
CONSENT

Bill No: SB 800
Author: Dodd (D) and Rubio (D)
Amended: 3/9/20
Vote: 21

SENATE GOVERNMENTAL ORG. COMMITTEE: 13-0, 5/12/20
AYES: Dodd, Wilk, Allen, Archuleta, Bradford, Chang, Galgiani, Hill, Hueso,
Nielsen, Portantino, Rubio, Wiener
NO VOTE RECORDED: Borgeas, Glazer, Jones

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Horse racing: veterinary medical records: race horse fatalities:
equine medication

SOURCE: Author

DIGEST: This bill authorizes veterinarians to make available the entire medical records of racehorses to specified parties involved in horse racing; requires the California Horse Racing Board (CHRB) to publish on a weekly basis all horse fatalities that occur within a licensed facility, as specified; and requires the CHRB to post results of nonconfidential official racehorse drug test samples within five business days of the confirmed negative split sample test result, as specified.

ANALYSIS:

Existing law:

- 1) Prohibits a veterinarian licensed in this state from disclosing any information concerning an animal receiving veterinary services except under any one of specified circumstances and subjects a veterinarian to specified criminal penalties for violating these provisions.
- 2) Requires any blood or urine test sample that the CHRB requires to be taken from a horse that is entered in any race be divided or taken in duplicate – the

initial test sample is referred to as the official test sample and the secondary sample is referred to as the split sample.

- 3) Requires that the CHRБ be notified of a finding of a prohibited drug substance in an official test sample within 24 hours of the confirmation of that prohibited drug substance in the split sample, as specified.
- 4) Requires, except as specified, that the results of the tests be confidential until or unless the CHRБ files an official complaint.

This bill:

- 1) Exempts from the existing prohibition on veterinarians disclosing any information concerning an animal receiving veterinarian services if the care or service was for a horse that has participated in or is intended to participate in a licensed horse race.
- 2) Requires, in situations where a horse has participated in or is intended to participate in a licensed horse race, the entire medical record for the horse be made available upon request to anyone responsible for the direct care of the horse, including the owner, trainer, or veterinarian, the CHRБ or any other state or local governmental entity, and the racing association or fair conducting the licensed horse race.
- 3) Requires the CHRБ to publish on a weekly basis, on its internet website, all horse fatalities that occur within a licensed enclosure.
- 4) Requires the CHRБ to post on its internet website the results of all nonconfidential official test samples collected after July 1, 2020, within five business days of the confirmation of the split sample or waiver of the split sample testing by the owner or trainer.

Background

Purpose of the bill. According to the author's office, "the CHRБ has recommended a number of statutory and regulatory changes. SB 800 includes three of the CHRБ's recommendations – increased transparency of veterinary records, publishing online of equine fatalities, and publishing online negative drug test results. Together, with pending CHRБ regulatory changes, this bill will help

to ensure that California is the safest racing jurisdiction in the nation, and an example for other states to follow.”

Veterinarian records of equines. Under current law, licensed veterinarians are prohibited from disclosing any information concerning an animal receiving veterinary services, the client responsible for the animal receiving veterinary services, or the veterinary care provided to an animal, except under limited circumstances including written or oral authorization by informed consent of the client responsible for the animal, in response to a valid court subpoena, or as may be required to ensure compliance with any federal, state, county, or city law or regulation.

This bill adds an exemption to the general prohibition of sharing horse veterinary records if the care or service was for a horse that has participated in or is intended to participate in a licensed horse race. In these situations, the entire medical record for the horse shall be made available upon request to anyone responsible for the direct care of the horse, including the owner, trainer, or veterinarian, the CHRB or any other state or local government entity, and the racing association or fair conducting the licensed horse race.

Online publishing of equine fatalities. The State of California monitors all horse fatalities within CHRB racing and authorized training facilities. This is accomplished through official veterinarians, safety stewards, the equine medical director, and the CHRB/University of California, Davis (UC Davis) post-mortem program. CHRB Rule 1846.5, Postmortem Examination, requires a necropsy for all horses dying within a CHRB facility. Research findings are published in veterinary medical journals and presented at racing industry, veterinary medical, and other professional meetings available to the public. Additionally, in January 2020, the CHRB began publishing weekly updates on equine fatalities including the horse’s name, breed, the activity the horse was performing, the trainer of the horse, the track surface, the weather at the time of the injury, and the last time the horse had ran in a race, among other things.

This bill requires the CHRB, by statute, to publish on a weekly basis, on its internet website, all equine fatalities that occur within a CHRB licensed facility.

Equine drug testing. In order to protect horse and jockey welfare and the integrity of racing, the CHRB requires analysis of blood and urine samples from horses in competition. The Kenneth L. Maddy Equine Analytical Chemistry Laboratory (Maddy Lab) at UC Davis, is the authorized drug-testing laboratory for California

horse racing. The Maddy Lab analyzed 52,333 samples during the 2018-2019 race season. Urine and blood samples are obtained post-race from the winner of every race, horses finishing second and third in certain stakes races, and from any other horses selected at random from each program, as well as other horses designated by the stewards. Post-race testing includes in-depth testing for anabolic steroids and over 1,800 other prohibited drugs, from regularly used therapeutic medications to potent stimulants such as ethylphenidate. Additionally, the Maddy Lab tests out-of-competition (OOC) blood samples. The OOC program monitors compliance with anabolic steroid reporting procedures and for surveillance of other drugs of interest.

Existing law requires any blood or urine test sample required by the CHRB to be taken from a horse to be divided or taken in duplicate. The initial test sample is referred to as the official test sample and the secondary sample is referred to the split sample. All samples immediately become and remain the property of the CHRB. If the official test sample is found to contain a prohibited drug substance, the executive director of the CHRB, after consulting with and agreeing with the equine medical director that the official test sample contains a prohibited substance, shall confidentially inform the owner and trainer of those results. The owner or trainer of the horse may then request that the split sample be tested by an independent laboratory, to be paid by the owner or trainer. Within 24 hours of the confirmation of a prohibited substance in the split sample, the executive director is required to report the results to the CHRB. Under existing law, the results of the test are required to be confidential until or unless the CHRB files an official complaint.

In order to increase transparency of testing, this bill requires the CHRB to post on its internet website the results of all nonconfidential official test samples collected within five business days of the confirmation of the split sample or waiver of the split sample testing by the owner or trainer.

Related/Prior Legislation

AB 1974 (Gray, 2020), among other things, adds as a CHRB responsibility, the adoption of rules and regulations that protect and advance the health, safety, welfare, and aftercare of racehorses; and, prohibit a trainer from administering any medication to a thoroughbred horse unless the medication is prescribed for that specific horse and administered strictly in accordance with board regulations, as specified. (Pending in the Assembly Appropriations Committee)

AB 2177 (Kalra, 2020), among other things, requires the CHRB to adopt rules and regulations for the welfare and safety of racehorses, as specified; requires specified licensed track operators to provide computerized tomography scanning equipment to detect potential horse injuries that shall be available onsite; establishes an onsite central pharmacy; prohibits training or races at least seven days after any sealing or reinforcement of the track, as specified; authorizes the CHRB to require racetracks to transition to high-quality synthetic surfaces, as specified; and requires the executive director of the CHRB to make drug test results publicly available. (Pending in the Assembly Governmental Organization Committee)

AB 2615 (Chau, 2020) codifies existing regulations requiring that, if a horse suffers a fatal injury on a racetrack in training or in competition, or dies or is euthanized within an area under the jurisdiction of the CHRB, the horse undergo a postmortem examination at a diagnostic laboratory that is under contract with the CHRB, as specified. (Pending in the Assembly Governmental Organization Committee)

SB 469 (Dodd, Chapter 22, Statutes of 2019) authorized the CHRB to immediately suspend a license to conduct a horse racing meeting when necessary to protect the health and safety of horses and riders, as specified.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

SUPPORT: (Verified 6/3/20)

Los Angeles County District Attorney's Office

OPPOSITION: (Verified 6/3/20)

None received

ARGUMENTS IN SUPPORT: The Los Angeles District Attorney's Office writes that it's "Santa Anita Task Force Report of Investigation recommended that California adopt policies to increase transparency of racehorse veterinary records. The Task Force recommended that complete, digitized, individual veterinary medical records should accompany a horse throughout its racing career."

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