

# **A Guide: Minimum Standards of Horse Care in the State of California**

January 2019



The Center for Equine Health is dedicated to advancing the health, welfare, performance and veterinary care of horses through research, education and public service.

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**January 2019**

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Cover photo by Aaron Hale courtesy of Naples Daily News. Horses rescued from a ranch in Collier County, Florida, some which have been deemed emaciated by the county Domestic Animal Services, are receiving their morning feeding. For more information on this story, visit the Naples Daily News website:

<http://archive.naplesnews.com/news/local/photos-das-seeking-custody-of-malnourished-horses-on-estates-rescue-ranch-ep-394426468-343274372.html>

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# Preface

***The purpose of this publication is to provide the expert opinions of the authors regarding minimum standards of care for horses with respect to California's animal cruelty statutes. The standards recommended in this publication are intended to educate animal control officers when interpreting and applying animal cruelty statutes. This publication should not be considered official California regulatory agency guidance. Neither the authors nor the University of California has the authority to adopt regulations of general application.***

Investigating neglect, cruelty or abuse cases involving horses can be a challenging task for California law enforcement officers. Many of these officers have limited knowledge of the horse care necessary in the enforcement of applicable federal and California cruelty statutes. The statutes themselves also often provide only general guidance. For example, a California animal cruelty statute provides that an individual is guilty of a crime if one "fails to provide the animal with proper food, drink, or shelter or protection from the weather ..." (California Penal Code section 597 (b)). Thus, there is a need to provide law enforcement officers with a straightforward, easy-to-use field guide to assist them with recommended minimum standards of horse care relevant to animal cruelty statutes in California.

The publication cites existing code and scientific and unbiased evidentiary information to establish recommended minimum care standards in the following categories:

- Water
- Feed and body condition
- Shelter and space
- Health care
- Transportation

Appendix 1 consists of a compilation of selected horse care-related statutes for California.

Additional copies of this publication in pdf format are available to anyone through the Center for Equine Health website:



# Introduction

The abuse, neglect and cruelty of horses can result either from acts of **commission** or **omission**. Pain and suffering can be inflicted by the direct and willful act of injuring a horse (commission), or one can indirectly cause harm to a horse through failure to provide adequate feed, water, care or protection (omission). The harm to the animal is real regardless of the means by which it occurs.

Likewise, ignorance of the caretaker as to what constitutes necessary care of a horse does not lessen legal responsibility. Nor can one be excused from legal liability for the abuse, neglect or cruelty incurred by employees or associates who have accepted responsibility for the care of horse(s).

## Definition of Terms Used in This Document

<b>Neglect</b>	The failure to provide proper shelter, food or water. Failure to ensure a safe and healthy environment that meets accepted minimum standards for horses also can be considered neglect. In some instances, neglect may include the failure to provide veterinary care to a horse that is ill or injured.
<b>Abuse and Cruelty</b>	Includes the intentional act, omission or neglect whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted. Examples include poking with a sharp stick or an electrified device, beating, intentionally scarring or poisoning a horse, use of excessive restraint such as tethering or confining movement for long periods of time, or allowing a horse to be chased by predators.
<b>Owner</b>	Anyone who cares for, possesses, controls or otherwise assumes custody and is responsible for the care of a horse.
<b>Should</b>	Term used in this document as a strong recommendation based on both widely accepted horse care practices and current scientific information. Other methods or practices may be justified.
<b>Must</b>	Term used in this document as a necessity or requirement for any method or practice described or discussed.

In the sections that follow, the legal requirements and recommended standards relating to existing law are listed in the colored boxes at the beginning of each section (Water, Feed, Shelter, Health Care and Transport). All other information is intended to be educational material for law enforcement officials in their management of cases.

## **Frequent Causes of Neglect, Abuse and Cruelty**

There are many and diverse causes of neglect, abuse and cruelty directed at horses. Some of the more common causes are as follows:

- Ignorance or lack of skills regarding the care of horses accounts for most neglect cases and some abuse and cruelty cases. Proper education of the animal owner may result in case resolution.
- Economic hardship may contribute to neglect by horse owners who would normally provide adequate care to their animals.
- Apathy or laziness of the owner may result in neglect, particularly during periods of adverse weather conditions.
- Illness, injury or substance abuse on the part of the animal owner can interfere with the quality of care provided.
- Cultural or societal factors may influence the perception of what constitutes minimum standards of care.
- Environmental disasters may result in the abuse or neglect of horses by otherwise responsible caretakers.
- Failure to provide adequate care and supervision during short-term absence (such as a vacation).
- Participation in activities that are cruel and intentional or are deemed illegal per California law.

## **Profile of Animal Abusers**

Animal abusers can be of either gender, any age, and/or fall within any socioeconomic group. Alcohol and drug abuse are often contributing factors.

Physical abuse, neglect or cruelty to animals can be reflective of a wider problem of child and/or spousal abuse. Abused children will often start their own pattern of violent behavior by abusing animals. This behavior often escalates over time to the physical abuse of others and to increasing levels of societal violence. The behavior within the family group may be hidden or denied by its subservient members regardless of whether they themselves are participants in the acts of animal cruelty.

It is important that animal abuse investigators be aware of the existence of these extenuating behaviors or circumstances, both for their own protection as well as that of the animals they are trying to protect.

## Animal Hoarders

Animal hoarding is a well-known and documented mental disorder that often results in abuse, cruelty or neglect of animals. Animal hoarders may keep large numbers of animals as pets, even though they often surpass their ability to adequately house and care for them. Hoarders typically fail to recognize that they are not providing necessary food, water, sanitation and veterinary care.

Animal law enforcement must be able to recognize the signs associated with animal hoarding. In such situations, officers must contact the appropriate agencies to address the hoarding. However, law enforcement must also uphold existing animal law and investigate cases based on evidence.



Animal hoarders may keep large numbers of animals as pets, even though they often surpass their ability to adequately house and care for them. Hoarders typically fail to recognize that they are not providing necessary food, water, sanitation and veterinary care.





# **STANDARDS OF EQUINE CARE**









# Water

## LEGAL REQUIREMENTS

Horses must be provided with "necessary...drink." [California Penal Code Section 597 (b)]

### *Horses for Hire:*

"Equines shall be supplied with...clean water." [California Health and Safety Code 25988, Standards for Horses for Hire]

## RECOMMENDED STANDARDS

Horses must have access to a clean source of water at least twice per day, but preferably continuously.

## Educational Information

**Water Availability.** Water consumption will increase depending on environmental temperature and humidity, diet, exercise level and/or lactation status in the case of mares. Optimally, horses should be provided with continuous access to water. In extreme weather conditions, special attention must be paid to ensure adequate water availability, access and intake. The following table shows the minimum daily water requirements of horses.

**Minimum Daily Water Requirements for Horses Based on Body Weight**

<b>Minimum Daily Water Requirement for Horses of Various Weights</b>	<b>Resting/Normal Environmental Temperature (41-77°F)</b>	<b>Heavy Workload (double to triple resting requirement)</b>	<b>Gestation/Lactation (add minimum of 30% to resting requirement)</b>	<b>High Heat and Humidity (double to triple resting requirement)</b>
<b>500-lb horse</b>	3 gallons per day	6 to 9 gallons per day	4 gallons per day	6 to 9 gallons per day
<b>1,000-lb horse</b>	6 gallons per day	12 to 18 gallons per day	8 gallons per day	12 to 18 gallons per day
<b>1,500-lb horse</b>	9 gallons per day	18 to 27 gallons per day	12 gallons per day	18 to 27 gallons per day
<b>2,000-lb horse</b>	12 gallons per day	24 to 36 gallons per day	16 gallons per day	24 to 36 gallons per day

**Water Quality.** Dirty or contaminated water can deter a horse from drinking. Water contaminated with dead animals, feces or other noxious materials is a source of toxins or microbial contaminants which can threaten the health of the horse. Water troughs, water containers and any automatic watering devices should be cleaned regularly and maintained in proper working order, with no sharp or abrasive edges.



Horses must have access to a clean source of water at least twice per day, but preferably continuously. Water troughs, water containers and any automatic watering devices should be cleaned regularly.





Example of an unacceptable water source that fails to meet the minimum water quality standards. The water is dirty and not fit to drink. Also note hazards such as the open water spigot, the sharp edges of the trough and the board with nails protruding from it.







# Feed

## LEGAL REQUIREMENTS:

Horses must be provided with “necessary food”. [California Penal Code Section 597 (b)]

### *Horses for Hire:*

Equines shall be supplied with nutritionally adequate feed...[California Health and Safety Code 25988, Standards for Horses for Hire]

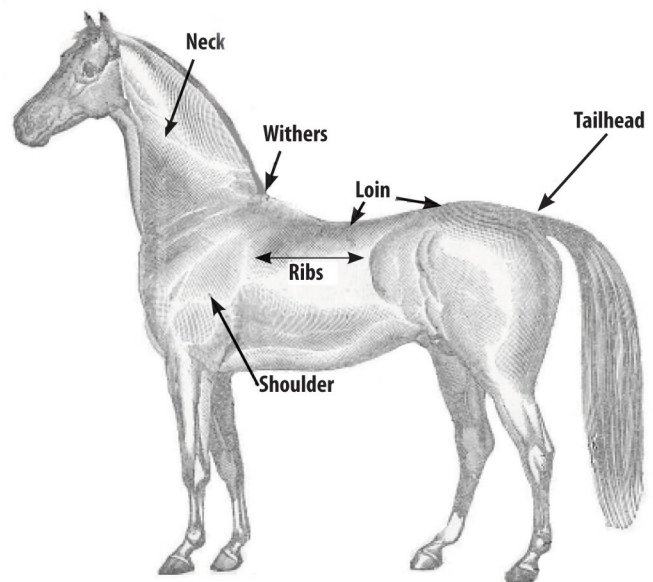
## RECOMMENDED STANDARDS

1. Horses must be fed an adequate diet to maintain proper body condition or adequate body weight. A body condition score of three (see table next page) is the minimum standard. Geriatric horses and horses with acute metabolic conditions may not be able to maintain body condition scores above three. In such cases, a veterinarian should determine the need for supplemental feed type and amount, environmental management or health management.
2. Horses confined without available pasture to graze must be fed at least once, but preferably twice, daily at a minimum. Horses on pasture may need to be supplemented with other feeds at least once daily if the pasture grass is insufficient to maintain body weight and health.

A body condition scoring system is a scientific method of evaluating a horse's body condition regardless of breed, body type, gender, reproductive status or age. It is currently the most widely used assessment of fat stores and is designed to provide a standardized, objective method of evaluation.

This scoring system, shown on the next page, is based on both visual appraisal and feel (palpation) of six major points of the horse that are most responsive to changes in body fat:

- Neck
- Withers
- Shoulder
- Ribs
- Loin
- Tailhead



# Body Condition Scoring System in Horses

Body condition, or the measure of fat cover, can be evaluated by visual appraisal and palpation. A scoring system in horses uses six areas of the body to assign scores of 1 (extremely emaciated) to 9 (obese). The six areas are: (A) along the neck; (B) withers; (C) crease down back; (D) tailhead; (E) ribs; and (F) behind the shoulder.

**A score between 5 and 7 is considered ideal for healthy horses.** Horses scoring in the 1 and 2 category should be evaluated further for causes such as medical conditions, dental problems, or the lack of proper nutrition.

## Description of Individual Condition Scores (1–9)

**1 — Poor.** Animal extremely emaciated; spinous processes, ribs, tailhead, hip joints and lower pelvic bones projecting prominently; bone structure of withers, shoulders and back easily noticeable; no fatty tissue can be felt.

**2 — Very Thin.** Animal emaciated; slight fat covering over base of spinous processes; transverse processes of lumbar vertebrae feel rounded; spinous processes, ribs, tailhead, hip joints and lower pelvic bones prominent; withers, shoulders and back structure faintly discernible.

**3 — Thin.** Fat buildup about halfway on spinous processes; transverse processes cannot be felt; slight fat cover over ribs; spinous processes and ribs easily discernible; tailhead prominent, but individual vertebrae cannot be identified visually; hip joints appear rounded but easily discernible; lower pelvic bones not distinguishable; withers, shoulders and neck accentuated.

**4 — Moderately Thin.** Slight ridge along back; faint outline of ribs discernible; tailhead prominence depends on conformation, fat can be felt around it; hip joints not discernible; withers, shoulders and neck not obviously thin.

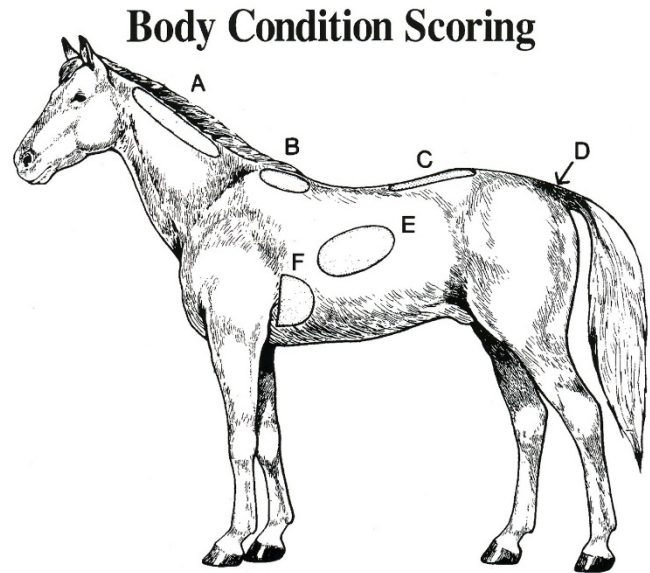
**5 — Moderate.** Back is flat (no crease or ridge); ribs not visually distinguishable but easily felt; fat around tailhead beginning to feel spongy; withers appear rounded over spinous processes; shoulders and neck blend smoothly into body.

**6 — Moderately Fleshy.** May have slight crease down back; fat over ribs spongy; fat around tailhead soft; fat beginning to be deposited along the side of withers, behind shoulders and along sides of neck.

**7 — Fleshy.** May have crease down back; individual ribs can be felt, but noticeable filling between ribs with fat; fat around tailhead soft; fat deposited along withers, behind shoulders and along neck.

**8 — Fat.** Crease down back; difficult to feel ribs; fat around tailhead very soft; area along withers filled with fat; area behind shoulder filled with fat; noticeable thickening of neck; fat deposited along inner thighs.

**9 — Extremely Fat.** Obvious crease down back; patchy fat appearing over ribs; bulging fat around tailhead, along withers, behind shoulders and along neck; fat along inner thighs may rub together; flank filled with fat.



# Photos of Various Body Condition Scores

## Score1 — Poor

- Extremely emaciated, no palpable fat stores
- Ribs, tailhead, hip joints and lower pelvic bones protruding
- Bone structure of withers, shoulders and back discernable



## Score2 — Very Thin

- Emaciated, slight fat cover
- Ribs, tailhead, hip joints and lower pelvic bones prominent
- Bone structure of withers, shoulders and back faintly discernable





### Score 3 — Thin

- Thin layer of fat over ribs
- Ribs still easily discernable
- Tailhead prominent



### Score 5 — Moderate

- Level back
- Ribs cannot be visually distinguished, but felt
- Fat around tailhead feels spongy
- Withers rounded
- Shoulders and neck blend smoothly into body



## Score 9 — Extremely Fat

- Obvious back crease
- Patchy fat over ribs
- Bulging fat around tailhead, withers, behind shoulders, and along neck
- Fat along inner buttocks



## Educational Information

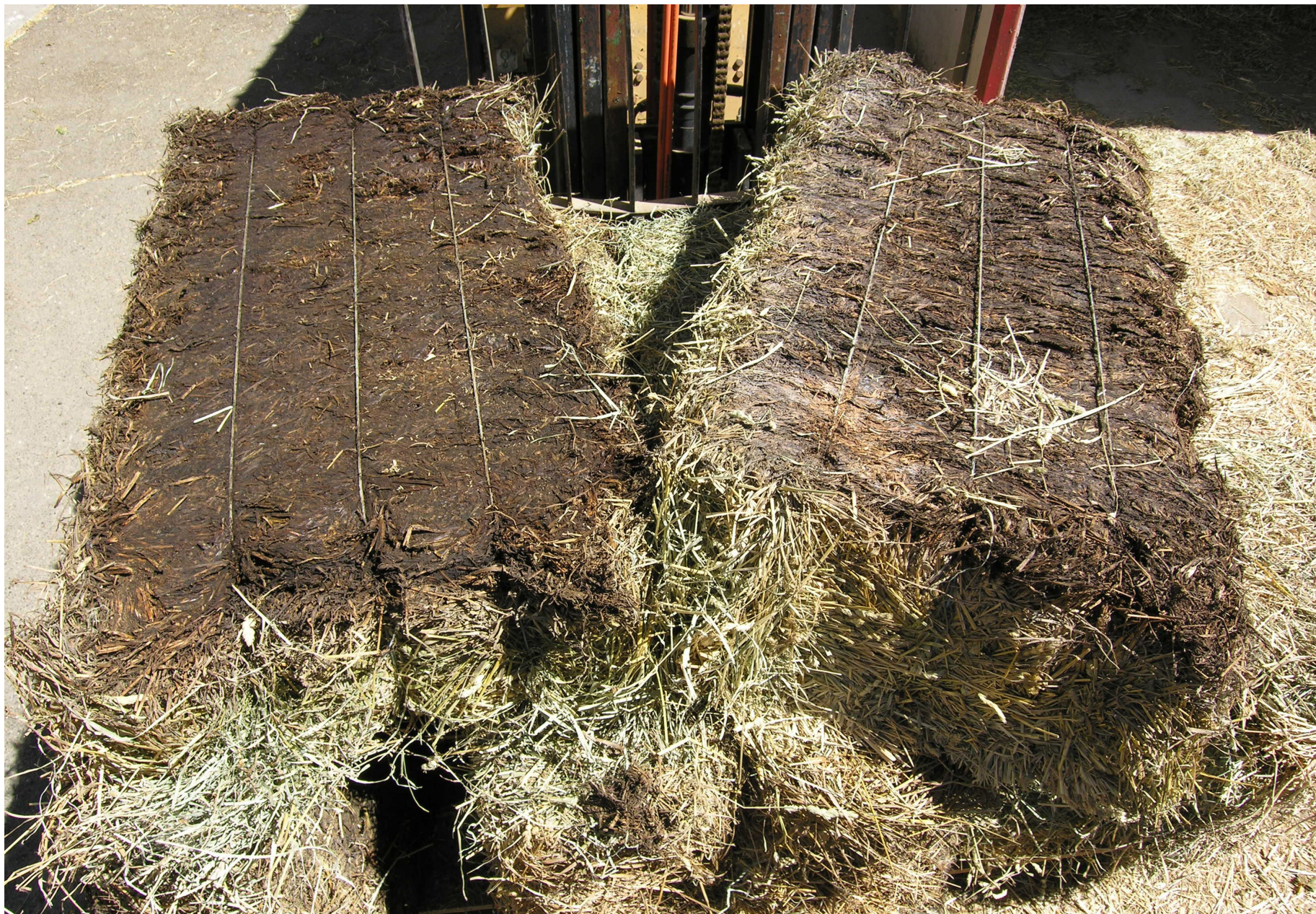
1. Several common feeding programs are used in California and include the dietary components of pasture, hay, grain or concentrates, or any combination thereof. Regardless of the dietary components, minimum caloric intake must equal metabolic demands in order for a horse not to lose body weight. Horses are fed a diet that is consumed at one and a half to three percent of their body weight per day to maintain their body condition or weight.  
**EXAMPLE:** For a 1,000-lb horse, this calculates to consuming between 15 and 30 lb of hay per day. The feeding should be divided into at least two evenly spaced feedings per day. More active horses, pregnant mares or mares with foals, geriatric horses and horses with medical conditions may require more hay to maintain their body weight. Supplementation with grain or other sources of calories also may be necessary at times.
2. Common types of hay fed in California include alfalfa, timothy, orchard grass, and cereal grain hay (e.g., oat hay). Hay provided to horses should be free of dust, mold, toxins and weeds.
3. Concentrates are added to diets to supply additional energy (calories), protein, vitamins and minerals. Common concentrates are oats, corn, barley and wheat. There are commercially available pelleted concentrate mixtures formulated for horses in different life stages (e.g., working, pregnant, lactating, geriatric) which are often fed. Some horses such as working, pregnant, lactating, young growing or old horses may require concentrates supplemented to forages in their diet in order to maintain normal body condition or balance nutrients in their diet. The concentrate portion of the diet should not be fed in excess of 1% of the horse's body weight, especially those that are high in starch content.
4. Trace minerals (e.g., salt or potassium) may be deficient in some diets. Therefore, trace mineral salt should be added to deficient diets or accessible in the form of a block.
5. A body condition score of three out of nine on is the minimum standard at which a horse can safely function. Horses with a body condition score of three or less should have an increase in nutrients (feed) to increase their body condition and weight or be evaluated by a veterinarian to ascertain other factors contributing to decreased body condition and weight. Geriatric horses and horses with acute metabolic conditions may not be able to maintain body condition scores above a three, in which case veterinary involvement and advice must be sought.





Good quality hay, whether green (alfalfa or grass hay) or golden (oat hay), should be clean, sweet-smelling and dust-free.





This photo shows hay that is covered with mold, which can make horses sick if eaten. The best way to evaluate the quality of hay is to open the bale and look, smell and handle the hay. Is it discolored, dusty or moldy? Good hay should be clean and dry and free from residue when handled.





# Shelter

## LEGAL REQUIREMENTS:

Horses must be provided with “necessary...shelter or protection from the weather”. [California Penal Code Section 597 (b)]

“Every person who keeps an animal confined in an enclosed area shall provide it with an adequate exercise area. If the animal is restricted by a leash, rope, or chain, the leash, rope or chain shall be affixed in such a manner that it will prevent the animal from becoming entangled or injured and permit the animal’s access to adequate shelter, food, and water. This section shall not apply to an animal which is in transit...or in the immediate control of a person.” [California Penal Code Section 597(t)]

### *Horses for Hire:*

Any enclosure where an equine is primarily kept shall be of sufficient size to enable the equine to comfortably stand up, turn around, and lie down, and shall be kept free of excessive urine and waste matter. [California Health and Safety Code 25988, Standards for Horses for Hire]

## RECOMMENDED STANDARDS

1. Necessary shelter may differ depend on the severity of the weather and condition of the horse. For instance, a group of young horses can huddle together in a grove of trees and brave the elements, while one solitary elderly horse may not fare well in the same conditions.
2. Any enclosure where a horse is primarily kept must be of sufficient size to enable the horse to comfortably stand up, turn around and lie down.
3. Confined horses must have access to an exercise area.
4. The minimum ceiling height must be one foot above the horse’s head when held at its highest level.
5. Excessive feces, urine, mud or other waste products must not accumulate within the housing enclosures or to the extent that these cause unhealthy conditions.
6. Ventilation in enclosed areas must be sufficient to control excessive ambient temperature and prevent the accumulation of toxic gases, such as ammonia.

## Educational Information

1. Shelter in the form of a structure should be available for horses in cases of prolonged extreme weather conditions (below freezing temperatures, excessively high temperatures and/or humidity, high winds, excessive rainfall), regardless of the horses' age, breed or body condition. However, any horse that shows physical deterioration, loss of body condition or weight, or failure to adapt to the weather conditions (weight loss, lethargy, anorexia, wasting) must be provided with shelter adequate to stabilize their body condition without severe loss of weight, injury or illness.
2. Recommended floor space requirements for a horse are based on 2.5 times the height of the horse (at the withers) squared, which allows minimum essential movements in lying down and standing up. Horses require lateral recumbency (laying flat on its side) for Rapid Eye Movement (REM) sleep, essential for proper brain function. Mares with foals require a larger area.

Newly emerging veterinary research indicates that what was previously considered by the equine industry as adequate space for confined horses may, in fact, not be sufficient for optimum health and welfare. Listed in the box below are new recommendations for stall sizes, which are calculated based on the size of the horse being housed (Raabymagle and Ladewig, Journal of Equine Veterinary Science 26:11-17, 2006; Zeeb, Applied Animal Ethology 7:391-392, 1981).

### Minimum Space Standards for Confined Horses

**Note:** *Confined* in the context of listed stall size standards means horses are housed within the designated space without daily periods of controlled exercise being supplied or daily access to outside space for free exercise.

Horse Height at Withers (4 inches per hand)	Stall Size (feet)
12 hands (48 inches or 4 feet)	10 x 10 stall (100 square feet)
15 hands (60 inches or 5 feet)	12.5 x 12.5 stall (156 square feet)
16 hands (64 inches or 5.3 feet)	13.25 x 13.25 stall (176 square feet)
18 hands (72 inches or 6 feet)	15 x 15 stall (225 square feet)

3. Horses confined in stalls with minimal space should receive at least 30 minutes of free time (turnout) or 15 minutes of controlled exercise per day (e.g., hand-walking, lungeing, riding, driving, hot walker, treadmill, Eurociser) unless directed otherwise by a veterinarian.
4. Tethering refers to the act of securing an animal to a fixed object by rope or chain. Horses should not be tethered for more than two hours at a time. If tied for a period of longer than one hour, horses should be provided water as well as shelter protection from the elements (heat, sun, wind and rain). This does not apply to horses in transit, in a vehicle, or in immediate control of a person. Halters used with tethering should not be so tight as to induce suffocation or choking and should be loose enough to allow chewing.
5. Ventilation in enclosed areas should be sufficient to control ambient temperatures. Ideal ambient temperatures for horses range between 41 and 86°F. At excessively high temperatures, horses increase their respiration rate and heart rate and begin to sweat in order to maintain body temperature. These physiologic stresses result in increased water intake and an increase in energy requirements.

6. Air quality is important to healthy lung and eye function. Horses housed in poorly ventilated stalls can easily be exposed to air levels of ammonia exceeding 100 ppm due to accumulated urine in their environment. Both proper ventilation and sanitation (removal of feces and urine-soaked bedding) assist in minimizing ammonia exposure. Research shows that exposure to as little as 10 to 15 ppm of ammonia over a long-term basis can affect immune function and cause permanent airway damage.

#### Clinical Effects of Exposure to Air Levels of Ammonia

Ammonia Concentration (ppm)	Effect
5-10	Very slight to detectable pungent odor
20-25	Easily detected odor; eyes may burn
26-35	Levels often found in swine confinement facilities
50	Reduced pulmonary bacterial clearance Growth rate and feed intake of swine reduced to 10%
100	Very strong odor Eye and respiratory irritation, formation of tears, salivation
400	Immediate throat irritation
1,700	Laryngospasm and coughing
2,500	Fatal if greater than 30-minute exposure
5,000	Rapidly fatal with acute exposure

7. Enclosures and shelters should be free of hazards that may cause injury to confined horse(s):
- Enclosures must be free of fire or electrical hazards such as exposed wires, damaged electrical sockets or light switches that could cause fire or electrocution. Light fixtures, switches and any wiring should be out of reach to horses.
  - Doors should be easily opened and of sufficient width as to allow the horse to freely walk through the door.
  - Flooring in the stall should be level and provide traction since excessively slippery floors can make movement, lying down and getting up difficult.
8. Excessive feces, urine, mud and other waste products must not accumulate within the housing enclosures. Clean and sanitary surroundings within the confines of any equine facility are essential for the health and welfare of the horses and to avoid unnecessary environmental contamination. The average horse defecates once every two hours (an average of 12 times per day). On average, this totals 54 pounds of feces per day.

On average, a horse voids 2.7 gallons of urine per day, with dramatic increases in urine output occurring as ambient temperature rises. The mixture of urine and feces produces noxious gases, including ammonia. Therefore, the excessive buildup of feces, urine and other waste products within the housing enclosures or in and around the grounds of the facility is not acceptable under any circumstances.

- Indoor stalls and outdoor pen type enclosures should be cleaned of manure and other waste products daily. Larger paddocks and dry lots should be placed on a regular schedule for manure removal and ground maintenance. Pastures should have accumulated manure either removed or spread on a regular and recurring basis to lessen environmental impacts and to minimize intestinal parasite infestation. Manure attracts breeding flies and other insects which are both irritating and unhealthy to animals and humans, alike. Therefore, care must be taken to prevent the manure buildup under fence lines, along the edges of shelters, under feeders and water devices, and along roadways and horse paths. Areas designated as collection areas for the temporary storage of animal waste products before pickup and removal should be well maintained.
- Standing water, mud or urine should be prevented from accumulating in housing enclosures by proper drainage or absorbent bedding materials. Standing ground surface water provides optimal breeding grounds for disease transmitting insects and for microbial contamination of the environment.
- Areas where horses are groomed, shod or provided health care services should be kept as sanitary as possible. Barns, storage sheds, hay barns and all other structures should be properly maintained to prevent injuries and maintain a healthy environment.





Standing ground surface water provides optimal breeding grounds for disease transmitting insects and for microbial contamination of the environment.



Excessive feces, urine, mud and other waste products must not accumulate within the housing enclosures. Clean and sanitary surroundings within the confines of any equine facility are essential for the health and welfare of the horses and to avoid unnecessary environmental contamination.





# Health Care

## LEGAL REQUIREMENTS

“[W]hoever, having the charge or custody of any animal, either as owner or otherwise, subjects any animal to needless suffering, or inflicts unnecessary cruelty upon the animal, or in any manner abused an animal...is...guilty of a crime...”[California Penal Code, Section 597(b)]

“Every owner, driver, or keeper of any animal who permit the animal to be in any...enclosure... without proper care and attention is guilty of a misdemeanor.” [California Penal Code, Section 597.1(a)]

“Notwithstanding any other provisions of this section, any officer of a pound or animal regulation department or humane society, or any officer of a police or sheriff’s department may, with the approval of his or her immediate superior, humanely destroy any abandoned animal in the field in any case where the animal is too severely injured to move or where a veterinarian is not available and it could be more humane to dispose of the animal.” [California Penal Code, Section 597f(d)]

“Any person who cuts the solid part of the tail of any horse in the operation known as ‘docking’, or in any other operation performed for the purpose of shortening the tail of any horse...is guilty of a misdemeanor. ...shall not apply to ‘docking’ when the solid part of any horse’s tail must be removed in an emergency...” [California Penal Code, Section 597n]

## RECOMMENDED STANDARDS

1. Horses exhibiting signs of pain, suffering or failure to thrive from any medical condition or injury must receive veterinary care within an appropriate time period.
2. All horses must receive hoof care to maintain hooves in a functional condition.
3. Euthanasia must be performed in a humane manner by the owner, owner-agent, a veterinarian, or trained law enforcement officer if the animal is too severely injured to move, if it is suffering without probability of being rehabilitated, or if it is necessary to protect the health and safety of the animal or people in the nearby vicinity.

## Educational Information

1. Veterinary care for emergency situations should be obtained by horse owners as quickly as possible but certainly within a few hours of such a condition being discovered. Medical conditions that may cause such pain include but are not limited to: colic, eye injuries, any injury or condition where the horse cannot bear weight on all four limbs or where the horse is not able to move, recumbent horses (horses that cannot get up off the ground), or fevers.
2. Hoof care is an essential practice in the basic care of all horses and should occur on a regular basis. Geriatric horses, very young horses, and those with significant disabilities or orthopedic problems require more attention to hoof care.

It is generally accepted that normal foot growth in the adult horse is approximately 3/8 inch per month. Thus, hoof trimming should occur every 6 to 8 weeks to maintain proper hoof-pastern alignment and foot balance. Horses with hoof abnormalities, conformational abnormalities or chronic lameness issues may need hoof trimming or attention more often. Some horses may need to be shod regularly to maintain comfort and soundness.

In foals, the hoof grows more rapidly, with about 5/8 inch of new hoof wall produced each month. Consequently, foals and weanlings should have their hooves trimmed monthly until at least 1 year of age. Foals, weanlings and yearlings with conformational issues may need specialized trimming and/or corrective shoeing to ensure proper limb growth and alignment.

Removing the dirt and debris from hooves twice weekly greatly reduces the chances of hoof infection.

3. Health care procedures such as vaccinations and deworming are essential parts of horse ownership and management. Vaccinations for prevention of tetanus, the various forms of equine viral encephalitis, rabies and upper respiratory viruses should be considered routine preventive health care practices.
4. Dental care, especially in older horses, is important to maintain the grinding surface of the teeth and to eliminate any sharp points developed over time on the inside of the lower molars or the outside of the upper molars. The teeth are filed (the term used often is *float*ed) to smooth these sharp points and maintain a grinding surface. The frequency of floating depends on the age, diet and environment of the horse. The teeth should be inspected yearly by an attending veterinarian.
5. A program to minimize the presence of flying insects is important to the health and well-being of both the human and animal residents on any given property as well as to those living in nearby areas. Flies, mosquitoes, midges and other insects can transmit diseases and infect both animals and humans.
6. Horses should be groomed at least two times per week. Grooming loosens dirt and mud from the coat. IF allowed to accumulate, dirt and mud can reduce the insulating effect of the hair coat in cold environments and result in an increased metabolic need. In addition, dirt build-up can result in skin and fungal infections. Removing hair shedding from the coat is also necessary to avoid matted hair, which can be painful. Grooming may uncover lacerations or abrasions that require treatment.

Right photo shows a healthy hoof with a shoe. It is generally accepted that normal hoof growth in the adult horse is approximately  $\frac{3}{8}$  inch per month. Thus, hoof trimming should occur at intervals that maintain proper hoof-pastern alignment and foot balance.

Photo below shows an unshod hoof.





## Hoof Care



These photos show examples of excessively long hooves. Hoof trimming should occur every 6 to 8 weeks to maintain hooves in proper functional condition. Horses with hoof abnormalities, conformational abnormalities or chronic lameness issues may need hoof trimming or attention more often.



This photo shows an infected hoof, which needs prompt veterinary attention.



## Grooming



Top left photo: Circle shows excessively long and matted hair coat on this horse. Top right photo: Circled area shows signs of a skin infection of this horse. If allowed to accumulate, dirt and mud can reduce the insulating effect of the hair coat in cold environments and result in an increase in metabolic need. In addition, dirt build-up can result in skin and fungal infections.



Photo shows extra-long and matted mane on horse on left and matted hair on the tail of horse on right. Horses should be groomed periodically to remove hair shedding from the coat and thus avoid matted hair, which can be painful. Grooming also loosens dirt and mud from the coat and may uncover lacerations on the skin or abrasions that require treatment.



Horse trailers and vans must have sufficient height to allow horses to stand fully upright and must allow sufficient space for each horse. Doors and ramps should be sufficiently wide to provide safe loading and unloading.

# Transport

## LEGAL REQUIREMENTS

“Whoever carries or causes to be carried in or upon any vehicle or otherwise any domestic animal in a cruel or inhumane manner, or knowingly and willfully authorizes or permits it to be subjected to unnecessary torture, suffering, or cruelty of any kind, is guilty of a misdemeanor; ...” [California Penal Code Section 597a]

“It is unlawful for any person that owns or operates any motor truck, or motor truck and trailer, or semitrailer, to confine or permit to be confined, in such vehicle, any animal for a longer period than 28 consecutive hours from the time the animal was last fed and watered. Upon the written request of the owner or person in charge of the animal, the period of confinement may be extended to 36 hours. Before the expiration of the permissible period of confinement, the animal shall be unloaded in a humane manner by means of a chute or tailgate of sufficient size into properly equipped pens for rest, water, and feeding, for a period of at least five consecutive hours.” [Food and Agriculture Code Section 16908]

“Notwithstanding any other provision of law, it is unlawful for any person to possess, to import or export from the state, or to sell, buy, give away, hold, or accept any horse with the intent of killing, or having another kill, that horse, if that person knows or should have known that any part of that horse will be used for human consumption.” [California Penal Code Section 598c]

## RECOMMENDED STANDARDS

1. Horses that are nonambulatory (cannot walk unassisted), weak and/or debilitated, or those unable to bear weight on one or more legs must not be transported except to receive veterinary care.
2. Special precautions must be taken for the transport of pregnant mares nearing the time of foaling or of horses that are blind in both eyes. They should not travel in vehicles containing groups of horses that are mixed together within a van, truck or trailer that does not provide physical barriers or partitions between horses to protect them from injury by other horses in the transport vehicle.
3. Transport vehicles for horses must be safe and maintained in working conditions, including proper ventilation, floors, doors, and latches.
4. Horses must not be transported continuously for durations longer than 28 hours.
5. Minimum space allocation per horse in a transport vehicle is at least 15 square feet for light horse breeds that are tied or in individual compartments, and 12 square feet per horse for loose horses traveling in small groups.



## Educational Information

1. Horses that become non-ambulatory, recumbent (down) or injured during transport should immediately be segregated from other animals and appropriate attention be given to their needs. No recumbent, down or weak horse during unloading should be inappropriately dragged, hoisted or dropped causing injury or pain. Electric prods should not be used during loading or unloading, except in the case of extreme emergencies of human or horse safety whereby other means are not effective.
2. Vehicles commonly used to transport one or more horses are: horse vans, stock trailers, horse trailers pulled by a truck which accommodate one or more horses, and semi-trucks with straight deck trailers which may accommodate up to about 32 horses per load. Horses should not be placed in two-tiered (double deck) semi-trailers used for cattle, since the ceiling height is limited and may lead to injuries. The recommended minimum ceiling height for any conveyance transporting horses up to 15 hands at the withers is 5.5 feet, and at least 6.5 feet is necessary between the floor and ceiling for horses that are 15 to 16 hands. Horses traveling in small groups are usually not tied in transit. Horses that have not been trained to tie should not be tied during transit.
3. The safety and comfort of the horse should be the primary concern when transporting any distance. Transport vehicles should be inspected before each trip. Tires, vehicle lights, floor boards, doors, latches, hitches and side partitions should all be inspected to ensure they are in proper working order.
4. Horses must not be transported continuously longer than 28 hours due to dehydration and fatigue. Optimum transport time for the minimization of stress and risk of respiratory disease has been shown to be **10 hours or less**. Transport times longer than that are often necessary and may be acceptable if properly implemented. Horses subjected to such extended travel should be provided with rest stops where the horses can be unloaded, fed and watered and given an extended period of time to recover. In general, for high-mileage transport, the trips should be planned in such a way that each successive day of travel is of shorter duration, and longer rest periods out of the transport are provided between each of those successive days. Regardless of the length of any given trip, water should be provided to each horse at least every five hours and more often in hot environmental conditions or to lactating mares. Free choice access to hay or other feed is often provided during transport, but if it is not, all horses should be fed at least every 12 hours.
5. The size and design of the trailer will determine the maximum number of horses that may be transported together. Minimum space allocation per horse is (recommended) at least 15 square feet for light horse breeds that are tied or in individual compartments, and 12 square feet per horse for loose horses traveling in small groups. Sand, rubber mats or other bedding over the floor area improves footing during transit. Horses traveling loose in groups should be sorted prior to transport according to compatibility between group members, size, gender, age and physical condition. Stallions should be segregated from all other horses, and special consideration in space allowance and segregation should be given to mares with nursing foals. Overcrowding will cause loss of balance, injuries, and during hot conditions horses may exhibit signs of overheating, such as sweating.
6. Stress during transport can be elevated due to extreme weather conditions, including cold, heat and wind. Some ventilation and air movement during transport is necessary to avoid exposure to exhaust fumes and the build-up of heat during hot weather conditions. Heat will increase in parked vehicles and can be 10 to 15 degrees greater in the trailer than outside environmental temperatures. During cold temperatures, blankets may be beneficial in controlling thermal stress, especially in young or weak horses. Blankets should be used with caution as they have the potential to snag and cause overheating.



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## About the Authors



*Dr. Grant Miller with Flagstaff*

**Dr. Grant Miller** is a private practitioner in Northern California specializing in large animal practice. He obtained a BS in animal science at UC Davis and went on to obtain a DVM degree at the UC Davis School of Veterinary Medicine in 2004. In addition to full-time veterinary practice, Dr. Miller trains animal control officers around the state of California on several subjects involving large-animal husbandry, handling and case investigation.

Dr. Miller founded the Sonoma County CHANGE program in 2007, which provides ancillary support services to the Sonoma County Animal Care and Control Department in cases of equine abuse, neglect, abandonment and voluntary relinquishment. He has testified in dozens of equine abuse cases as an expert witness and has been awarded the Red Cross Hero Award as well as the Animal Legal Defense Fund Defender of the Year for his service to law enforcement.

Dr. Miller currently serves as the Director of Regulatory Affairs for the California Veterinary Medical Association (CVMA) and is the unit administrator for the California Veterinary Medical Reserve Corps (CAVMRC). He previously served on the CVMA Board of Governors.



*Dr. Carolyn Stull with Windfall*

**Dr. Carolyn Stull** received her BS degree in biochemistry from Purdue University and continued her studies as a graduate student at the University of Illinois. She received her MS and PhD degrees while working on research projects focusing on muscle and exercise physiology in the horse. Currently, as a Cooperative Extension Specialist, Dr. Stull directs the School of Veterinary Medicine's Animal Welfare Program focusing on the wellbeing of agricultural animals, primarily dairy cattle and horses. She is the national recipient of the "Hank Award," presented for outstanding research benefiting the welfare of the horse. She has served as the Chair of the Animal Welfare Committee of the U.S. Animal Health Association and has worked in collaboration with the U.S. Department of Agriculture on issues such as the Horse Protection Act and the Commercial Transport of Equines to Slaughter. Dr. Stull was the North American representative to the ad hoc group on Land Transportation for the OIE, the World Organization for Animal Health.

Her research projects have been focused on examining long-term transportation stress in horses, developing nutritional rehabilitation programs for starved animals, determining the glycemic index of common equine feeds, evaluating the impact of extreme weather events on the welfare of dairy cattle on commercial dairies, the care and handling of cull dairy cattle, and the characterization of unwanted horses relinquished to non-profit rescue and shelter facilities throughout the United States.





*Dr. Gregory Ferraro with Hilde*

**Dr. Gregory Ferraro**, Emeritus Director of the Center for Equine Health in the School of Veterinary Medicine at UC Davis, has contributed to the health and wellbeing of horses through clinical practice, veterinary medical education and research. He has authored more than 50 scientific papers and articles on equine health. In 1976, Dr. Ferraro took the lead in establishing the Southern California Equine Foundation, which revolutionized equine racetrack practice by building an on-site hospital facility for use by all attending veterinarians to protect and advance the welfare of equine athletes. Their model of an on-site racetrack hospital has been emulated at racing venues throughout the world. The foundation partnership was also responsible for development of the Kimzey Equine Ambulance and the Kimzey Breakdown Splint, which have greatly improved veterinary care for severely injured horses. Dr. Ferraro was instrumental, in partnership with Dr. Madigan, in the development of the UC Davis large animal lift.

Dr. Ferraro earned his DVM degree at UC Davis School of Veterinary Medicine in 1971. He practiced clinical equine medicine and surgery in Southern California from 1971 to 1997 and was a professor of surgery at UC Davis in the Department of Surgical and Radiological Sciences, School of Veterinary Medicine, from 1979 to 1996. In 1998, he was appointed Director of the Center for Equine Health. He has served as president and chief executive officer for the Southern California Equine Foundation and is a trustee of the California Thoroughbred Foundation. In 2001, he was appointed by the governor to membership on the California State Veterinary Medical Board. He is a former director of the Dolly Green Research Foundation, former vice-chair of the Medication Committee of the California Horse Racing Board, and has served on several committees of the American Association of Equine Practitioners. In January 2009, Dr. Ferraro was appointed to the Equine Advisory Task Force by California Department of Food and Agriculture Secretary A. G. Kawamura. The task force is intended to increase collaboration between the horse industry and Department of Food and Agriculture on equine issues.



## APPENDIX 1

# EQUINE-RELATED STATUTES FOR THE STATE OF CALIFORNIA





## **APPENDIX 1.**

### **Equine-Related Statutes for the State of California.**

The statutes and regulations included in this appendix consist of a partial listing of current (2019) laws that apply to horses in California. The laws are listed in numerical order by code section. Each law may only contain applicable subsections relevant to horses.

A searchable database of current laws may be accessed at: <http://leginfo.legislature.ca.gov> under the "California Law" tab.

#### **California Penal Code**

##### **286.5 - Sexually assaulting animal.**

Any person who sexually assaults any animal protected by Section 597f for the purpose of arousing or gratifying the sexual desire of the person is guilty of a misdemeanor.

##### **596.7 - Rodeos**

(a)(1) For purposes of this section, "rodeo" means a performance featuring competition between persons that includes three or more of the following events: bareback bronc riding, saddle bronc riding, bull riding, calf roping, steer wrestling, or team roping.

(2) A rodeo performed on private property for which admission is charged, or that sells or accepts sponsorships, or is open to the public constitutes a performance for the purpose of this subdivision.

(b) The management of any professionally sanctioned or amateur rodeo that intends to perform in any city, county, or city and county shall ensure that there is a veterinarian licensed to practice in this state present at all times during the performances of the rodeo, or a veterinarian licensed to practice in the state who is on-call and able to arrive at the rodeo within one hour after a determination has been made that there is an injury which requires treatment to be provided by a veterinarian.

(c)(1) The attending or on-call veterinarian shall have complete access to the site of any event in the rodeo that uses animals.

(2) The attending or on-call veterinarian may, for good cause, declare any animal unfit for use in any rodeo event.

(d)(1) Any animal that is injured during the course of, or as a result of, any rodeo event shall receive immediate examination and appropriate treatment by the attending veterinarian or shall begin receiving examination and appropriate treatment by a veterinarian licensed to practice in this state within one hour of the determination of the injury requiring veterinary treatment.

(2) The attending or on-call veterinarian shall submit a brief written listing of any animal injury requiring veterinary treatment to the Veterinary Medical Board within 48 hours of the conclusion of the rodeo.

(3) The rodeo management shall ensure that there is a conveyance available at all times for the immediate and humane removal of any injured animal.

(e) The rodeo management shall ensure that no electric prod or similar device is used on any animal once the animal is in the holding chute, unless necessary to protect the participants and spectators of the rodeo.

(f) A violation of this section is an infraction and shall be punishable as follows:

(1) A fine of not less than five hundred dollars (\$500) and not more than two thousand dollars (\$2,000) for a first violation.

(2) A fine of not less than one thousand five hundred dollars (\$1,500) and not more than five thousand dollars (\$5,000) for a second or subsequent violation.

## **597 – Crimes of cruelty to animals**

(a) Except as provided in subdivision (c) of this section or Section 599c, every person who maliciously and intentionally maims, mutilates, tortures, or wounds a living animal, or maliciously and intentionally kills an animal, is guilty of a crime punishable pursuant to subdivision (d).

(b) Except as otherwise provided in subdivision (a) or (c), every person who overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, drink, or shelter, cruelly beats, mutilates, or cruelly kills any animal, or causes or procures any animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, drink, shelter, or to be cruelly beaten, mutilated, or cruelly killed; and whoever, having the charge or custody of any animal, either as owner or otherwise, subjects any animal to needless suffering, or inflicts unnecessary cruelty upon the animal, or in any manner abuses any animal, or fails to provide the animal with proper food, drink, or shelter or protection from the weather, or who drives, rides, or otherwise uses the animal when unfit for labor, is, for each offense, guilty of a crime punishable pursuant to subdivision (d).

(c) Every person who maliciously and intentionally maims, mutilates, or tortures any mammal, bird, reptile, amphibian, or fish, as described in subdivision (e), is guilty of a crime punishable pursuant to subdivision (d).

(f) For the purposes of subdivision (c), each act of malicious and intentional maiming, mutilating, or torturing a separate specimen of a creature described in subdivision (e) is a separate offense. If any person is charged with a violation of subdivision (c), the proceedings shall be subject to Section 12157 of the Fish and Game Code.

(g) (1) Upon the conviction of a person charged with a violation of this section by causing or permitting an act of cruelty, as defined in Section 599b, all animals lawfully seized and impounded with respect to the violation by a peace officer, officer of a humane society, or officer of a pound or animal regulation department of a public agency shall be adjudged by the court to be forfeited and shall thereupon be awarded to the impounding officer for proper disposition. A person convicted of a violation of this section by causing or permitting an act of cruelty, as defined in Section 599b, shall be liable to the impounding officer for all costs of impoundment from the time of seizure to the time of proper disposition.

(2) Mandatory seizure or impoundment shall not apply to animals in properly conducted scientific experiments or investigations performed under the authority of the faculty of a regularly incorporated medical college or university of this state.

(h) Notwithstanding any other provision of law, if a defendant is granted probation for a conviction under this section, the court shall order the defendant to pay for, and successfully complete, counseling, as determined by the court, designed to evaluate and treat behavior or conduct disorders. If the court finds that the defendant is financially unable to pay for that counseling, the court may develop a sliding fee schedule based upon the defendant's ability to pay. An indigent defendant may negotiate a deferred payment schedule, but shall pay a nominal fee if the defendant has the ability to pay the nominal fee. County mental health departments or Medi-Cal shall be responsible for the costs of counseling required by this section only for those persons who meet the medical necessity criteria for mental health managed care pursuant to Section 1830.205 of Title 9 of the California Code of Regulations or the targeted population criteria specified in Section 5600.3 of the Welfare and Institutions Code. The counseling specified in this subdivision shall be in addition to any other terms and conditions of probation, including any term of imprisonment and any fine. This provision specifies a mandatory additional term of probation and is not to be utilized as an alternative in lieu of imprisonment pursuant to subdivision (h) of Section 1170 or county jail when that sentence is otherwise appropriate. If the court does not order custody as a condition of probation for a conviction under this section, the court shall specify on the court record the reason or reasons for not ordering custody. This subdivision shall not apply to cases involving police dogs or horses as described in Section 600.

#### **597a - Transporting animals in a cruel manner.**

Whoever carries or causes to be carried in or upon any vehicle or otherwise any domestic animal in a cruel or inhumane manner, or knowingly and willfully authorizes or permits it to be subjected to unnecessary torture, suffering, or cruelty of any kind, is guilty of a misdemeanor; and whenever any such person is taken into custody therefor by any officer, such officer must take charge of such vehicle and its contents, together with the horse or team attached to such vehicle, and deposit the same in some place of custody; and any necessary expense incurred for taking care of and keeping the same, is a lien thereon, to be paid before same can be lawfully recovered; if any such expense, or any part thereof, remains unpaid, it may be recovered, by the person incurring the same, of the owner of such domestic animal, in an action therefore.

#### **597f - Euthanasia**

(a) Every owner, driver, or possessor of any animal, who permits the animal to be in any building, enclosure, lane, street, square, or lot, of any city, city and county, or judicial district, without proper care and attention, shall, on conviction, be deemed guilty of a misdemeanor. And it shall be the duty of any peace officer, officer of the humane society, or officer of a pound or animal regulation department of a public agency, to take possession of the animal so abandoned or neglected and care for the animal until it is redeemed by the owner or claimant, and the cost of caring for the animal shall be a lien on the animal until the charges are paid. Every sick, disabled, infirm, or crippled animal, except a dog or cat, which shall be abandoned in any city, city and county, or judicial district, may, if after due search no owner can be found therefor, be killed by the officer; and it shall be the duty of all peace officers, an officer of such society, or officer of a pound or animal regulation department of a public agency to cause the animal to be killed on information of such abandonment. The officer may likewise take charge of any animal, including a dog or cat, that by reason of lameness, sickness, feebleness, or neglect, is unfit for the labor it is performing, or that in any other manner is being cruelly treated; and, if the animal is not then in the custody of its owner, the officer shall give notice thereof to the owner, if known, and may provide suitable care for the animal until it is deemed to be in a suitable condition to be delivered to the owner, and any necessary expenses which may be incurred for taking care of and keeping the animal shall be a lien thereon, to be paid before the animal can be lawfully recovered.

(b) It shall be the duty of all officers of pounds or humane societies, and animal regulation departments of public agencies to convey, and for police and sheriff departments, to cause to be conveyed all injured cats and dogs found without their owners in a public place directly to a veterinarian known by the officer or agency to be a veterinarian that ordinarily treats dogs and cats for a determination of whether the animal shall be immediately and humanely destroyed or shall be hospitalized under proper care and given emergency treatment.

If the owner does not redeem the animal within the locally prescribed waiting period, the veterinarian may personally perform euthanasia on the animal; or, if the animal is treated and recovers from its injuries, the veterinarian may keep the animal for purposes of adoption, provided the responsible animal control agency has first been contacted and has refused to take possession of the animal.

Whenever any animal is transferred pursuant to this subdivision to a veterinarian in a clinic, such as an emergency clinic which is not in continuous operation, the veterinarian may, in turn, transfer the animal to an appropriate facility.

If the veterinarian determines that the animal shall be hospitalized under proper care and given emergency treatment, the costs of any services which are provided pending the owner's inquiry to the agency, department, or society shall be paid from the dog license fees, fines, and fees for impounding dogs in the city, county, or city and county in which the animal was licensed or if the animal is unlicensed the jurisdiction in which the animal was found, subject to the provision that this cost be repaid by the animal's owner. No



veterinarian shall be criminally or civilly liable for any decision which he or she makes or services which he or she provides pursuant to this section.

(c) An animal control agency which takes possession of an animal pursuant to subdivision (b), shall keep records of the whereabouts of the animal for a 72-hour period from the time of possession and those records shall be available to inspection by the public upon request.

(d) Notwithstanding any other provisions of this section, any officer of a pound or animal regulation department or humane society, or any officer of a police or sheriff's department may, with the approval of his or her immediate superior, humanely destroy any abandoned animal in the field in any case where the animal is too severely injured to move or where a veterinarian is not available and it would be more humane to dispose of the animal.

#### **597g – Poling a horse**

(a) Poling a horse is a method of training horses to jump which consists of (1) forcing, persuading, or enticing a horse to jump in such manner that one or more of its legs will come in contact with an obstruction consisting of any kind of wire, or a pole, stick, rope or other object with brads, nails, tacks or other sharp points imbedded therein or attached thereto or (2) raising, throwing or moving a pole, stick, wire, rope or other object, against one or more of the legs of a horse while it is jumping an obstruction so that the horse, in either case, is induced to raise such leg or legs higher in order to clear the obstruction. Tripping a horse is an act that consists of the use of any wire, pole, stick, rope, or other object or apparatus whatsoever to cause a horse to fall or lose its balance. The poling or tripping of any horse is unlawful and any person violating the provisions of this section is guilty of a misdemeanor.

(b) It is a misdemeanor for any person to intentionally trip or fell an equine by the legs by any means whatsoever for the purposes of entertainment or sport.

(c) This section does not apply to the lawful laying down of a horse for medical or identification purposes, nor shall the section be construed as condemning or limiting any cultural or historical activities, except those prohibited herein.

#### **597k – Use of bristle-bur, tack-bur, or other device on horses**

Anyone who, having care, custody or control of any horse or other animal, uses what is known as the bristle bur, tack bur, or other like device, by whatsoever name known or designated, on such horse or other animal for any purpose whatsoever, is guilty of a misdemeanor and is punishable by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), or by imprisonment in the county jail for not less than 10 days nor more than 175 days, or by both such fine and imprisonment.

#### **597n – Docking tails of horses**

(a) Any person who cuts the solid part of the tail of any horse or cattle in the operation known as "docking," or in any other operation performed for the purpose of shortening the tail of any horse or cattle, within the State of California, or procures the same to be done, or imports or brings into this state any docked horse, or horses, or drives, works, uses, races, or deals in any unregistered docked horse, or horses, within the State of California except as provided in Section 597r, is guilty of a misdemeanor.

(b) Subdivision (a) shall not apply to "docking" when the solid part of any cattle's tail must be removed in an emergency for the purpose of saving the cattle's life or relieving the cattle's pain, provided that the emergency treatment is performed consistent with the Veterinary Medicine Practice Act (commencing with Section 4811) of Article 1 of Chapter 11 of Division 2 of the Business and Professions Code.

(c) For the purposes of this section, "cattle" means any animal of the bovine species.

**5970 – Humane transport of horses to slaughter, vehicle requirements, segregation of animals, violations**

(a) Any person who transports an equine in a vehicle to slaughter shall meet the following requirements:

(1) The vehicle shall have sufficient clearance to allow the equine to be transported in a standing position with its head in a normal upright position above its withers.

(2) Any ramps and floors in the vehicle shall be covered with a nonskid surface to prevent the equine from slipping.

(3) The vehicle shall provide adequate ventilation to the equine while the equine is being transported.

(4) The sides and overhead of the vehicle shall be constructed to withstand the weight of any equine which may put pressure against the sides or overhead.

(5) Any compartments in the interior of the vehicle shall be constructed of smooth materials and shall contain no protrusions or sharp objects.

(6) The size of the vehicle shall be appropriate for the number of equine being transported and the welfare of the equine shall not be jeopardized by overcrowding.

(7) Stallions shall be segregated during transportation to slaughter.

(8) Diseased, sick, blind, dying, or otherwise disabled equine shall not be transported out of this state.

(9) Any equine being transported shall be able to bear weight on all four feet.

(10) Unweaned foals shall not be transported.

(11) Mares in their last trimester of pregnancy shall not be transported.

(12) The person shall notify a humane officer having jurisdiction 72 hours before loading the equine in order that the humane officer may perform a thorough inspection of the vehicle to determine if all requirements of this section have been satisfied.

(b) (1) Any person who violates this section is guilty of a misdemeanor and is subject to a fine of one hundred dollars (\$ 100) per equine being transported. (2) Any person who violates this section for a second or subsequent time is guilty of a misdemeanor and shall be fined five hundred dollars (\$ 500) per equine being transported.

(c) Whenever a person is taken into custody by an officer for a violation of this section, the officer shall take charge of the vehicle and its contents and deposit the property in some place of custody.

(d)(1) Any necessary expense incurred for taking care of and keeping the property described in subdivision (c) is a lien thereon, to be paid before the property can be lawfully recovered. (2) If the expense, or any part thereof, remains unpaid, it may be recovered by the person incurring the expense from the owner of the equine in an action therefor. (e) For the purposes of this section, "equine" means any horse, pony, burro, or mule.

#### **597q – Tail Docking, registration, *prima facie* evidence**

The driving, working, keeping, racing or using of any unregistered docked horse, or horses, after 60 days after the passage of this act, shall be deemed *prima facie* evidence of the fact that the party driving, working, keeping, racing or using such unregistered docked horse, or horses, docked the tail of such horse or horses.

#### **597s – Abandonment, violation**

- (a) Every person who willfully abandons any animal is guilty of a misdemeanor.
- (b) This section shall not apply to the release or rehabilitation and release of native California wildlife pursuant to statute or regulations of the California Department of Fish and Game.

#### **597t – Animals in confinement, exercise**

Every person who keeps an animal confined in an enclosed area shall provide it with an adequate exercise area. If the animal is restricted by a leash, rope, or chain, the leash, rope, or chain shall be affixed in such a manner that it will prevent the animal from becoming entangled or injured and permit the animal's access to adequate shelter, food, and water. Violation of this section constitutes a misdemeanor.

This section shall not apply to an animal which is in transit, in a vehicle, or in the immediate control of a person.

#### **597.1 – Veterinary care for injured animals, seizure proceedings**

(a) (1) Every owner, driver, or keeper of any animal who permits the animal to be in any building, enclosure, lane, street, square, or lot of any city, county, city and county, or judicial district without proper care and attention is guilty of a misdemeanor. Any peace officer, humane society officer, or animal control officer shall take possession of the stray or abandoned animal and shall provide care and treatment for the animal until the animal is deemed to be in suitable condition to be returned to the owner. When the officer has reasonable grounds to believe that very prompt action is required to protect the health or safety of the animal or the health or safety of others, the officer shall immediately seize the animal and comply with subdivision (f). In all other cases, the officer shall comply with the provisions of subdivision (g). The full cost of caring for and treating any animal properly seized under this subdivision or pursuant to a search warrant shall constitute a lien on the animal and the animal shall not be returned to its owner until the charges are paid, if the seizure is upheld pursuant to this section.

(b) Every sick, disabled, infirm, or crippled animal, except a dog or cat, that is abandoned in any city, county, city and county, or judicial district may be killed by the officer if, after a reasonable search, no owner of the animal can be found. It shall be the duty of all peace officers, humane society officers, and animal control officers to cause the animal to be killed or rehabilitated and placed in a suitable home on information that the animal is stray or abandoned. The officer may likewise take charge of any animal, including a dog or cat, that by reason of lameness, sickness, feebleness, or neglect, is unfit for the labor it is performing, or that in any other manner is being cruelly treated, and provide care and treatment for the animal until it is deemed to be in a suitable condition to be returned to the owner. When the officer has reasonable grounds to believe that very prompt action is required to protect the health or safety of an animal or the health or safety of others, the officer shall immediately seize the animal and comply with subdivision (f). In all other cases, the officer shall comply with subdivision (g). The full cost of caring for and treating any animal properly seized under this subdivision or pursuant to a search warrant shall constitute a lien on the animal and the animal shall not be returned to its owner until the charges are paid.



(e) Notwithstanding any other provision of this section, any peace officer, humane society officer, or any animal control officer may, with the approval of his or her immediate superior, humanely destroy any stray or abandoned animal in the field in any case where the animal is too severely injured to move or where a veterinarian is not available and it would be more humane to euthanize the animal.

(f) Whenever an officer authorized under this section seizes or impounds an animal based on a reasonable belief that prompt action is required to protect the health or safety of the animal or the health or safety of others, the officer shall, prior to the commencement of any criminal proceedings authorized by this section, provide the owner or keeper of the animal, if known or ascertainable after reasonable investigation, with the opportunity for a postseizure hearing to determine the validity of the seizure or impoundment, or both.

(1) The agency shall cause a notice to be affixed to a conspicuous place where the animal was situated or personally deliver a notice of the seizure or impoundment, or both, to the owner or keeper within 48 hours, excluding weekends and holidays. The notice shall include all of the following:

(A) The name, business address, and telephone number of the officer providing the notice.

(B) A description of the animal seized, including any identification upon the animal.

(C) The authority and purpose for the seizure or impoundment, including the time, place, and circumstances under which the animal was seized.

(D) A statement that, in order to receive a postseizure hearing, the owner or person authorized to keep the animal, or his or her agent, shall request the hearing by signing and returning an enclosed declaration of ownership or right to keep the animal to the agency providing the notice within 10 days, including weekends and holidays, of the date of the notice. The declaration may be returned by personal delivery or mail.

(E) A statement that the full cost of caring for and treating any animal properly seized under this section is a lien on the animal and that the animal shall not be returned to the owner until the charges are paid, and that failure to request or to attend a scheduled hearing shall result in liability for this cost.

(2) The postseizure hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The seizing agency may authorize its own officer or employee to conduct the hearing if the hearing officer is not the same person who directed the seizure or impoundment of the animal and is not junior in rank to that person. The agency may utilize the services of a hearing officer from outside the agency for the purposes of complying with this section.

(3) Failure of the owner or keeper, or of his or her agent, to request or to attend a scheduled hearing shall result in a forfeiture of any right to a postseizure hearing or right to challenge his or her liability for costs incurred.

(4) The agency, department, or society employing the person who directed the seizure shall be responsible for the costs incurred for caring and treating the animal, if it is determined in the postseizure hearing that the seizing officer did not have reasonable grounds to believe very prompt action, including seizure of the animal, was required to protect the health or safety of the animal or the health or safety of others. If it is determined the seizure was justified, the owner or keeper shall be personally liable to the seizing agency for the full cost of the seizure and care of the animal. The charges for the seizure and care of the animal shall be a lien on the animal. The animal shall not be returned to its owner until the charges are paid and the owner demonstrates to the satisfaction of the seizing agency or the hearing officer that the owner can and will provide the necessary care for the animal.

(g) Where the need for immediate seizure is not present and prior to the commencement of any criminal

proceedings authorized by this section, the agency shall provide the owner or keeper of the animal, if known or ascertainable after reasonable investigation, with the opportunity for a hearing prior to any seizure or impoundment of the animal. The owner shall produce the animal at the time of the hearing unless, prior to the hearing, the owner has made arrangements with the agency to view the animal upon request of the agency, or unless the owner can provide verification that the animal was humanely destroyed. Any person who willfully fails to produce the animal or provide the verification is guilty of an infraction, punishable by a fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000).

(1) The agency shall cause a notice to be affixed to a conspicuous place where the animal was situated or personally deliver a notice stating the grounds for believing the animal should be seized under subdivision (a) or (b). The notice shall include all of the following:

(A) The name, business address, and telephone number of the officer providing the notice.

(B) A description of the animal to be seized, including any identification upon the animal.

(C) The authority and purpose for the possible seizure or impoundment.

(D) A statement that, in order to receive a hearing prior to any seizure, the owner or person authorized to keep the animal, or his or her agent, shall request the hearing by signing and returning the enclosed declaration of ownership or right to keep the animal to the officer providing the notice within two days, excluding weekends and holidays, of the date of the notice.

(E) A statement that the cost of caring for and treating any animal properly seized under this section is a lien on the animal, that any animal seized shall not be returned to the owner until the charges are paid, and that failure to request or to attend a scheduled hearing shall result in a conclusive determination that the animal may properly be seized and that the owner shall be liable for the charges.

(2) The preseizure hearing shall be conducted within 48 hours, excluding weekends and holidays, after receipt of the request. The seizing agency may authorize its own officer or employee to conduct the hearing if the hearing officer is not the same person who requests the seizure or impoundment of the animal and is not junior in rank to that person. The agency may utilize the services of a hearing officer from outside the agency for the purposes of complying with this section.

(3) Failure of the owner or keeper, or his or her agent, to request or to attend a scheduled hearing shall result in a forfeiture of any right to a preseizure hearing or right to challenge his or her liability for costs incurred pursuant to this section.

(4) The hearing officer, after the hearing, may affirm or deny the owner's or keeper's right to custody of the animal and, if reasonable grounds are established, may order the seizure or impoundment of the animal for care and treatment.

(h) If any animal is properly seized under this section or pursuant to a search warrant, the owner or keeper shall be personally liable to the seizing agency for the cost of the seizure and care of the animal. Further, if the charges for the seizure or impoundment and any other charges permitted under this section are not paid within 14 days of the seizure, or if the owner, within 14 days of notice of availability of the animal to be returned, fails to pay charges permitted under this section and take possession of the animal, the animal shall be deemed to have been abandoned and may be disposed of by the seizing agency.

(i) If the animal requires veterinary care and the humane society or public agency is not assured, within 14 days of the seizure of the animal, that the owner will provide the necessary care, the animal shall not be returned to its owner and shall be deemed to have been abandoned and may be disposed of by the seizing

agency. A veterinarian may humanely destroy an impounded animal without regard to the prescribed holding period when it has been determined that the animal has incurred severe injuries or is incurably crippled. A veterinarian also may immediately humanely destroy an impounded animal afflicted with a serious contagious disease unless the owner or his or her agent immediately authorizes treatment of the animal by a veterinarian at the expense of the owner or agent.

(j) No animal properly seized under this section or pursuant to a search warrant shall be returned to its owner until the owner can demonstrate to the satisfaction of the seizing agency or hearing officer that the owner can and will provide the necessary care for the animal.

#### **597.2 – Assist with voluntary relinquishment or abandonment of equines**

(a) It shall be the duty of an officer of a pound, humane society, or animal regulation department of a public agency to assist in a case involving the abandonment or voluntary relinquishment of an equine by the equine's owner. This section does not require a pound, humane society, or animal regulation department of a public agency to take actual possession of the equine.

(b) If a pound, humane society, or animal regulation department of a public agency sells an equine at a private or public auction or sale, it shall set the minimum bid for the sale of the equine at a price above the current slaughter price of the equine.

(c)(1) This section does not prohibit a pound, humane society, or animal regulation department of a public agency from placing an equine through an adoption program at an adoption fee that may be set below current slaughter price.

(2) A person adopting an equine under paragraph (1) shall submit a written statement declaring that the person is adopting the equine for personal use and not for purposes of resale, resale for slaughter, or holding or transporting the equine for slaughter.

#### **598c – Killing horse for purpose of human consumption**

(a) It shall be the duty of an officer of a pound, humane society, or animal regulation department of a public agency to assist in a case involving the abandonment or voluntary relinquishment of an equine by the equine's owner. This section does not require a pound, humane society, or animal regulation department of a public agency to take actual possession of the equine.

(b) If a pound, humane society, or animal regulation department of a public agency sells an equine at a private or public auction or sale, it shall set the minimum bid for the sale of the equine at a price above the current slaughter price of the equine.

(c)(1) This section does not prohibit a pound, humane society, or animal regulation department of a public agency from placing an equine through an adoption program at an adoption fee that may be set below current slaughter price.

(2) A person adopting an equine under paragraph (1) shall submit a written statement declaring that the person is adopting the equine for personal use and not for purposes of resale, resale for slaughter, or holding or transporting the equine for slaughter.

#### **598d – Prohibit sale of horse meat for human consumption**

(a) Notwithstanding any other provision of law, horsemeat may not be offered for sale for human consumption. No restaurant, cafe, or other public eating place may offer horsemeat for human consumption.



(b) Violation of this section is a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000), or by confinement in jail for not less than 30 days nor more than two years, or by both that fine and confinement.

(c) A second or subsequent offense under this section is punishable by imprisonment in the state prison for not less than two years nor more than five years.

#### **599e – Emergency euthanasia of unfit animals**

Every animal which is unfit, by reason of its physical condition, for the purpose for which such animals are usually employed, and when there is no reasonable probability of such animal ever becoming fit for the purpose for which it is usually employed, shall be by the owner or lawful possessor of the same, deprived of life within 12 hours after being notified by any peace officer, officer of said society, or employee of a pound or animal regulation department of a public agency who is a veterinarian, to kill the same, and such owner, possessor, or person omitting or refusing to comply with the provisions of this section shall, upon conviction, be deemed guilty of a misdemeanor, and after such conviction the court or magistrate having jurisdiction of such offense shall order any peace officer, officer of said society, or officer of a pound or animal regulation department of a public agency, to immediately kill such animal; provided, that this shall not apply to such owner keeping any old or diseased animal belonging to him on his own premises with proper care.

#### **13050 – Loss or theft of equine, reporting requirement**

Each sheriff or other officer to whom a complaint that relates to the loss or theft of any equine animal is made shall, in a timely manner, transmit to the Bureau of Livestock Identification a report pursuant to Section 24104 of the Food and Agricultural Code.

#### **California Food and Agriculture Code**

#### **16908 – Animal transport, violations**

It is unlawful for any person that owns or operates any motor truck, or motor truck and trailer, or semitrailer, to confine or permit to be confined, in such vehicle, any animal for a longer period than 28 consecutive hours from the time the animal was last fed and watered. Upon the written request of the owner or person in charge of the animal, the period of confinement may be extended to 36 hours. Before the expiration of the permissible period of confinement, the animal shall be unloaded in a humane manner by means of a chute or tailgate of sufficient size into properly equipped pens for rest, water, and feeding, for a period of at least five consecutive hours.

The failure of a person to feed or water an animal within the time limit prescribed by this section is not a violation of this section if the feeding and watering of the animal is prevented by storm or other accidental or unavoidable causes which could not be anticipated or avoided by the exercise of due diligence and foresight.

#### **24001-24002 – Medications and therapeutic agents at public horse shows, competitions and sales**

The Legislature finds and declares the following:

(a) That the public has a valuable interest in public equine events and public horse sales.

(b) That it is the intent of this chapter to ensure the integrity of public equine events and public horse sales through the control of performance and disposition enhancing medications while limiting permitted therapeutic usage at horse shows and competitions.

## Section 24001

For the purposes of this chapter:

(a) "Event" means any public horse show, competition (including cutting horse competitions, endurance riding competitions, competitive trail competitions, gymkhanas, and any other competition as determined by the secretary by regulation), or sale, in which money, goods, or services are exchanged for the right to compete for a single set of placings leading to points or awards at the show or competition, or to permit a horse to be consigned for sale.

"Event" does not include any of the following:

- (1) Those competitions subject to the jurisdiction of the California Horse Racing Board.
- (2) Sales consisting solely of racing stock.
- (3) A rodeo-related competition including both rough stock and timed performance competitions when held apart from a horse show.
- (4) Roping club events when held apart from a horse show.
- (5) Cattle team pennings when held apart from a horse show.
- (6) Barrel racing when held apart from a horse show.
- (7) Parade horse competitions.
- (8) Public horse shows and public horse competitions that do not last longer than one day and whose total cumulative fees to enter into any one or all classes do not exceed four dollars and ninety-nine cents (\$4.99), unless otherwise prescribed by the secretary by regulation.

"Grounds fees," "stall fees," or any other fee composed of money, goods, or services, which is assessed to permit competitors or consignors to enter into an event are considered a part of this total cumulative fee.

(b) "Event manager" means the person in charge of an event, including the entity or individual financially responsible for the event that is responsible for registering the event with the department, and who is responsible for the assessment, collection, and remittance of fees. "Event manager" includes horse show secretaries and managers, competitive event managers, and horse sale managers and sale owners.

(c) "Horse" means and includes all horses, mules, and asses.

(d) "Licensed veterinarian" means any person licensed as a veterinarian by the State of California.

(e) "Prohibited substance" is any stimulant, depressant, tranquilizer, anesthetic, including any local anesthetic, sedative analgesic, corticosteroid, anabolic steroid, or agent that would sore a horse, which could affect the performance, soundness, or disposition of a horse, or any drug regardless of how harmless or innocuous it might otherwise be that could interfere with the detection of any prohibited substance. It also includes any metabolite or derivative of any prohibited substance.

(f) "NSAIDs" are nonsteroidal anti-inflammatory drugs.

(g) "Therapeutic administration" means the administration of a drug or medicine that is necessary for the treatment of an illness or injury diagnosed by a licensed veterinarian. The administration of a prescription drug or medicine shall only be as given or prescribed by the licensed veterinarian. The administration of a nonprescription drug or medicine shall be in accordance with the directions on the manufacturer's label.

(h) "Exempt medications" are oral or topical medications containing prohibited substances determined by the secretary to be exempt from this chapter when administered therapeutically.

(i) "Public" horse shows, competitions, or sales are those events that permit a person to enter or consign a

horse for sale in exchange for money, goods, or services. Any club or group that permits people to join, enter into competition, or consign a horse for sale in exchange for money, goods, or services, is "public" for the purposes of this chapter.

(j) "Stimulant or depressant" means any medication that stimulates or depresses the circulatory, respiratory, or central or peripheral nervous system.

(k) To "sore" means to apply an irritating or blistering agent internally or externally for the purpose of affecting the performance, soundness, or disposition of a horse.

(l) "Trainer" means any person who has the responsibility for the care, training, custody, or performance of a horse, including, but not limited to, any person who signs any entry blank of any public horse show, competition, or sale, whether that person is an owner, rider, agent, coach, adult, or minor.

### **California Code of Regulations, Title 3, Chapter 6, Section 1280. Definitions.**

(a) The following definitions are supplemental to the definitions specified in Food and Agricultural Code section 24001 and are used specific to this chapter:

(1) "Therapeutic drugs or medicines" means drugs or medicines prescribed for use by a licensed veterinarian for the treatment of a diagnosed illness or injury.

(2) "Permissible drugs or medicines" means therapeutic drugs or medicines or drugs and medicines found in a sample within the established maximum detectable plasma or urine levels.

(3) "Prohibited substance" means:

(A) Permissible drugs or medicines that exceed established maximum detectable plasma or urine levels;

(B) Therapeutic drugs or medicines used without a prescription for use by a licensed veterinarian for treatment of illness or injury; or

(C) Any stimulant, depressant, tranquilizer, anesthetic, including local anesthetic, sedative, analgesic, corticosteroid excluding dexamethasone, anabolic steroid, or masking agent administered within 24 hours before competition or 72 hours before public sale.

(D) Any anabolic steroid administered within 90 days before a competition or sale.

(E) Fluphenazine or reserpine administered within 45 days before a competition or sale.

#### **1280.1. Registration**

(a) Every public equine event or public horse sale shall be registered with the Department pursuant to sections 24001, 24012 and 24015 of the Food and Agricultural Code.

(b) The event manager is the "person in charge of an event", including the person responsible for registering the event with the Department and the person responsible for the assessment, collection, and remittance fees, and is personally liable for fees and penalties, if any, owed to the Department.

(c) The following forms, which are incorporated by reference, are required to be completed and sent to the Department according to the instructions contained on the forms:



(1) Application to Register Equine Event/Assessment Report For Registered Event/Event Copy for Managers, Form 76-024A (Rev. 12/13), is required at least 60 days in advance of the event. A fee of \$5.00 per horse entered per public show or sale must be assessed in accordance with section 1280.2 of these regulations. The assessment report must be submitted to the Department and fees remitted within fifteen (15) days after the final day of the event. Event managers are responsible for notifying the Department of Food and Agriculture of event changes or cancellations.

(2) Law Prohibiting the Drugging of Horses/Saleyard Assessment Report, Form 76-025 (Rev. 11/2013), must be filed by the sale manager within fifteen (15) days of the end of the month being reported. The assessment fee is \$5.00 for each horse consigned for public sale pursuant to section 1280.2 of these regulations.

(3) Official Form For Declaration Of Drugs Administered, Form 76-027 (Rev. 11/13) or a compatible document of the event-sanctioning organization, must be completed by a registered event exhibitor or consignor and filed with the event manager for any horse that has received a prohibited substance for therapeutic reasons within three (3) days before a show/competition or five (5) days before a sale.

(A) The owner/exhibitor/trainer is to submit the completed Form 76-027 (Rev. 11/13) or a compatible document of the event-sanctioning organization to the event manager within one (1) hour if administration of the product(s) occurs at the event. If the product administration occurs at a time other than during show or sale hours, the owner or trainer should submit the completed form within one (1) hour after an event manager returns to duty.

#### **1280.7. Random testing.**

(a) The Department will require random testing of horses exhibited or entered in any public horse show, horse competition, or public horse sale and shall designate the frequency and method of such testing by providing instructions to department personnel, approved California licensed veterinarians, and to laboratories performing analyses.

(b) An owner, trainer, both owner and trainer, or any person designated by the owner or trainer to maintain control of a horse randomly selected for examination by Department personnel shall:

(1) Take the selected horse without delay to a location determined by Department personnel for collection of the sample. Any activity causing delay of sample collection, including, but not limited to, schooling or training, lengthy cooling out period, or bandaging may be considered "non-cooperative."

(2) Remove equipment from the horse.

(3) Remove himself or herself from the immediate proximity of the horse.

(4) Avoid activities distractive to the horse.

#### **1280.8. Therapeutic drugs and medicines.**

(a) Therapeutic drugs or medicines administered for purposes other than under veterinary prescription for a diagnosed illness or injury are considered prohibited substances, and their use is a violation of this section.

(b) Horses administered therapeutic drugs or medicines for purposes other than under veterinary prescription for a diagnosed illness or injury shall not compete or be available for sale until the prohibited substance is no longer detectable in the urine or blood sample.

(c) A therapeutic drug or medicine is permitted when:

(1) A prohibited substance is administered more than 24 hours before competition or more than 72 hours before a public sale.

(2) The therapeutic drug or medicine, or metabolite of the therapeutic drug or medicine, does not interfere with the quantification of any permitted substance or detection of any prohibited substances as defined by Food and Agricultural Code section 24001(h).

(3) Only one (1) nonsteroidal anti-inflammatory drug (NSAID) is given. When two NSAIDs are in a therapeutic regime, one must be discontinued at least 72 hours before competition.

(A) When administered by a licensed veterinarian for the emergency treatment of colic or an ophthalmic emergency, flunixin, in addition to one (1) other NSAID, may be acceptable if found in the plasma or urine sample of a horse provided:

(i) The licensed veterinarian who administered the substances properly signs and files a drug declaration [Form 76-027 (Rev. 11/13)] with the event manager or designee within one (1) hour after administration of the substances or one (1) hour after the event manager or designee returns to duty if the administration occurs at a time outside competition hours; and

(ii) The horse is withdrawn from competition for 24 hours or from public sale for 72 hours.

(4) The detected level in the sample does not exceed the established maximum detectable plasma levels for the following drug or medicine:

(A) 15.0 micrograms per milliliter of phenylbutazone.

(B) 1.0 micrograms per milliliter of flunixin.

(C) 2.5 micrograms per milliliter of meclofenamic acid.

(D) 40 micrograms per milliliter of naproxen.

(E) 0.240 micrograms per milliliter of firocoxib.

(F) 0.005 micrograms per milliliter of diclofenac.

(G) 0.250 micrograms per milliliter of ketoprofen.

(H) 0.0005 micrograms per milliliter of dexamethasone.

(I) 0.5 micrograms per milliliter of methocarbamol.

(5) The detected level in the sample does not exceed the established maximum detectable urine levels for the following drug or medicine:

(A) 0.09 micrograms per milliliter of dexamethasone.

(B) 350 micrograms per milliliter of methocarbamol.

(d) No injectable substance shall be given to a horse within 12 hours of competition except:

- (1) A minimum of 1 liter of polyionic fluids per 100 pounds of body weight given therapeutically by a licensed veterinarian between 6-12 hours of competition. Therapeutic fluids with concentrated electrolytes, such as magnesium, are prohibited.
- (2) Antibiotics, except procaine penicillin G, administered by a licensed veterinarian between 6-12 hours of competition.
- (3) Dexamethasone, not to exceed 0.5 milligram per 100 pounds, administered by a licensed veterinarian between 6-12 hours of competition exclusively for the treatment of acute urticaria (hives). The total dose of dexamethasone administered within 24 hours shall not exceed 1.0 mg per 100lbs.
- (4) The licensed veterinarian who administered the injectable substances in (d)(1) through (3) above shall sign and file a drug declaration [Form 76-027(Rev. 11/13)] with the event manager or designee within one (1) hour after the administration of the injectable substance or one (1) hour after the event manager or designee returns to duty if the administration occurs at a time outside competition hours.

#### **1280.10. Violations.**

- (a) Failure to comply with the provisions of this Chapter or Chapter 8 (commencing with section 24000) of Division 11 of the Food and Agricultural Code constitutes a violation punishable by a fine of not less than one hundred dollars (\$100) or more than ten thousand dollars (\$10,000).
- (b) The Department may act consistent with any other existing enforcement authority concurrently or at a later date unless otherwise prohibited. Existing remedies include, but are not limited to, the following:
  - (1) Denial, suspension, or revocation of a registration or other indicia of authority issued by the Department;
  - (2) Suspension of the owner, trainer and/or exhibitor from all competitions at any public horse show or competition for a period of not less than 90 days or more than one year for each violation; and
  - (3) Suspension of the event manager from the management of any public horse show or competition for a period of not less than 90 days or more than one year for each violation.
- (c) The Department may impose civil or administrative penalties, including, but not limited to, the following:
  - (1) Referral to the appropriate Office of the Attorney General for criminal prosecution or other appropriate remedy; and
  - (2) Reimbursement to the Department for any costs incurred due to any violation of this Chapter or Chapter 8 (commencing with section 24000) of Division 11 of the Food and Agricultural Code.

#### **1280.11. Fines and penalties.**

- (a) Failure to comply with the provisions of this Chapter or Chapter 8 (commencing with section 24000) of Division 11 of the Food and Agricultural Code, and any regulations adopted pursuant to them, constitutes a violation punishable by a fine of not less than one hundred dollars (\$100) or more than ten thousand dollars (\$10,000). The Department shall use the provisions of this section to determine the violation class and amount of the penalty.
- (b) For the purposes of this section, violation classes are designated as “serious,” “moderate,” and “minor” to establish maximum penalty amounts. Repeat violations may result in an escalation of violation class. Serious and moderate violations may be downgraded based upon the evidence, the factual circumstances, mitigating



factors and the cooperation of the violator.

(1) “Serious.” Violations that cause significant performance enhancement of the equine or deceptive business practices that include the second offense, third offense, and any subsequent offenses for failure to submit a horse for sample collection; the first offense, second offense, and any subsequent offenses for detection of a non-therapeutic prohibited substance; the second offense and any subsequent offenses for detection of therapeutic prohibited substances; the third offense and any subsequent offenses for detection of two Nonsteroidal Anti-inflammatory Drugs (NSAIDs) in a sample; the third offense and any subsequent offenses for detection of a permissible substance over the maximum detectable plasma level; and the second offense, third offense, and any subsequent offenses for administration of a prohibited injectable substance within 12 hours of competition. Serious violations also include the third offense and any subsequent offenses for failure of an event manager to register an event at least 60 days in advance of the event and the third offense and any subsequent offenses for failure of an event manager to submit fees within 15 days after the final day of the event.

(A) The suspended individual is not permitted entry to the grounds of any registered event in the state of California during the suspension period. Event managers may not permit participation of a suspended individual in the registered event and event managers must immediately notify the Department of a suspended individual's presence on the event grounds. Event managers who permit participation of a suspended individual are subject to a violation and civil penalty in accordance with Food and Agricultural Code sections 24007 and 24015(c).

(2) “Moderate.” Violations in which there is a potential for intermediate level of competitive harm that include the first offense for failure to submit a horse for sample collection; the first offense for detection of a therapeutic prohibited substance; the second offense for detection of a permissible substance over the maximum detectable plasma level; the second offense for detection of two Nonsteroidal Anti-inflammatory Drugs (NSAIDs) in a sample; and the first offense for administration of a prohibited injectable substance within 12 hours of competition. Moderate violations also include the second offense for failure of an event manager to register an event at least 60 days in advance of the event and the second offense for failure of an event manager to submit fees within 15 days after the final day of the event.

(3) “Minor.” Violations that are unintentional and have minimal performance enhancing action in the competition, including the first offense for detection of a permissible substance over the maximum detectable plasma level and the first offense for detection of two Nonsteroidal Anti-inflammatory Drugs (NSAIDs) in a sample. Minor violations also include the first offense for failure of an event manager to register an event at least 60 days in advance of the event and the first offense for failure of an event manager to submit fees within 15 days after the final day of the event. The Department may issue a notice of warning for minor violations.

(c) Table “A” Equine Medication Monitoring Program Violations Matrix is to be used to establish the level of severity of a particular violation and the corresponding penalty range for “serious,” “moderate,” and “minor” violation classes.

Access Table “A” [here](#).

## **California Health and Safety Code**

### **25998 - Standards for horses for hire.**

A peace officer, officer of a humane society as qualified under Section 14502 or 14503 of the Corporations Code , or officer of an animal control or animal regulation department of a public agency, as qualified under Section 830.9 of the Penal Code , may issue a citation as prescribed in Section 25988.5 , to any person or entity keeping horses or other equine animals for hire, if the person or entity fails to meet any of the following standards of humane treatment regarding the keeping of horses or other equine animals:

- (a) Any enclosure where an equine is primarily kept shall be of sufficient size to enable the equine to comfortably stand up, turn around, and lie down, and shall be kept free of excessive urine and waste matter.
- (b) Paddocks and corrals shall be of adequate size for the equine to move about freely.
- (c) Buildings, premises, and conveyances used in conjunction with equines shall be kept free of sharp objects, protrusions, or other materials that are likely to cause injury.
- (d) Equines shall be supplied with nutritionally adequate feed and clean water, in accordance with standards published by the Cooperative Extension of the Division of Agricultural Sciences of the University of California.
- (e) Tack and equipment shall be appropriate and fit properly.
- (f) After use the equine shall be cooled out to a normal condition at rest.
- (g) When not being ridden, a saddled equine shall have available adequate shelter from the elements, and have loosened saddle straps and girths.
- (h) An equine shall not be available for hire or use if the equine has any conditions that violate subdivision (b) of Section 597 or Section 597f of the Penal Code or any of the following conditions:
  - (1) Sores or abrasions caused or likely to be irritated by the surfaces of saddles, girths, harnesses, or bridles.
  - (2) Blindness in both eyes.
  - (3) Improperly or inadequately trimmed and shod feet contrary to the standards published by the Cooperative Extension of the Division of Agricultural Sciences of the University of California.
- (i) Each equine shall be individually identified, using humane methods, such as a detailed description, including, but not limited to, name, breed, color, markings, size, age, sex, and photograph.
- (j) Farrier and veterinary receipts shall be kept and shall identify each equine treated.
- (k) Veterinary, farrier, and feed records shall be made available during normal business hours to the law enforcement officer. Upon failure to provide these records, the equine or equines in question may not be used for hire until such time as the records are produced or an equine veterinarian shall certify that the equine or equines are fit for labor.

### **25998.5 – Penalties for violations of the standards for hired horses.**

- (a) Citations issued pursuant to Section 25988 shall require the person cited to pay a civil penalty in the amount of one hundred dollars (\$100) for each violation, and one hundred dollars (\$100) for each day the

violation continues.

(b) Any person who violates Section 25988 may be prosecuted by the district attorney of the county in which the violation occurred or the city attorney of the city in which the violation occurred.

### **California Vehicle Code**

#### **21050 – Traffic laws for riding or driving equines on highway.**

Every person riding or driving an animal upon a highway has all of the rights and is subject to all of the duties applicable to the driver of a vehicle by this division and Division 10 (commencing with Section 20000), except those provisions which by their very nature can have no application.

#### **21759 – Caution in passing horses and livestock.**

The driver of any vehicle approaching any horse drawn vehicle, any ridden animal, or any livestock shall exercise proper control of his vehicle and shall reduce speed or stop as may appear necessary or as may be signalled or otherwise requested by any person driving, riding or in charge of the animal or livestock in order to avoid frightening and to safeguard the animal or livestock and to insure the safety of any person driving or riding the animal or in charge of the livestock.

#### **21805 – Equestrian crossings and right-of-way.**

(a) The Department of Transportation, and local authorities with respect to highways under their jurisdiction, may designate any intersection of a highway as a bridle path or equestrian crossing by erecting appropriate signs. The signs shall be erected on the highway at or near the approach to the intersection, and shall be of a type approved by the Department of Transportation. The signs shall indicate the crossing and any crossmarks, safety devices, or signals the authorities deem necessary to safeguard vehicular and equestrian traffic at the intersection.

(b) The driver of any vehicle shall yield the right-of-way to any horseback rider who is crossing the highway at any designated equestrian crossing which is marked by signs as prescribed in subdivision (a).

(c) Subdivision (b) does not relieve any horseback rider from the duty of using due care for his or her own safety. No horseback rider shall leave a curb or other place of safety and proceed suddenly into the path of a vehicle which is close enough to constitute an immediate hazard.

### **California Horse Racing Board Regulations**

A complete and current list of California Horse Racing Board rules and regulations may be accessed here:  
[http://www.chrb.ca.gov/policies\\_and\\_regulations/CHRB\\_Rule\\_Book\\_0718v2.pdf](http://www.chrb.ca.gov/policies_and_regulations/CHRB_Rule_Book_0718v2.pdf)

## APPENDIX 2

# EQUINE-RELATED FEDERAL REGULATIONS





## **Appendix 2.**

### **Equine Related Federal Regulations**

**Commercial Transportation of Equines to Slaughter Act; 7 U.S.C.; Final Rule (Dec. 7, 2001). Enforced by the U.S. Department of Agriculture.**

Provides standards of care and documentation for horses travelling to slaughter.

9 CFR Parts 70 and 88: U.S. Department of Agriculture, Animal and Plant Inspection Service. Full publication at:

[http://www.aphis.usda.gov/animal\\_health/animal\\_dis\\_spec/horses/downloads/cfr9\\_01-9.txt](http://www.aphis.usda.gov/animal_health/animal_dis_spec/horses/downloads/cfr9_01-9.txt)

**Horse Protection Act; 15 U.S.C; Public Law 91-540. Enacted 1979, amended 1976. Enforced by the U.S. Department of Agriculture.**

Prohibits horses subjected to a practice called “soring” from participating in shows, sales, exhibitions, or auctions.

Defines and enforces the scar rule. Also prohibits drivers from transporting sored horses to and from these events.

Full publication at: [http://www.aphis.usda.gov/animal\\_welfare/hp/hp\\_act\\_regs.shtml](http://www.aphis.usda.gov/animal_welfare/hp/hp_act_regs.shtml).

**Consolidated Appropriations Act; 2008; Title VII: General Provisions; (Sec. 741).**

Prohibits funds under this Act from being used for USDA federally mandated inspections of horse slaughter

operations. Thus, commercial slaughter of horses for human consumption is illegal in the U.S. Full publication at:

<http://thomas.loc.gov/cgi-bin/bdquery/z?d110:HR02764:@@D&summ2=m&>.

# APPENDIX 3

## BODY CONDITION SCORING CHART



Date: \_\_\_\_\_

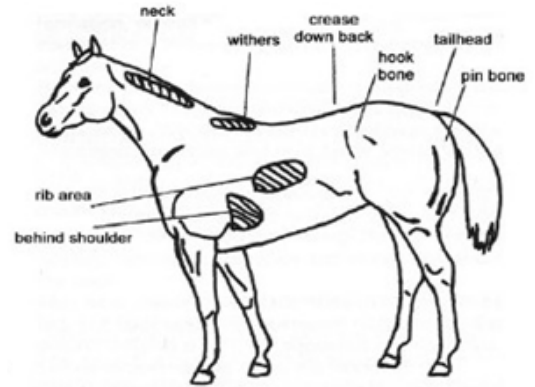
Owner's Name: \_\_\_\_\_

Horse's Name: \_\_\_\_\_

Identifying Marks: \_\_\_\_\_

Hoof Condition: \_\_\_\_\_

Comments: \_\_\_\_\_



OVERALL BODY CONDITION SCORE:

Condition	Neck	Withers	Shoulder	Ribs	Back	Tailhead Area
1 Poor (extremely emaciated)	Bone structure easily noticeable	Bone structure easily noticeable	Bone structure easily noticeable	Ribs projecting prominently	Spinous processes projecting prominently	Tailhead, pinbones, and hook bones projecting prominently
No fatty tissue can be felt						
2 Very Thin (emaciated)	Bone structure faintly discernible	Bone structure faintly discernible	Bone structure faintly discernible	Ribs prominent	Slight fat covering over base of spinous processes. Transverse processes of lumbar vertebrae feel rounded. Spinous processes are prominent.	Tailhead prominent Pin bones prominent Hook bones prominent
3 Thin	Neck accentuated	Withers accentuated	Shoulder accentuated	Slight fat cover over ribs. Ribs easily discernible.	Fat buildup halfway on spinous processes, but easily discernible. Transverse processes cannot be felt.	Tailhead prominent but individual vertebrae cannot be visually identified. Hook bones appear rounded, but are still easily discernible. Pin bones not distinguishable.
4 Moderately Thin	Neck not obviously thin	Withers not obviously thin	Shoulder not obviously thin	Faint outline of ribs discernible	Negative crease (peaked appearance) along back	Prominence depends on conformation. Fat can be felt. Hook bones not discernible.
5 Moderate	Neck blends smoothly into body	Withers rounded over spinous processes	Shoulder blends smoothly into body	Ribs cannot be visually distinguished, but can be easily felt	Back is level	Fat around tailhead beginning to feel spongy
6 Moderately Fleshy	Fat beginning to be deposited	Fat beginning to be deposited	Fat beginning to be deposited behind shoulder	Fat over ribs feels spongy	May have a slight positive crease (a groove) down back	Fat around tailhead feels soft
7 Fleshy	Fat deposited along neck	Fat deposited along withers	Fat deposited behind shoulder	Individual ribs can be felt, but noticeable fat filling between ribs	May have a positive crease down the back	Fat around tailhead is soft
8 Fat	Noticeable thickening of neck	Area along withers filled with fat	Area behind shoulder filled with fat	Difficult to feel ribs	Positive crease down the back	Fat around tailhead very soft
9 Extremely Fat	Bulging fat	Bulging fat	Bulging fat	Patchy fat appearing over ribs	Obvious crease down the back; Flank filled with fat	Bulging fat around tailhead



***Body Condition Score 1 —  
Poor***



***Body Condition Score 2 —  
Very Thin***



***Body Condition Score 3 —  
Thin***







*Body Condition Score 5 —  
Moderate*



## APPENDIX 4

# EVALUATION CHECKLIST



## MINIMUM STANDARDS EVALUATION CHECKLIST

Question	Yes	No	Comments
Does the water appear to be sufficiently available according to the guidelines on page 15?			
Is water being provided at or above the minimum acceptable quantity shown in the table on page 15?			
Does the water appear to be of sufficient minimum quality and cleanliness according to the guidelines on page 15?			
Does the horse have a minimum body score of 3 out of 9 as described on page 20? Using the worksheet on page 68 to evaluate each horse, list the actual body score in the Comments column.			
Is the horse being fed at a sufficient minimum daily frequency according to the guidelines on page 19?			
Is the horse receiving a minimum quantity of food on a daily basis (based on its estimated body weight)? Guidelines on page 23.			
Does the feed source meet the minimum quality standard and is it free of contaminants such as dust, mold toxins and weeds?			
Is minimum shelter provided for the given circumstances as described on pages 28 and 29? If not, describe under Comments.			
If the horse lives in a stall, do the stall dimensions meet the minimum standards described in the table on page 28?			
Is the environment sufficiently clean and free of excess fecal and urine accumulation? If not, describe in the Comments column.			
Does ventilation meet a minimum standard as described on page 28? If not, provide in the Comments column an estimation of ammonia concentration based on the table on page 29.			

Question	Yes	No	Comments
Is the environment free of hazards as described on page 29? If not, describe under Comments.			
If the horse is confined to a stall or small area, is it being provided minimum exercise time as described on page 28?			
Does the horse have a medical condition or injuries that require veterinary attention as described on page 34? If yes, describe under Comments.			
Does the horse receive regular minimum hoof trimming and care as described on page 34?			
Does the horse receive minimum veterinary care as described on page 34? If not, describe in the Comments column.			
In cases of transportation, is the horse being transported according to the legal guidelines set forth on page 39? If not, describe under Comments.			
Have any California laws been violated as listed in Appendix 1 on pages 46-64? If yes, describe under Comments.			
Have any Federal laws been violated as listed in Appendix 2 on page 66? If yes, describe under Comments.			
Have any local ordinances been violated? If yes, describe under Comments.			
Has each horse on the property been evaluated according to the worksheet on page 68? If yes, describe under Comments.			
ADDITIONAL QUESTIONS/COMMENTS:			