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Notice to the Industry

ORC seeks comment on proposed rule changes

At its meeting on June 29, 2011, the Board of the Ontario Racing Commission (ORC) considered a number of proposed rule changes affecting the Rules of Racing in Ontario. Prior to approving directives for change, the ORC is seeking public input on the proposals.

To be considered, comments or submissions on the proposed changes must be received by November 10, 2011, by mail, fax or email at inquiry@ontarioracingcommission.ca.

The specific rules as both current and proposed are detailed in attached appendices, but in summary are as follows:

1. Search and Seizure Rule

(SB 37.09 and TB 39.09)

This rule is identical across all breeds, except for rule number and breed reference.

The words “acting on reasonable and probable grounds” would be changed to “acting upon reasonable grounds that the business of horse racing in any or all of its forms is taking place”. A complete version of the current and proposed rule follows.

The Purpose of the change is to provide more specificity on what the designate of the Director must have reasonable grounds to believe. The amendments establish more clearly the authority granted to designated investigators including the authority to conduct inspections.

See Appendix A

2. Attempt and Intent Rule

(SB 6.46.1 and TB 15.31.01)

This rule is identical across all breeds, except for rule and breed references.

The primary change to the rule is to expand “possess or use” to “possess, administer, traffic, or attempt to possess, administer or traffic”. A complete version of the current and proposed rule follows.

The purpose of this change is to strengthen existing ORC Rules surrounding the

proper possession and sale of legitimate drugs, substances and medications, and lastly, discourage irresponsible production and/or trafficking of illegal performance enhancing drugs. In addition, the ORC proposes changes to address misrepresented, unlabelled and unknown drugs as well as improving some of the clumsy wording which existed.

See Appendix B

3. Safety Reins/Lines

(Chapter 2 Definitions, SB 26.12.01 and TB 29.04.01)

This rule is identical across all breeds, except for rule and breed references.

Safety reins/lines were approved as a requirement in 2008 but the rule was not made effective pending development of standards. A Safety Reins/Lines Pilot Program was put in place which provided manufacturers with opportunities to trial their products with horsepeople. With a number of new varieties of lines now commercially available, the Board is pleased with the improved options now available to participants. Unfortunately, standards for safety reins/lines satisfactory to the Ontario market are still unavailable, making implementation of the requirement problematic. The Board will review the issue in the future when and if standards come into place, but until then, the rule will be changed from a requirement to a best practice.

Additionally, it is proposed to change the definition of safety reins/lines in order to accommodate the varied solutions developed by the industry to increase safety.

See Appendix C

4. Standards for Thoroughbred safety helmets and safety vests

(TB Rule 9.05.01 and 14.02)

A number of standards are now accepted for helmets used for race riding and training, applicable for Thoroughbred Racing. Currently the Thoroughbred Rule only references “a safety helmet ... approved and developed for race riding and training” and does not provide any guidance on what is approved.

A proposed rule change is being considered to adopt the applicable Thoroughbred Model Rule as revised by the Racing Commissioners International.

See Appendix D

APPENDIX A

Search and Seizure Rule
(SB 37.09 and TB 39.09)

OUT OF COMPETITION PROGRAM

Current Rule Owners and/or trainers of horses shall allow a person designated by the Director, acting upon reasonable and probable grounds, access at any time, whether on or off the grounds of a racing association, to the following:

- a) stabling areas;
- b) training areas; and/or
- c) trailers used for the transportation of horses and vehicles.

Access shall be granted for the purposes of:

- a) conducting unannounced random searches for illegal or non-therapeutic medications or drugs, including any drug, substance, article or medication listed in Rule 6.46.01, or other device described in the rules; and/or
- b) seizing any suspected illegal or non-therapeutic medication or drugs, including any drug, substance, article or medication listed in Rule 6.46.01, or other device described in the rules. Any medication, drug, substance, article or device seized may be forwarded by the Commission to the official chemist for analysis.

For the purposes of Rule 37.09, a horse shall be deemed to be:

- a) a horse that has raced in the past 60 days or is within 60 days of racing and/or qualifying;
- b) a horse qualified to race in Ontario;
- c) a horse entered to race in Ontario; and/or
- d) a registered standardbred horse.

Proposed NEW Rule 37.09 Owners and/or trainers of horses shall allow a person designated by the Director **acting upon reasonable grounds that the business of horse racing in any or all of its forms is taking place**, access at any **reasonable** time, whether on or off the grounds of a racing association, to the following:

- a) stabling areas;
- b) training areas; and/or
- c) **vehicles and/or trailers** used for the transportation of horses **or the business of horseracing**.

Access shall be granted for the purposes of:

- a) conducting unannounced random **inspections** for illegal or non-therapeutic medications or drugs, including any drug, substance, article or medication listed in Rule 6.46.01, or other device described in the rules; and/or
- b) seizing any suspected illegal or non-therapeutic medication or drugs, including any drug, substance, article or medication listed in Rule 6.46.01, or other device described in the rules. Any medication, drug, substance, article or device seized may be forwarded by the Commission **for analysis to a lab or its choice**.

For the purposes of Rule 37.09, a horse shall be deemed to be:

- a) a horse that has raced in the past 60 days or is within 60 days of racing and/or workout;

- b) a horse qualified to race in Ontario;
- c) a horse entered to race in Ontario; and/or
- d) a registered standardbred horse.

APPENDIX B

Attempt and Intent Rule
(SB 6.46.1 and TB 15.31.01)

VIOLATIONS, FINES, SUSPENSIONS AND EXPULSIONS

Current Rule No person shall possess or use a drug, substance or medication on a horse:

- (a) which would not result in the issuance of a certificate of a positive analysis of an official sample for purposes of section 165 of the Pari-Mutuel Supervision Regulations,
- (b) which has not been labeled for veterinary use under the Food and Drug Regulations or, if labeled for human use under the Food and Drug Regulations, has not been prescribed by a veterinarian after conducting an examination of the horse and determining that the drug, substance or medication is medically required by the horse and the drug, substance or medication is used only for that horse in accordance with the prescription issued by the veterinarian,
- (c) which may endanger the health and welfare of the horse or endanger the safety of a driver;
- (d) which may adversely affect the integrity of racing, or
- (e) which is listed hereafter:
 - (i) Erythropoietin or any of its synthetic derivatives; or
 - (ii) Any synthetic hemoglobin like substances

Notwithstanding (a) and (b), a veterinarian may possess the drug, substance or medication other than erythropoietin, or any of its synthetic derivatives or any synthetic hemoglobin like substances if the possession is in the ordinary course of the practice of veterinary medicine for purposes of prescribing or administering the drug, substance or medication for the treatment of a horse.

Notwithstanding (a) and (b), a person licensed as a trainer, owner, or groom may possess or use a drug, substance or medication on a horse that is on a list established by the Director provided that such possession or use is not otherwise contrary to the Rules, the Food and Drugs Act and its regulations, the Pari-Mutuel Betting Supervision Regulations, the Livestock Medicines Act, C.D.A. and its regulations, the Health Disciplines Act and its regulations, the Veterinarians Act and its regulations, or any conditions to the possession and use imposed by the Director.

Proposed NEW Rule **A person shall not possess, administer, traffic, or attempt to possess, administer, or traffic, in a drug, substance or medication, or anything held out to be a drug, substance or medication, for a horse:**

- (a) for which an official chemist shall classify an official sample as positive and issue a certificate of positive analysis in accordance with section 165 of the *Pari-Mutuel Betting Supervision Regulations (SOR/91-365)*, and/or**
- (b) which has not been labeled for veterinary use under the *Food and Drug Regulations* or, if labeled for human use under the *Food and Drug Regulations*, has not been prescribed by a veterinarian after conducting an examination of the horse and determining that the drug, substance or medication is medically required by the horse and the drug, substance or medication is used only for that horse in accordance with the prescription issued by the veterinarian, **and/or**
- (c) which may endanger the health and welfare of the horse or endanger the safety of a driver, **and/or**
- (d) which is not labeled, or accurately labeled, with the contained drug, substance, medication, or active ingredient, and/or**
- (e) which may adversely affect the integrity of racing, and/or**
- (f) which is listed hereafter:**
 - (i) Erythropoietin or any of its synthetic derivatives; or**
 - (ii) Any synthetic hemoglobin like substances.**

For the purposes of this section, trafficking includes, but is not limited to, keep for sale, deliver, manufacture, sell, transport, distribute, give, import, and/or export.

Notwithstanding (a) and (b), a veterinarian may possess the drug, substance or medication other than erythropoietin, or any of its synthetic derivatives or any synthetic hemoglobin like substances if the possession is in the ordinary course of the practice of veterinary medicine for purposes of prescribing or administering the drug, substance or medication for the treatment of a horse.

Notwithstanding (a) and (b), a person licensed as a trainer, owner, or groom may possess or use a drug, substance or medication **for** a horse that is on a list of established by the Director provided that such possession or use is not otherwise contrary to the Rules, the *Food and Drugs Act* and its regulations, the *Pari-Mutuel Betting Supervision Regulations*, the *Livestock Medicines Act, C.D.S.A.* and its regulations, the *Health Disciplines Act* and its regulations, the *Veterinarians Act* and its regulations, or any conditions to the possession and use imposed by the Director.

APPENDIX C

Safety Reins/Lines

(Chapter 2 Definitions, SB 26.12.01 and TB 29.04.01)

Current Standardbred Definition: Safety line means a line that is originally constructed during manufacture to prevent failure due to breakage of the line, or breakage or inadvertent loss of the primary connection to the bit, to include a redundant attachment to the bit.

Current Thoroughbred Definition Safety rein means a rein that is originally constructed during manufacture to prevent failure due to breakage of the line, or breakage or inadvertent loss of the primary connection to the bit, to include a redundant attachment to the bit and reinforcement back through to the end of the grips.

Proposed New Definition Safety line means a line that is constructed to prevent failure due to breakage of the line, or breakage or inadvertent loss of the primary connection to the bit.

Current Rule A trainer shall be responsible to ensure that all horses under his/her care and control, while training or racing on Association grounds are properly equipped with *safety reins/lines*. Failure to do so will result in a fine and/or suspension.

Proposed NEW Rule A trainer shall be responsible to ensure that all horses under his/her care and control, while training or racing on Association grounds are properly equipped, **which may include the use of *safety reins/lines***.

APPENDIX D

Standards for Thoroughbred safety helmets and safety vests (TB Rule 9.05.01 and 14.02)

Current rule 9.05.01 All riders shall be dressed in clean jockey costume, cap and jacket of silk, satin or waterproof material and stock tie, white or light breeches and top boots. In all races, Jockey shall wear safety helmets and safety vests of a type approved by the Commission.

New Rule 9.05.01 All riders shall be dressed in clean jockey costume, cap and jacket of silk, satin or waterproof material and stock tie, white or light breeches and top boots. In all races, Jockeys shall wear safety helmets and safety vests **as prescribed in Rule 14.02.02. The licensee is responsible for ensuring that his/her helmet and safety vest meets the safety standards.**

Current Rule 14.02 Only properly commission licensed personal shall be mounted on a horse or pony on the Association Grounds and he/she must wear a safety helmet and safety vest approved and developed for race riding and training.

New Rule 14.02.01 Only properly Commission licensed participants shall be mounted on a horse or pony on the Association grounds, and such participant is required to wear properly affixed and secured helmets and safety vests, as prescribed by Rule 14.02.02. The licensee is responsible for ensuring that his/her helmet and safety vest meets the safety standards.

New Rule 14.02.02 Where it is required under the rules, only helmets meeting the following standards shall be used:

1. American Society for Testing and Materials (ASTM 1163);
2. UK Standards (EN-1384 and PAS-015); or,
3. Australian/New Zealand Standard (AS/NZ 3838).

Where it is required under the rules, only safety vests meeting the following standards shall be used:

1. British Equestrian Trade Association (BETA:2000 Level 1);
2. Euro Norm (EN 13158:2000 Level 1);
3. American Society for Testing and Materials (ASTM F2681-08);
4. Shoe and Allied Trade Research Association (SATRA Jockey Vest Document M6 Issue 3); or,
5. Australian Racing Board (ARB Standard 1.1998).