

to file [said report which shall be complete in all particulars] **the equine fatality report with the State Steward or Chief State Veterinarian.**

(b) [Said] **The equine fatality report shall be on forms prescribed and furnished by the Commission and shall be filled out entirely, legibly and specifically, and include the following information and any other information deemed necessary by the Commission:**

1. Name and tattoo number **or other registration identification** of deceased equine;
2. (No change.)
3. Owner of record and [particulars] **fiscal records** regarding purchase of equine;
- 4.-9. (No change.)

(c) The attending veterinarian shall certify the cause of death and shall submit [a report] **treatment records** describing all [administration of medication or drugs to said animal] **veterinarian treatments administered to the horse** within the [96 hour] **30-day** period preceding the time of death. **These records shall be submitted to the State Steward within 48 hours of the time of death. Failure to produce these records may result in the immediate suspension of the trainer and/or veterinarian.**

(d) **Upon the death of any horse on the racetrack during racing, training, or warming-up the horse, or upon the death of a horse within one hour after racing on any racetrack:**

1. **Verbal notice of the death of the horse shall be given to the State Steward or to a New Jersey Racing Commission veterinarian within one hour of the horse's death. Said notice shall not negate the obligation to submit an equine fatality report within 48 hours of the time of death; and**

2. **An appropriate post-mortem necropsy shall be conducted, by a qualified veterinarian at a facility designated by the Commission, to determine the cause of death and other relevant information about the condition of the deceased horse. The cost of the necropsy, including related transportation and other costs, shall be borne by the owner of the deceased horse.**

(e) **Upon the death of any horse on the racetrack during racing, training, or warming-up the horse, or upon the death of a horse within one hour after any such activity, the remains of the deceased horse shall not be removed without the written consent of the State Steward, or his or her designee, or the Chief State Veterinarian, or his or her designee. It shall be the joint responsibility of the racetrack and the owner of the horse to prevent the unauthorized removal of the remains of a deceased horse.**

[(d)] (f) **Failure to file the [foregoing] equine fatality report or the required veterinary records in a timely fashion or filing in an incomplete fashion may subject the owner, trainer, [custodian] and/or veterinarian to disciplinary action.**

1. Any falsification or misstatement submitted in connection with an equine fatality report may also subject the **owner, trainer, [custodian] and/or veterinarian to disciplinary action.** [as provided in N.J.A.C. 13:71-31.3.]

[(e)] (g) (No change in text.)

(a)

**NEW JERSEY RACING COMMISSION
Harness Racing
Whips; Restricted Use of Whip and Prohibition of
Goading Devices
Proposed Amendments: N.J.A.C. 13:71-20.14 and
20.15**

Authorized By: New Jersey Racing Commission, Judith A. Nason, Executive Director.

Authority: N.J.S.A. 5:5-30.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2019-150.

Submit written comments by January 31, 2020, to:

Judith A. Nason, Executive Director
Department of Law and Public Safety
New Jersey Racing Commission
PO Box 088
Trenton, New Jersey 08625-0088
Or via email to: NJRCWebinfo@lps.state.nj.us

The agency proposal follows:

Summary

Amendments are proposed at N.J.A.C. 13:71-20.14 and 20.15 that will significantly restrict the use of whips by drivers during a race and will modify the physical characteristics of the whips that can be used. The proposed amendments will promote equine health, safety, and welfare by allowing a driver to urge a horse with wrist action only as explained below.

Most notably, the proposed amendments ban one-handed whipping completely by requiring the drivers to keep a line of the reins in each hand through the finish of the race. As a result, drivers will not be able to raise their arms above the shoulder or even use elbow action when using the whip. Instead, drivers are limited to using wrist action only while, at the same time, holding the reins reasonably taut. The proposed amendments also prohibit a permitted whip from being used in an excessive or indiscriminate manner.

Currently, drivers are allowed to whip one-handed, using their shoulder and elbow. The proposed amendments would eliminate whipping a horse using shoulder or elbow action to encourage a horse to run faster. Protection of the equine participants is of the utmost importance and it is incumbent upon the Commission to ensure the health, safety, and welfare of the horses who compete in this State.

For this reason, the Commission believes it is necessary to restrict the use of the whip to wrist action only, while holding the reins reasonably taut. As detailed in the proposed amendments, drivers will only be allowed to use the whip in this manner above the level of the shaft in a sliding, gliding, or tapping manner. The proposed amendments clearly prohibit causing any injury to the horse, using the whip repetitively when the horse is not responding, or continuing to use the whip when the horse is not advancing its position or is out of contention. The proposed amendments also require a visual inspection of each horse following each race for evidence of injury or of brutal or excessive whipping.

Jockeys who ride horses have more methods to encourage and control horses than do drivers, as the jockey is in close proximity to the horse and a jockey's hands and feet are in contact with the horses. Drivers, who have no contact with the horse, have no method to encourage a horse other than with the use of the whip. As a result, the Commission does not believe it can eliminate the use of the whip entirely as the Commission is proposing for thoroughbred racing. However, the Commission does believe that prohibiting shoulder and elbow action, allowing wrist action only and otherwise restricting whipping as set forth in these proposed amendments, will protect the State's equine athletes from harm and reassure the public that equine welfare is a priority in this State.

To further promote equine welfare, the proposed amendments at N.J.A.C. 13:71-20.14 will shorten the permissible length of the whips used in standardbred racing, as well as the length of the snapper attached to the end of the whip. The proposed amendments also prohibit the presence of leather or other unusual materials in the design of the whip and prohibit the snapper from being knotted or altered in any way. The proposed amendments allow tape to be placed on the handle of the whip but prohibit all other modifications.

The existing heading of N.J.A.C. 13:71-20.15, Use of goading devices, and so forth, is proposed for amendment. The proposed new heading, "Restricted use of whip and prohibition of goading devices," encompasses each aspect of the proposed rule.

The proposed amendments at N.J.A.C. 13:71-20.15(a) continue to prohibit the use of any goading device, other than the ordinary whip as described at N.J.A.C. 13:71-20.14, by any person.

Proposed new N.J.A.C. 13:71-20.15(b) through (e) detail the prohibited and permissive uses of a whip during a harness race and bar modifications to the whip.

Proposed new N.J.A.C. 13:71-20.15(b) prohibits the use of the whip in an excessive, indiscriminate, brutal, or unnecessary manner, as determined in the discretion of the judges. Proposed new N.J.A.C. 13:71-20.15(b)1 through 6 enumerate specific uses of the whip that will be considered violations of subsection (b). Proposed new paragraph (b)1 prohibits drivers from causing an injury, visible or not, to the horse with the whip. Proposed new paragraph (b)2 prohibits drivers from using the whip more than three times in succession without giving the horse a chance to respond. Proposed new paragraph (b)3 prohibits drivers from repetitively using the whip when the horse is not responding. Proposed new paragraph (b)4 prohibits drivers from using the whip if the horse is not advancing its position in the race. Proposed new paragraph (b)5 prohibits drivers from using the whip on a horse that is out of contention. Proposed new paragraph (b)6 prohibits the use of the whip after the finish of a race.

Proposed new N.J.A.C. 13:71-20.15(c)1 through 6, which limit whipping to wrist action only while holding the reins, enumerate the limited ways in which the whip may be used. Proposed new paragraph (c)1 requires all drivers to keep a line in each hand from the time the horse is behind the starting gate and continuing through the finish of the race. The only exception to this is if it becomes necessary for the driver to adjust equipment. Proposed new paragraph (c)2 prohibits one handed whipping at any point in the race. Proposed new paragraph (c)3 restricts whipping to wrist action only and prohibits the use of the elbow or shoulder as the whipping arm cannot be raised above the driver's shoulder height. Proposed new paragraph (c)4 prohibits a driver from moving the whipping arm in an exaggerated manner and requires a driver to keep the lines reasonably taut at all times during the race. Proposed new paragraph (c)5 prohibits the driver from striking, jabbing, or using the handle of the whip on a horse. Proposed new paragraph (c)6 prohibits the driver from striking any other horse or driver with the whip or using the whip in a manner that interferes with, or causes disturbance to, another horse or driver.

Proposed new N.J.A.C. 13:71-20.15(d) restricts the specific locations where the whip may be used. Proposed new paragraph (d)1 prohibits the use of the whip below the level of the arch or shaft, forward of the sulky's wheels. Proposed new paragraph (d)2 permits drivers to use the whip only in a sliding, gliding, or tapping manner above the level of the shaft. Proposed new paragraph (d)3 prohibits drivers from placing the whip between the horse's legs during a race.

Proposed new N.J.A.C. 13:71-20.15(e) requires that there be a visual inspection of each horse following each race for evidence of injury or excessive or brutal use of the whip.

As the Commission has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirements pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed amendments will have the positive social impact of protecting the State's equine athletes and reassuring the public that equine welfare is a priority in this State. By restricting the use of whips in harness racing, the Commission is acting to ensure the health, safety, and welfare of New Jersey racehorses and responding to the current, negative public perception of forcefully whipping a horse.

Economic Impact

The only economic impact the proposed amendments may have on the industry will involve the purchase of new whips by any drivers. This impact is de minimus, as the cost of a whip is minimal.

Federal Standards Statement

A Federal standards analysis is not required as there are no Federal standards or laws applicable to the proposed amendments. The Commission proposes the amendments pursuant to the rulemaking authority set forth at N.J.S.A. 5:5-30. Accordingly, no further analysis is required.

Jobs Impact

The proposed amendments will have no impact on jobs in New Jersey. Accordingly, no further analysis is required.

Agriculture Industry Impact

The proposed amendments will have no impact on the agricultural industry in the State of New Jersey. Accordingly, no further analysis is required.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required as the proposed amendments will have no impact on the reporting, recordkeeping, or compliance requirements of small businesses, as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

Housing Affordability Impact Analysis

The proposed amendments will have no impact on housing affordability and is unlikely to evoke a change in average costs associated with housing in the State of New Jersey because the proposed amendments concern restricting the use of whips in harness racing. Accordingly, no further analysis is required.

Smart Growth Development Impact Analysis

The proposed amendments will have no impact on smart growth and it is extremely unlikely to evoke a change in housing production in Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan in the State of New Jersey because the proposed amendments concern restricting the use of whips in harness racing. Accordingly, no further analysis is required.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Commission has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 20. RULES OF RACING

13:71-20.14 Whips

Drivers will be allowed whips not to exceed four feet[, eight inches,] plus a snapper not longer than [eight] **six inches. No leather or unusual materials may be used. The conventional snapper shall not be knotted or altered in any way and tape is permitted only on the handle of the whip. All other modifications of the whip are prohibited.**

13:71-20.15 [Use] **Restricted use of whip and prohibition of goading devices**[, and so forth]

(a) [The possession] **No person shall possess or use [of] a goading device, chain, or mechanical devices or appliances, other than the ordinary whip, as permitted at N.J.A.C. 13:71-20.14,** upon any horse [in any race shall constitute a violation of this rule] **while in a race, training, or at any other time on property subject to the Commission's jurisdiction.** The brutal use of a whip or blunt spur, kicking a horse with a foot, striking a horse with the whip under the seat of the sulky, or indiscriminate use of a whip [may] **shall** be considered a violation.

(b) **The whip cannot be used on a horse in an excessive, indiscriminate, brutal, or unnecessary manner, as determined in the discretion of the judges, including, without limitation, that the driver shall not:**

1. **Cause an injury, visible or not, to the horse with the whip;**
2. **Use the whip more than three times in succession without giving the horse time to respond to the whip;**
3. **Repetitively use the whip when a horse is not responding;**
4. **Continue to use the whip when a horse is not advancing its position in the race;**
5. **Use the whip on a horse that is out of contention; or**
6. **Use the whip after the finish of a race.**

(c) **A driver may use a whip only in a conventional manner, as follows:**

1. **The driver must keep a line in each hand, except as may be necessary to adjust equipment (that is, pulling plugs, dropping blinkers) beginning when the horse is behind the starting gate and continuing through the finish of the race;**

- 2. One handed whipping is prohibited at any time during the race;
 - 3. Whipping shall be restricted to wrist action only and the whipping arm shall not be raised above the driver's shoulder height;
 - 4. Drivers shall not move their whipping arm in an exaggerated manner and the lines shall remain reasonably taut during the race;
 - 5. The driver shall not strike, jab, or use the handle of the whip on a horse; and
 - 6. The driver shall not strike another horse or driver with the whip or use the whip in a manner that interferes with, or causes disturbance to, another horse or driver.
- (d) The location where the whip is used is limited as follows:
- 1. The driver shall not use the whip below the level of the arch or shaft, or forward of the race bike's wheels;
 - 2. Above the level of the shaft, the driver may use the whip only in a sliding, gliding, or tapping manner; and
 - 3. The driver shall not place the whip between a horse's legs.
- (e) Under the supervision of the judges, there shall be a visual inspection of each horse following each race for evidence of excessive or brutal use of the whip.

PUBLIC UTILITIES

(a)

BOARD OF PUBLIC UTILITIES

All Utilities

Utility Service for Life Sustaining Equipment

Proposed Amendments: N.J.A.C. 14:3-1.1, 3A.2, and 3A.4

Authorized By: The New Jersey Board of Public Utilities, Joseph L. Fiordaliso, President, Mary-Anna Holden, Dianne Solomon, Upendra J. Chivukula, and Robert M. Gordon, Commissioners.

Authority: N.J.S.A. 48:2-1 et seq., in particular 48:2-13, 48:3-51, and 48:3-87; and P.L. 2019, c. 154.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

BPU Docket Number: AX19060729.

Proposal Number: PRN 2019-157.

Comments may be submitted through January 31, 2020, by email in **Microsoft Word format**, or in a format that can be easily converted to Word, to: rule.comments@bpu.nj.gov, or on paper to:

Aida Camacho-Welch, Secretary
New Jersey Board of Public Utilities
ATTN: BPU Docket Number: AX19060729
44 S. Clinton Ave.
PO Box 350
Trenton, NJ 08625-0350

The agency proposal follows:

Summary

The Board of Public Utilities ("BPU" or "Board") is proposing amendments at N.J.A.C. 14:3-1.1, 3A.2 and 3A.4, to provide greater clarity that all utilities regulated by the Board are prohibited from discontinuing service to customers using life-sustaining equipment upon the utility receiving proper verification that life-sustaining equipment is in use in the customer's residential premises. In addition, the proposed amendments broaden the requirements for restoring service when an unknown account or master meter is disconnected and a medical emergency exists.

Governor Murphy signed Linda's Law, P.L. 2019, c. 154, which strengthened the procedural requirements before a utility can cease providing service to a customer who needs electricity to support life-sustaining equipment on which he or she is dependent. Among other things, Linda's Law: increases the period of time before service can be discontinued for nonpayment from 60 days to 90 days; directs utilities to seek information from customers about the presence of critical equipment

quarterly, rather than semi-annually; and expands the number of medical professionals who can provide a statement verifying that the loss of electrical power to the equipment will aggravate the customer's condition.

These proposed amendments implement process improvements that the Board has determined are necessary based on Board staff's experience in applying the rules.

N.J.A.C. 14:3-1.1 is proposed for amendment to set forth definitions for "unknown accounts" and "licensed medical professional."

N.J.A.C. 14:3-3A.2(i) is proposed for amendment to increase the residential service discontinuance period from 60 days to 90 days initially. N.J.A.C. 14:3-3A.2(i)2 is proposed for amendment to broaden the scope of permissible authors of the required written statement by replacing "physician" with "licensed medical professional." Additionally, paragraph (i)3 is proposed for deletion because the Board had determined that once a licensed medical professional has certified to a medical emergency, it will not require recertification.

N.J.A.C. 14:3-3A.2(j) is proposed for amendment to change the requirement of producing a "physician's note," to require a document from a licensed medical professional and increases the residential service discontinuance period from 60 days to 90 days initially.

Proposed new N.J.A.C. 14:3-3A.2(k) broadens the requirements for restoring service when an unknown account is disconnected and a medical emergency exists.

Proposed new N.J.A.C. 14:3-3A.2(l) broadens the requirements of restoring service when a master meter is disconnected, and a medical emergency exists.

N.J.A.C. 14:3-3A.4(d) is proposed for amendment to change the requirement that electric and gas utilities solicit information from their customers about the presence of life-sustaining equipment from a semi-annual basis to a quarterly basis, at a minimum.

N.J.A.C. 14:3-3A.4(e) sets forth the requirement that all utilities shall develop customer outreach plans.

The Board has provided a 60-day comment period on this notice of proposal. Accordingly, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed amendments will have a positive social impact on the State's ratepayers because they will help ensure that residential customers are further protected from discontinuance of service when an emergent medical situation exists within their residential premises.

Economic Impact

The proposed amendments are not anticipated to impact the New Jersey economy, or the economic interests of stakeholders. The focus of the proposed amendments is the discontinuance of residential service for nonpayment in cases if, and when, a medical emergency exists.

Federal Standards Statement

N.J.S.A. 52:14B-1 et seq. requires State agencies that adopt, readopt, or amend State rules exceeding any Federal standards or requirements to include in the rulemaking document a Federal standards analysis. A Federal standards analysis is not required because there are no Federal laws or standards applicable to the proposed amendments.

Jobs Impact

The proposed amendments are not anticipated to impact jobs in any manner. The subject of the proposed amendments is the discontinuance of residential service for nonpayment when, and if, a medical emergency exists.

Agriculture Industry Impact

The proposed amendments are not anticipated to have a significant impact upon the agricultural industry.

Regulatory Flexibility Statement

A small business, as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., is a business that has fewer than 100 full-time employees. The proposed amendments do not impose additional reporting, recordkeeping, or other compliance requirements on small businesses operating renewable electric generation facilities in New Jersey or in the rest of the PJM region because the proposed amendments implement and enforce the requirements in Linda's Law, which extends