



March 20, 2018

THOROUGHBRED DIRECTIVE NO. 1 – 2018 – Outcome of Working Group Consultations

Preamble

WHEREAS the Alcohol and Gaming Commission of Ontario has spent the past year undertaking extensive stakeholder engagement, including consultations with the Officiating Working Group, the Equine Drug Working Group and the Health and Safety Working Group;

AND WHEREAS the consultations resulted in recommendations and favorable support in the Thoroughbred industry for numerous rule revisions;

AND WHEREAS the Alcohol and Gaming Commission of Ontario has also taken this opportunity to reflect the current state of industry practice by removing rules which are no longer in use;

TAKE NOTICE that the Registrar hereby orders the *Rules of Thoroughbred Racing 2016* be amended as follows effective April 21, 2018:

Chapter 1 PRELIMINARY

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~~1.02.2 The Daily Racing Form shall be the official periodical for announcements and publications of the Commission. Deleted.~~

1.02.3 Any ruling of the Registrar, the Stewards or other racing officials may be published in the Daily Racing Form as soon as the person or persons affected by such ruling have been notified either directly or by mail.

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Chapter 2 DEFINITIONS

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Claiming race is a race in which permits any horses starting may to be claimed (purchased for a designated amount) in conformance with the Rules.

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Chapter 4 LICENSING

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~~4.01.06 Unless an owner has a horse's registration papers on file with the Association, their licence shall be invalid and he/she shall on demand forfeit their licence to the Stewards and he/she shall not apply for another owner's licence or for the return of the forfeited owner's licence until he/she has a horse registered with the Association. Deleted.~~

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Chapter 6 ENTRIES AND SUBSCRIPTIONS

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6.11.03 No horse shall be allowed to enter or start in any race if the owner does not maintain a credit balance in his or her horseperson's account satisfactory to the Association.

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~~6.36 Any horses running in the same race for owners or trainers who have a direct or indirect association in the racing of thoroughbreds, which in the opinion of the Stewards could be construed as a conflict of interest, shall be coupled as an entry. Deleted.~~

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Chapter 7 DECLARATIONS AND SCRATCHES

~~7.01 No horse shall be considered scratched or declared out of an engagement until the owner or their trainer or their authorized agent has given due notice in writing, by facsimile or by telephone (which is recorded electronically by the race office) to the racing secretary before the time stipulated by the regulations of the Association. The scratching of part of an entry will be permitted until one hour before post time for the first race of the racing program in which the race is contained, except in races with an "Also Eligible List" it shall be permitted only until the published scratch time, where applicable, of the race concerned (except Rule 7.02.01). Deleted.~~

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Chapter 9 JOCKEYS

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~~9.22 Signed copies of all contracts or first calls between owners and jockeys or between trainers and jockeys (including apprentice jockeys) shall be filed by the owners or the trainers, as the case may be, with the Stewards forthwith. The Stewards, after they have recorded the details of the contracts, shall at once forward the signed copies to the Registrar. Likewise, when such contracts are terminated, signed copies of the agreements of termination shall be filed with the Stewards forthwith and the Stewards, after they have recorded the details of the agreements of termination shall at once forward the signed copies to the Registrar. Deleted.~~

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Chapter 11 FROM PADDOCK TO FINISH

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11.09.05 Any jockey against whom a foul is claimed shall be given the opportunity to appear before the Stewards at the reviewing of the video replays film and/or video tapes of the race in question, or at any other time agreeable to the Stewards, before any penalty is imposed by them.

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Chapter 15 MISCONDUCT, NEEDLES, SYRINGES AND SEARCHES

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15.04.01 Should the Official Chemist's report on urine, blood or other samples taken from a horse be positive, he/she shall immediately notify the Stewards or Registrar and this notification shall be taken as prima facie evidence of a positive test. He/she shall confirm such findings with the Commission, ~~by special delivery prepaid mail to the Registrar and presiding Steward.~~

~~**15.04.02.1** When the Registrar or the Stewards receive notification from the Official Chemist that an official sample has been found positive, he/she or they shall, as soon as may be possible, summon the trainer and such security officers of the Racing Association as they may choose to assist and inform them that a positive test has occurred.~~

15.04.02.1 Upon being advised of the positive test the Commission shall notify the trainer or his or her responsible representative as expeditiously as possible.

~~**15.04.02.2** After the Stewards have informed the trainer, or his or her responsible representative of such positive test, a Commission Representative or the Stewards shall direct the security officers and a Commission Veterinarian or Official Veterinarian to accompany the trainer or his or her responsible representative, to the stable and, subject to the *Horse Racing Licence Act, 2015*, conduct a thorough inspection of the trainer's barn, automobile or any other vehicles associated with the trainer or that he or she may have in his or her possession or under his or her control. Security Officers shall ensure that such vehicles and personal property as they may deem necessary, remain on the backstretch until the barn inspection is complete. The Stewards or other delegate shall continue the review and/or collecting of information from all persons concerned.~~

15.04.02.2 Once the Commission has notified the trainer or his or her responsible representative pursuant to Rule 15.04.02.1, the Stewards or Administration may:

- (i) inform the trainer that he/she will be permitted to continue with his or her business as trainer,
- (ii) inform the trainer that he/she has been suspended and that none of the horses in his or her custody or under his or her care and control shall be allowed to start until

- the matter is considered and disposed of or until the horses have been turned over to another trainer or trainers approved by the Stewards,
- (iii) place conditions on the trainer's license,
 - (iv) determine the eligibility of the horse.

~~15.04.02.3~~ In addition to conducting the above review into a positive test, the Stewards will inform the trainer of the horse having the positive test that pursuant to Rule 15.06.01:

- ~~(a) he/she is responsible for the condition of the horse, and~~
- ~~(b) either that~~
 - ~~(i) the stewards are still reviewing the matter or~~
 - ~~(ii) are now prepared to hear the evidence relating to the positive test.~~

~~In the event that either the Stewards or trainer are not prepared to proceed forthwith, the Stewards shall then:~~

- ~~(a) fix a date and a place when the allegation will be considered and disposed of;~~
- ~~(b) inform the trainer that until that time,~~
 - ~~(i) he/she will be permitted to continue with his or her business as trainer, or~~
 - ~~(ii) that he/she has been suspended and that none of the horses in his or her custody or under his or her care and control shall be allowed to start until the matter is considered and disposed of or until the horses have been turned over to another trainer or trainers approved by the Stewards. Deleted.~~

~~15.04.02.4~~ For the purposes of rule 15.04.02.1, 15.04.02.2 and 15.04.02.3, in the absence of the trainer or if said trainer refuses to cooperate he or she may be represented by his or her authorized representative or other qualified employee or an officer, director or employee of the HBPA as requested by the Stewards. Notwithstanding the lack of availability of any or all of the above noted persons, the barn search shall continue in their absence. Deleted.

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~~15.04.02.6~~ The Commission shall inform the owner and the Racing Association concerned, as expeditiously as possible, of their actions regarding the matter positive test.

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~~15.04.04~~ Any horse that tests positive in Ontario for any of the following shall be ineligible to race for a period of 90 days from the date of the identification of the horse with the positive test and will be placed on the Stewards' List in accordance with Rule 16.11.01:

- ~~(1) Class I;~~
- ~~(2) Class II;~~
- ~~(3) Class III;~~
- ~~(4) TCO2;~~
- ~~(5) Substance determined to be non-therapeutic.~~

~~Any person who violates this rule shall be subject to a monetary penalty and/or suspension. Deleted.~~

~~15.04.05~~ Any horse that obtains a positive test from a jurisdiction outside Ontario for any of the following shall be ineligible to race in Ontario for a period of 90 days from the date of the identification of the horse with the positive test:

- ~~(1) Class I;~~
- ~~(2) Class II;~~
- ~~(3) Class III;~~
- ~~(4) TCO2;~~

~~(5) Substance determined to be non-therapeutic. Deleted.~~

~~15.04.06 Rule 15.04.04 and Rule 15.04.05 shall be absolute liability violations. Deleted.~~

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~~15.37 The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy shall not be permitted on any racehorse unless the following conditions are met:~~

- ~~(a) the treatment took place a minimum of 4 days (96 hours) prior to competing in a race;~~
- ~~(b) the treatment using the Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machine was conducted by a veterinarian licensed by the Commission as a veterinarian;~~
- ~~(c) any treatment received while on the grounds of the Association was through the use of an Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machine owned and operated by a veterinarian licensed by the Registrar; and~~
- ~~(d) a record of treatment, including the date and time, is maintained as part of the record of the horse.~~

~~15.37 No person, other than a veterinarian licensed by the Commission, shall have or use of Extracorporeal Shock Wave Therapy, Radial Pulse Wave Therapy on any racehorse and the following conditions of use must be met:~~

- ~~(a) be used only for a valid diagnostic or therapeutic treatment or procedure;~~
- ~~(b) no treatment or procedure is allowed within 4 days (96 hours) prior to competing in a race; and~~
- ~~(c) any treatment or procedure must be recorded, including the date and time, and maintained as part of the record of the horse.~~

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~~15.39 No person, other than a veterinarian licensed by the Commission, shall have or use a Blood Gas Machine on any racehorse and the following conditions of use must be met:~~

- ~~(a) be used only for a valid diagnostic procedure; and~~
- ~~(b) any treatment or procedure must be recorded, including the date and time, and maintained as part of the record of the horse.~~

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Chapter 16 STEWARDS

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16.11 The Stewards or Administration may place the name of any horse on the Stewards' List for any reason they may deem to be proper. During the time a horse's name is on such list, it shall not race, nor shall it be entered in any race, except that it may be nominated in a stakes race. Only the Stewards or Administration shall remove a horse's name from the Stewards' List.

~~16.11.01 Any horse that tests positive for any of the following shall be remain on the Stewards' List for a period of 90 days from the date of the identification of the horse with the positive test:~~

- ~~(1) Class I;~~
- ~~(2) Class II;~~
- ~~(3) Class III;~~
- ~~(4) TCO2;~~
- ~~(5) Substance determined to be non-therapeutic. Deleted.~~

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CHAPTER 37 – TCO2 TESTING PROGRAM

37.01 An excess level of total carbon dioxide (TCO2) in a race horse is deemed to be adverse to the best interests of horse racing, and adverse to the best interests of the horse in that such condition alters its normal physiological state. Accordingly, a person designated by an approved TCO2 laboratory may, subject to the Horse Racing Licence Act, 2015, obtain venous blood samples from the jugular vein of a horse for the purpose of the testing of said samples by that laboratory for TCO2 levels as outlined in Rule 37.06. Where the TCO2 level, based upon such testing, equals or exceeds the following levels, the Stewards or Administration shall order the relief authorized pursuant to Rule 37.07:

- (a) Thirty-seven (37) or more millimoles per litre of blood for horses not competing on furosemide; or
- (b) Thirty-nine (39) or more millimoles per litre for those horses competing on furosemide at a track where the EIPH Program is offered.

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37.06 Testing Procedures

All horses that race are eligible to be selected by the Stewards for blood gas testing. The entry of a horse shall constitute permission for a person designated by the approved TCO2 laboratory to obtain blood samples. To the extent that it is feasible, the owner, trainer or other person responsible for the horse will be given notice that the horse is to be tested and may be present when the blood sample is taken. Refusal by an owner, trainer or other person responsible for the horse to attend the taking of the sample will not affect the validity of the test. Any owner, trainer or other person responsible for the horse who refuses or fails to permit the taking of a sample from a horse shall have all applicable horses scratched by the Stewards or Administration. Such refusal shall be deemed an admission of a violation of Rule 37.01 empowering the Stewards or Administration to take any necessary action in accordance with the Rules. ~~to review the matter whereby the penalties contemplated by 22-38-06 may be imposed.~~ It shall be the responsibility of the trainer of a horse selected for post-race testing to see that the horse is taken directly to the testing barn or retention area immediately after being notified of the horse's selection for testing.

Commission Stewards will select the horses to be tested and advise the approved TCO2 laboratory personnel accordingly. Commission Stewards may also instruct the approved TCO2 laboratory personnel to collect samples from every horse in selected races. The approved TCO2 laboratory is responsible for:

- (a) collecting blood samples, by an authorized person (veterinarian or RVT - Registered Veterinary Technician, or other person approved by the Registrar) from each selected horse into two plasma separator tubes;
- (b) collecting the samples within approximately 20 minutes immediately preceding the start of the race in which the selected horse is entered, or as directed by a Commission Judge. The Commission Stewards may also direct the collection of the sample from a selected horse at least 90 minutes after a race in a secured area designated by the Stewards;
- (c) ensuring that the samples are centrifuged within approximately 20 minutes of collection and kept under refrigerated conditions until shipped;
- (d) shipping the samples to the laboratory in an insulated container;
- (e) analysing samples for TCO₂ using a Beckman Synchron EL-ISE;
- (f) analysing samples within 48 hours, or up to a maximum of 96 hours in exceptional circumstances, of collection and reporting all results to the Commission and the Canadian Pari-Mutuel Agency.

37.07 Penalties

Where the TCO₂ level in a horse is determined to equal or exceed the levels set forth in Rule 37.01 above, the Stewards or Administration shall assess penalties in accordance with Policy Directive: Guidelines – Penalties for Equine Drug, TCO₂ and Non-Therapeutic Drug Violations.

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BY ORDER OF THE REGISTRAR



Jean Major
Registrar