, 2101, and 2103 has no significant, adverse economic impact on small business.

The adoption of Board rules 1927, 1928, 2101, and 2103 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 1927 will implement Horseracing Integrity and Safety Authority Rule 2163, Fire Safety, by requiring that protocols be in place for instances of fire within the inclosure, that fire and life safety inspections be performed in accordance with the local authority and the California Building Standards Code, and that licensees (i.e., racing associations and fairs) provide documentation of adherence to the applicable local fire protection authority, thereby ensuring conformity with federal regulations. The amendment will also require that the written clearance from the fire authority be filed with the Board on an as-needed basis such that the written clearance is continuously in effect during the period that horses and licensees are present at the inclosure. Furthermore, licensees will be required to provide the protocols in place for instances of fire within the inclosure. Finally, the amendment will eliminate those provisions that have proven to be arbitrary and inconsistent with actual fire authority practice.

The amendment to Board Rule 1928 will replace the provision that every association post in its stable and backstretch worker housing areas the fire regulations applicable on its grounds with language clarifying that every association, fair, or approved training facility must post the emergency evacuation plan, which must state the fire safety information that is currently required to be posted. Accordingly, the amendment will eliminate the provision that no person shall violate the posted fire regulations.

The amendment to Board Rule 2101 will remove the language referring to the fire alarm system as required under Board Rule 1927 for consistency with the amendment to the latter.

The amendment to Board Rule 2103 will remove the reference to the fire alarm system as provided under Board Rule 1927 and the reference to fire regulations with respect to what must be posted in backstretch worker housing areas pursuant to Board Rule 1928 for consistency with the amendments to the latter two.

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.

#### EXPLANATION OF NONDUPLICATION

Subsection (a) of section 12, "Nonduplication," of the Office of Administrative Law's regulations states that a regulation that repeats or rephrases in whole or in part a state or federal statute or regulation shall "serve the same purpose," as that phrase is used in Government Code (GC) section 11349(f). GC section 11349(f) defines "nonduplication" as a regulation not serving the same purpose as a state or federal statute or another regulation. The Board asserts that its proposed regulatory action does not serve the same purpose as the federal regulations to which it conforms. The proposed regulatory action does include language from the federal regulations. However, the federal regulations apply only to Thoroughbred horse racing, whereas the Board's regulations apply to Thoroughbred and the other breeds of racing under its jurisdiction, including but not limited to Quarter Horse and Arabian, for example. Therefore, the Board's regulations do not duplicate the federal regulations.

#### NOTE REGARDING CHANGE TO REGULATORY TEXT AFTER SUBMISSION OF RULEMAKING FILE TO OFFICE OF ADMINISTRATIVE LAW

The authority citation being added to Board Rule 1927 has been changed from Business and Professions Code section 19420 to section 19440 of the same code, as only the latter provides general rulemaking authority.