

Ontario
Racing
Commission

Commission
des courses
de l'Ontario

Suite 400
10 Carlson Court
Toronto, Ontario
M9W 6L2
Tel 416 213-0520
Fax 416 213-7827

Bureau 400
10 Carlson Court
Toronto (Ontario)
M9W 6L2
Tél 416 213-0520
Téléc 416 213-7827



March 25, 2009

Notice to the Industry

Rule Changes issued by ORC

The Board of the Ontario Racing Commission (ORC), having received proposed new rules of racing through the Rules Amendment Process, has approved a number of new rules for horse racing in Ontario.

The Rule Amendment Process begins in September of each year when industry participants submit proposed changes to the Rules of Racing. In the fall of 2008 Working Groups, made up of representatives from the industry, met to discuss the proposed changes and made recommendations. The proposed changes and the recommendations from the Working Group were circulated to the industry for comment. Public input was received during January 2009, and the proposed rules and the input were considered by the Board of the ORC in late February.

As can be viewed below and as was apparent through the input process and the activities of the working groups, there were many people who took their time to be involved. The ORC would like to thank all those individuals and associations who contributed to the Process.

Please be advised that any rules or rule changes can be viewed on a go forward basis by accessing the ORC website at www.ontarioracingcommission.ca.

The following Directives were issued and should be referenced:

Standardbred Directive 2 – 2009
Thoroughbred Directive 2 – 2009

Any rule changes proposed related to the use of the whip were deferred to the Use of the Whip Working Groups for consideration under that initiative.

While the **Standardbred Rule Book** was reprinted in 2008 and will not be reprinted at this time to include the new rules, an updated version will be available at the ORC website in the near future. Additionally, the updated **Thoroughbred Rule Book** will be available at the website, and the new rules will be published as the Thoroughbred Rules of Racing, 2009 by late spring.

This document provides a summary of all rule change proposals received by the Ontario Racing Commission under the 2009 Rules Amendment Process, and is organized as follows:

| | |
|---------------------|---------------------|
| Standardbred Racing | Pages 2 through 10 |
| Thoroughbred Racing | Pages 11 through 20 |

RULE CHANGES COVERING STANDARDBRED RACING

Proposal SB 01

Description: Require all racetracks to use E-Photo for their photo finish
Decision: Not Approved
Reasons: This is considered to be an item better addressed as a potential licensing requirement.

Proposal SB 02

Description: Rule 11.01 (Proposed change in bold)
A horse shall not be eligible to be declared in to race at any raceway unless:
(h) the horse has not been denerved by any method above its pastern.
The decision at any given time whether the horse has been denerved shall be the commission Veterinarian's or the Official Veterinarian's.
Standardbred Canada must be officially notified in writing by the owner or trainer when a horse is denerved.
Decision: Referred back for more work
Reasons: This proposal has been referred back to the Administration with a requirement for more work, to involve the veterinary community and the Rules Working Group to determine an appropriate course of action.

Proposal SB 03

Description: Rule 12.02 (Proposed change in bold)
(f) Random testing for the purpose of determining the presence of any prohibited medications under the Pari-Mutuel Betting Supervision Regulations of the Criminal Code, will take place whenever qualifying races are scheduled.
Decision: Not Approved
Reasons: Rule 9.03 currently is in place to provide the Judges with the authority to order testing if required. It was additionally noted that the drug testing program in Canada falls under the jurisdiction of the Canadian Pari-Mutuel Agency and a decision to expand the program comes under their jurisdiction.

Proposal SB 04

Description: Rule 12.09 (Proposed change in bold)
A horse making a break in or off a qualifying, matinee or schooling race must qualify again unless the break was an equipment break or a break caused by interference, ~~or unless the horse is declaring into an Ontario Sires Stakes or other added money event.~~
Decision: Not Approved
Reasons: The Board has instructed the Administration to continue monitoring this situation and encourages continued dialogue with the industry to seek ways to improve.

Proposal SB 05

Description: Proposal to add a penalty for the violation of the Rule 15.09.
A claimed horse, regardless of ownership:
(a) shall race only at a track or tracks in the Province of Ontario for the next 60 days, except where such a horse had been nominated to participate in an added money event before it was claimed, or unless the track where the horse was claimed is closing for more than 30 days. If the track where the horse was claimed closes for more than 30 days, the horse is released from the requirements of 15.09 (a).

Decision: Not Approved

Reasons: When they are advised or made aware of an infraction, the Judges already have the authority and do issue a penalty for these violations.

Proposal SB 06

Description: Proposal to delete Rule 19.10, which lays out the requirements for the conduct of time trial performances.

Decision: Approved

Reasons: Time trials are not conducted in Ontario.

Proposal SB 07

Description: Rule 22.05.01 (Proposed change in bold)
A driver shall not commit any of the following acts which are considered violations of driving rules:
(k) Fail to set or maintain a pace comparable to the class in which he/she is racing considering the horses ability, track conditions, weather and circumstances confronted in the race. **For certainty, the driver of the horse leading the race must have a timed second quarter of the race within 3 seconds of the timed first quarter of the race.**

Decision: Not Approved

Reasons: Rules already exist in the rule book that provide the Judges with the authority to penalize for the occurrence of slow quarters. The Administration was directed to address this issue through training and enforcement.

Proposal SB 08

Description: Rule 22.23.03 (Proposed change in bold)
Upon receipt of a veterinarian's report specifying that a horse has been cut during or immediately after a race, the Judges shall hold a hearing to inquire into the matter. If after the hearing, the judges are satisfied that the cut was inflicted by the whip of the driver, they shall impose a suspension of not less than **30 days and a fine of not less than \$500.**

Decision: Deferred to the *Use of the Whip Initiative*

Reasons: The *Use of the Whip Initiative* is currently conducting a separate review of the rules regarding the use of the whip and acceptable urging of the horse and will be bringing separate recommendations to the Board for its consideration.

Proposal SB 09

| | |
|----------------|--|
| Description: | Rule 22.33 (Proposed change in bold) If, in their opinion, the Judges are unable to properly judge the running or finish of a race they may declare the race to be "No Contest". When a race has been declared "No Contest" by the Judges, all monies wagered on that race will be distributed in accordance with the provisions of the Pari-Mutuel Betting Supervision Regulations of the Criminal Code. Except as provided for in Rule 18.09, the purse will be divided equally among all of the horses that started in such race, excepting for any offending horse(s). The line for the race will be charted by the charter to the best of his/her ability to indicate the performance of each horse in the race and the charted line shall be used for the determination of preference dates or eligibility to any future race. In the event that the race that is declared "No Contest" is a claiming race the provisions of Chapter 15 of these rules are applicable, and notwithstanding a determination that the race is "No Contest", title to the horse shall be deemed to have passed to the claimant if the claimed horse is behind the gate when the field is released at the starting point by the starter. |
| Decision: | Not Approved |
| Other Actions: | Approved a change in policy on cancellation fees, to be re-issued as Policy Directive 1 – 2009, with the following change: A cancellation fee is defined as an amount paid to the owners of horses not scratched from races, where cancellation of a race or races has been approved by the Executive Director or the Judges due to weather, for races declared "no contest" , or other factors fully outside of the control of racetrack management. |
| Reasons: | This proposed rule change was not approved due to its impact for stakes races and higher value purse races. |

Proposal SB 10

| | |
|--------------|---|
| Description: | Rule 25.01 (Proposal to add in bold) A person shall not drive a horse in any race or performance against time, other than an exhibition race, without having first obtained a driver licence valid for the current year by meeting the standards as laid down by Standardbred Canada or the United States Trotting Association and being licensed by the Commission. The licenses shall be presented to the Judges prior to participating for the first time at any race meeting. Standardbred Canada's field representative shall notify the judges promptly, upon receipt of a licence renewal application, of any re-qualification requirement. |
| Decision: | Not Approved |
| Reasons: | Standardbred Canada has revised its processes and will now be issuing a notice to drivers in advance of their need to re-qualify. |

Proposal SB 11

| | |
|--------------|---|
| Description: | Rule 26.02.01 (Proposal to add in bold) |
|--------------|---|

A trainer shall be responsible at all times for the condition of all horses trained by him/her (*rule continued*)

Add to the end of rule:

In the event a horse is scratched due to this rule, the scratched horse will be added to the Short Term Veterinarians' List.

Decision: Referred back for more work

Reasons: While there is a perception in the industry that the ability scratch a horse for medicated in error is being used for other purposes and has resulted in this rule proposal, it was noted that the number occurrences as a percentage of total starts is very low. It was noted that there are over 15,000 races a year, involving a total of 150,000 different starts; in 2008 there were 137 cases of medicated in error, with less than 10 repeat offenders.

Proposal SB 12

Description: Rule 26.18 (Proposal to delete rule in entirety)

~~At the time of declaring a horse for entry, the trainer of the horse is responsible for ensuring that the person making the entry declares the name of the ORC licensed veterinarian who has primary care of that horse. Failure or refusal by a trainer to comply may result in the horse being made ineligible.~~

Decision: Approved

Reasons: It was recognized that this change does not affect the requirement to use an ORC licensed veterinarian. Compliance with using a licensed veterinarian can be checked at any time upon examination of medical records of both the veterinarians and the trainers. Additionally, it was recognized that there were some very real structural issues, and that before the requirement can be put in place, further dialogue needs to occur with the veterinarian community.

Proposal SB 13

Description: Rule 26.18 (Proposal to delete in bold)

Owners, lessors, lessees, or stable members of horses competing on the date of the race shall be entitled to admission to the paddock. ~~An owner once admitted to the paddock and having left, may only be re-admitted if he/she has a horse competing in a later race.~~

Decision: Approved

Reasons: The Board recognized that this rule was originally developed for 3 race paddocks, where an owner could visit their horse after the race by going back to the barns. This change recognizes the importance of providing the owners with access to their horses and the trainers and drivers. Participants are reminded that the Paddock falls under the control of the Paddock Judge who has full authority to remove participants if the situation warrants it.

Proposal SB 14

Description: Rule 32.03 (Proposal to delete in bold)
~~Once admitted to the paddock, drivers, trainers, grooms or horses in their care shall not leave the paddock other than to warm up the horses or until the races for which the horses were admitted are completed. In the event of an emergency, they may leave the paddock but only with the permission of the paddock judge, in which case a written record shall be made thereof.~~

Decision: Approved, in part

Other Action: Approved as follows:
Rule 32.03
Once admitted to the paddock, the horse shall not leave the restricted area, other than to warm up or until the races for which the horses were admitted are completed.

New definition under Chapter 2
Restricted Area means those areas of the racetrack property used for the purposes of conducting racing to which access is controlled, and includes, but is not limited to the paddock, stabling areas, and the racetrack.

Reasons: Similar to the rule change above, a change to Rule 32.03 has been approved to allow the owners, trainers and drivers more ability to move in and out of the paddock. The requirement that the horse does not leave the paddock, once admitted, remains.

Proposal SB 15

Description: Rule 32.04 (Proposal to delete rule in entirety)
~~No more than 2 owners of a registered stable, in addition to the trainer, driver and groom shall be entitled to admission to the paddock on any racing day, except by permission of the Judges.~~

Decision: Approved

Reasons: Owner access to the paddock is now covered by Rule 27.03.

Proposal SB 16

Description: New rule proposed
No participant shall transport, or cause a horse to be transported that is not fit for transport or is likely to become unfit during the journey, unless the transportation is directed by a veterinarian for the purposes of transporting the horse to receive veterinary treatment.

Decision: Not Approved

Reasons: It was determined that the Judges have the ability to sanction for inhumane treatment of a horse under existing Rule 6.22. The ORC Administration will be continuing its ongoing work with OMAFRA, SPCA, and the veterinarian community in this area of animal welfare.

Proposal SB 17

Description: New rule proposed
No driver shall at any point during the course of a race grab the tail of a horse for the purpose of advancement or any other reason.

Decision: Deferred to the *Use of the Whip Initiative*

Reasons: The *Use of the Whip Initiative* is currently conducting a separate review of the rules regarding the use of the whip and acceptable urging of the horse and will be bringing separate recommendations to the Board for its consideration.

Proposal SB 18

Description: New rule proposed
Trainers should have to create daily written ledgers of all work done on each horse, this ledger should include daily routines of their training regimen, maintenance programs, weekly weight reports, monthly blood count levels, the report should include daily dietary programs and any casual health treatment being done, as well all vet work.
This ledger can be pulled up prior to racing and disclosed to the public of any changes from weight, to blood levels and all vet work , it also can be used by all owners, ORC, or the Track Vet to measure the trainers care. The ledger shall follow the horse and be kept outside its stall, and in the paddock on race days to be reviewed by owners, ORC or track Vets. If the ledgers are not updated or not being followed as noted, the horse shall not be eligible to race.

Decision: Not Approved

Reasons: While the ORC agrees with the spirit of this rule submission and would encourage trainers to maintain this type of record keeping, these issues are best handled under the trainer/owner contract that is currently required by the rules.

Proposal SB 19

Description: New rule proposed
To have all Standardbred stake races, 2yr old, 3yr old and aged horse money added events, trot and pace alike that are contested for a purse equal to or greater than \$35,000.00 tested for Erythropoietin (EPO) or (DPO) or any other illegal performance enhancer, known or suspected by the Commission, in an "Out Of Competition" fashion, (14) fourteen days prior to the running of an elimination race. Blood to be drawn every 48 to 96 hours, with in a two hour window of the set time, at a predetermined central location.

Decision: Not Approved

Other action: The Board instructed the Administration to add random testing of horses that have entered or are eligible to added money events to the Out of Competition Program and to take steps to ensure that licensees are made aware of this new direction.

Reasons: The Board did not approve the proposed rule change given the resources required to implement and the number of horses nominated to events.

The Board did, however, approve that **random** testing of horses nominated to added money events be added to the Out of Competition Program. Under current policy, the Administration only conducts the Out of Competition Program for change of performance and probable cause.

Proposal SB 20

Description: New rule proposed
Any driver programmed to drive in a race shall attend at the race paddock stall assigned to the horse he or she is programmed to drive at least two (2) minutes prior to the commencement of the post parade for the race.

Decision: Approved

Reasons: While it is recognized that management of this requirement will fall to the Paddock Judge and that some allowances may have to be made for certain circumstances, this rule will act to improve safety, post parades and communication between drivers and trainer/owners.

Proposal SB 21

Description: New rule proposed to ensure that the purse payment to owners is paid out in 30 days, similar to drivers, trainers, and grooms (under Rule 18.11).

Decision: Approved

Other Action: New Rule 7.16.14
The Association shall ensure that purse monies won be distributed to the owners, drivers, trainers and grooms within 38 days of the race.
Exceptions included withholding for outcomes of appeal and by order of the Director.
Revised Rule 18.11
Where an agreement exists between a recognized **harness participants horsepeople's** association and a racing association, **the drivers', trainers' and/or grooms' earnings** may be deducted from the purse payable to owners ~~and paid to drivers trainers and/or grooms within 30 days~~. A copy of such agreement must be filed with the Commission.

Reasons: This was approved under a new rule under Chapter 7 dealing with purse account management, and was extended to 38 days to account for those purse account cheques which are issued on a monthly basis (31 days in a month plus one week to issue the cheque on an administrative basis). It was noted the results of an informal survey conducted of all of the racetracks indicated that all associations were issuing cheques within the 30 day timeframe.

Proposal SB 20

Description: New definitions proposed under Chapter 2
Ontario Sire means a stallion registered with the Horse Improvement Program Registry for the Northern Hemisphere breeding season.
Ontario Sired means a horse whose sire was an *Ontario Sire* in the horse's conception year.

Ontario Bred means a horse foaled in the Province of Ontario out of an Ontario Resident Mare.

Ontario Resident Mare means a mare, registered with the Horse Improvement Program Registry, foaling out in Ontario that has met all residency eligibility requirements for the birth year.

Ontario Sires Stakes (OSS) Eligible means a horse whose sire was an Ontario Sire in the horse's conception year and meets all other Ontario Sires Stakes Program eligibility requirements for the current year.

Horse Improvement Program means a suite of multi-breed Ontario racing and breeding incentive programs (including the Ontario Sires Stakes and the Mare Residency Program).

Decision: Approved

Reasons: These definitions should now be used for any stakes conditions, overnight conditions and any programs under the Horse Improvement Program.

Proposal SB 23

Description: New rule proposed to specifically allow the Judges to scratch a horse where it has been determined that horse was medicated in error.

Decision: Referred back for more work

Reasons: Medicated in error is a term that is used for those circumstances where a horse has been given a therapeutic medication in error, such as feed tubs being given to the wrong horse or administering a therapeutic medication too close to race time, which might result in a positive test. It is noted that these medications are permitted for the treatment of ailments but not allowed to be in the system at race time. A new rule does not change the current practice, but allows the Judges to scratch the horse under a specific new rule, instead of under Rule 26.02.01.

Proposal SB 24

Description: New rule proposed

17.10.01 If more than the required number of horses are declared:

(i) Preference will be given to Ontario owned and/or trained horses with a minimum of six clear days between their last race and entered for date. (Definition: "Ontario trained" will refer to horses stabled in Ontario. Horses may be deemed 'Ontario Trained' 14 days after the ORC is notified in writing of the horse's name and stabling location. Any false claims of Ontario Ownership and/or Ontario Trained will result in suspensions for all parties involved up to a maximum of 1 year.)

(ii) If more than the required number of horses are declared in with the same preference date, the previous two preference dates shall apply. A race secretary may draw by lot if more than two previous preference dates are identical. These procedures are to be carried out at the time of the draw in the presence of licensed participants.

Decision: Not Approved

Reasons: Through both the working group process and the public input process, most of the comments were not in favour of this change. While there is a

recognition that certain border regions of the province are experiencing difficulties, most believe Ontario's open door policy has served the Ontario horse racing industry well. It was pointed out that race secretaries have a series of tools under the Rules of Racing to create races that benefit Ontario but that are not exclusive, such as creating OSS restricted races.

Proposal SB 24

Description: New rule proposed
15.23 The purse for any claiming race shall not exceed 80% of the claiming price, exclusive of allowances.

Decision: Not Approved

Other action: The Board instructed the Administration to continue work on developing this rule for lower level claiming races and to work with the race secretaries on its development.

Reasons: After much discussion, the consensus was that a rule of this nature would only work to improve the condition of racing if applied to lower level claiming races.

RULE CHANGES COVERING THOROUGHBRED RACING

Proposal TB 01

Description: Rule 4.01.01 (Proposed change in bold)
The Commission Agent shall issue licences to racing officials, pari-mutuel employees, stable employees and every person who practices his/her profession, trade or calling, on a racetrack provided such licences have been approved by the Director.
(a) Owner's, partnership and stable licences will expire on March 31 of every year. All other licence categories will expire on March 1. If a licensee has an owner's licence and a licence in another category, the expiry date for all licence categories will be March 31.

Decision: Not Approved

Reasons: This addition to rules is not required. The industry is advised of expiry date changes and licence fees through the issuance of Directives or Notices.

Proposal TB 02

Description: Rule 6.01 (a) (Proposed change in bold)
No horse shall be permitted to enter or start unless:
(a) it is duly registered with and approved by the registry office of The Jockey Club (Kentucky) and its registration certificate is filed with the Association by the time required for identification purposes, or qualifies under Rule 6.44 (b). In case of a horse which has previously run at a track in Ontario, the horse ~~under extenuating circumstances may~~ shall be allowed to compete with the permission of the Stewards on a facsimile or photocopy of the foal certificate. The purse, if any shall be held until the original foal certificate has been filed with the Association at the discretion of the Stewards.

Decision: Approved, in part

Other Actions: Rule 6.01 (Approved change in bold)
No horse shall be permitted to enter or start unless:
(a) it is duly registered with and approved by the registry office of The Jockey Club (Kentucky) and its registration certificate is filed with the Association by the time required for identification purposes, or qualifies under Rule 6.44 (b). In case of a horse which has previously run at a track in Ontario, the horse ~~under extenuating circumstances may~~ be allowed to compete with the permission of the Stewards on a facsimile or photocopy of the foal certificate. The purse, if any shall be held until the original foal certificate has been filed with the Association at the discretion of the Stewards.

Reasons: This rule is in place to ensure the actual registration certificates are at the race office where the race is conducted. While more discretion can be given to the Stewards by removing the words "under extenuating

circumstances”, it is the position of the Board that “shall” would make photocopies the practice, not the exception.

Proposal TB 03

Description: Rule 6.14.01
Horses trained by a public-stable trainer shall not be coupled with horses trained by another public-stable trainer unless the horses in question are owned (**at least 6% or more**) or in part (at least 6% or more) **either whole or in part** by the same owner/s, or the Stewards order them coupled in accordance with the provisions of rule 6.36.
(*Rule continued*)
Decision: Not applicable
Reasons: This proposed rule change was withdrawn by the submitter for further consideration.

Proposal TB 04

Description: Rule 9.14.02 (Proposed change in bold)
Where the penalty is for a riding infraction and does not exceed in time a period of five calendar or racing days, the jockey shall complete his or her riding engagements of all horses declared in before the penalty becomes effective. Thereafter a jockey may only ride in stakes races ~~in Ontario~~ during a suspension of five calendar or racing days or less but the suspension will be extended by one day for each date on which he or she rides in such races.
Decision: Approved
Reasons: By removing the words “in Ontario”, the Stewards will have more flexibility and there may be fewer appeals.

Proposal TB 05

Description: Rule 9.15.01 (Proposed change in bold)
9.15.01 A jockey or an apprentice jockey shall not:
(a) be an owner or trainer of any thoroughbred race horse
(b) **compete in any race against a horse owned or trained by his or her spouse, or**
(c) compete in any race against a horse owned by his or her spouse, a member of his or her immediate family, or a member of his or her spouse's immediate family ~~Mother, Father, Brother or Sister~~.
Decision: Approved
Reasons: This change will require that a jockey cannot ride against a horse owned or trained by his/her spouse, but will limit the horses he/she cannot ride to their mother, father, brother or sister, allowing them to ride against horses trained by grandparents and in-laws.

Proposal TB 06

Description: Rule 15.04.04, 15.04.05, 15.04.06, 16.11.01 (Proposal to delete rules in their entirety)

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 fine and/or suspension.~~

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.~~

15.04.06

~~Rule 15.04.04 and Rule 15.04.05 shall be absolute liability offences.~~

~~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.~~

Decision: Not Approved

Reasons: This change was not approved as it is in direct conflict with Board policy with respect to owner responsibility.

Proposal TB 07

Description: Rule 15.06.03 (Proposal to delete rule in its entirety)

15.06.03

~~Notwithstanding Rule 15.06.01, the Commission and all delegated officials shall consider the following to be absolute liability offences:~~

~~(a) any trainer whose horse(s) tests positive for any substances determined to be non-therapeutic;~~

~~(b) any trainer whose horse(s) tests positive resulting from the out-of-competition program;~~
~~(c) any trainer whose horse(s) tests positive resulting from testing in accordance with or under the Pari-Mutuel Betting Supervision Regulations;~~
~~(d) any trainer whose horse(s) level of TCO2 equals or exceeds the levels set out in Rule 37.01.~~

Decision: Not Approved
Reasons: This change was not approved as it is in direct conflict with Board policy with respect to trainer responsibility.

Proposal TB 08

Description: Rule 15.09.03 and 15.09.04 (Proposal to delete rule in its entirety)

15.09.03

~~When a change of ownership of a horse racing in the Ontario has occurred, the former owner must make the written medical history of that horse available upon request to the new owner within 72 hours of the request. Failure or refusal to provide the written medical history may result in a fine and/or suspension. The request for medical records must be made within 30 days of any transfer.~~

Rule 15.09.04

~~For the purposes of Rule 15.09.03, the written medical history of the horse shall include the records of administration, including brand and date for:~~

- 1) Vaccinations**
- 2) Dewormings**

Decision: Not Approved
Reasons: This change was not approved as it is in direct conflict with Board policy with respect to horse health.

Proposal TB 09

Description: Rule 15.32.01, 15.32.02, 15.32.05 (Proposed change in bold)

Rule 15.32.01

If a horse dies within 14 days of it being entered or qualified to race, the trainer of record at the time of the death of the horse shall:

- (a) inform the Director, or a person designated by the Director, in writing within 2 days of the death of the horse that the horse has died, and the location and premises where the horse died,
- (b) provide copies of any reports prepared by the veterinarian(s) who treated the horse prior to its death,
- (c) when directed to do so by the Director, transport the horse at the **owner's expense of the Commission** immediately, or as soon as transportation can be arranged but in any event no later than 2 days of the death of the horse, to a facility approved by the Director for a post-

mortem and such testing as the Director may determine is appropriate, and

(d) instruct the person conducting the post-mortem and the testing to provide the results of the post-mortem and testing and any reports prepared with respect to the post-mortem and testing to the Director within 5 days of their completion.

Rule 15.32.02

Where there is no trainer of record at the time of the death of the horse, the owner of the horse shall:

(a) inform the Director, or a person designated by the Director, in writing within 2 days of the death of the horse that the horse has died, and the location and premises where the horse died,

(b) provide copies of any reports prepared by the veterinarian(s) who treated the horse prior to its death,

(c) when directed to do so by the Director, transport the horse at the **owner's expense of the Commission** immediately, or as soon as transportation can be arranged but in any event no later than 2 days of the death of the horse, to a facility approved by the Director for a post-mortem and such testing as the Director may determine is appropriate, and

(d) instruct the person conducting the post-mortem and the testing to provide the results of the post-mortem and testing and any reports prepared with respect to the post-mortem and testing to the Director within 5 days of their completion.

Rule 15.32.05

If a horse dies after 14 days but within 60 days of it being entered or qualified to race, the Director may order the trainer of record at the time of the death of the horse or the owner of the horse if there was no trainer of record at the time of the death of the horse to transport the horse to a facility approved by the Director for a post-mortem and such testing as the Director may require to be conducted on the horse at the **owner's expense of the Commission**, as the case may be. The trainer or owner, as the case may be, shall instruct the person conducting the post-mortem or testing to provide the results of the post-mortem and testing and any reports prepared with respect to the post-mortem and testing to the Director within 5 days of their completion.

Decision: Not Approved

Reasons: The Ontario Racing Commission already bears the cost of conducting the post mortems under the Death Registry Program. When the program was established, it was deemed appropriate that the owner contribute in order to learn the cause of the horse's death.

Proposal TB 10

Description: Rule 29.04.01 (Delete rule in its entirety)

~~29.04.01 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. Failure to do so will result in a fine and/or suspension.~~

Decision: Deferred awaiting the outcome of the *Safety Reins Pilot Program*
Reasons: The Rules Working Group did not take a position at this time, awaiting the outcomes from the Safety Reins Pilot Program.

Proposal TB 11

Description: Rule 29.13 (Delete rule in its entirety)
~~For any medication or drug requiring a prescription and any treatment ordinarily requiring the services of a veterinarian for any horse under his/her care and control, a trainer is required to use a veterinarian licensed by the Commission as a veterinarian.~~
~~A trainer of a horse may apply to the director for an exemption from this rule, where the trainer trains a horse in an area under-serviced by equine veterinarians licensed by the Commission. Further a trainer may use a veterinarian not licensed by the Commission for the purposes of emergency treatment of a horse, provided the trainer advised the Director of the circumstances in writing as soon as practical..~~
Decision: Not Approved
Reasons: There was no industry consensus to remove this requirement and the Board is not prepared to do so.

Proposal TB 12

Description: Rule 29.14 (Proposal to delete rule in entirety)
~~At the time of declaring a horse for entry, the trainer of the horse is responsible for ensuring that the person making the entry declares the name of the ORC licensed veterinarian who has primary care of that horse. Failure or refusal by a trainer to comply may result in the horse being made ineligible.~~
Decision: Approved
Reasons: It was recognized that this change does not affect the requirement to use an ORC licensed veterinarian. Compliance with using a licensed veterinarian can be checked at any time upon examination of medical records of both the veterinarians and the trainers. Additionally, it was recognized that there were some very real structural issues, and that before the requirement can be put in place, further dialogue needs to occur with the veterinarian community.

Proposal TB 13

Description: New rule proposed
No participant shall transport, or cause a horse to be transported that is not fit for transport or is likely to become unfit during the journey, unless the transportation is directed by a veterinarian for the purposes of transporting the horse to receive veterinary treatment.
Decision: Not Approved

Reasons: It was determined that the Stewards have the ability to sanction for inhumane treatment of a horse under existing Rule 15.19. The ORC Administration will be continuing its ongoing work with OMAFRA and the veterinarian community in this area of animal welfare.

Proposal TB 14

Description: New definitions proposed under Chapter 2
Ontario Sire means a stallion registered with the Horse Improvement Program Registry for the Northern Hemisphere breeding season.
Ontario Sired means a horse whose sire was an *Ontario Sire* in the horse's conception year.
Registered Ontario Bred means a horse foaled in the Province of Ontario out of an *Ontario Resident Mare*, and registered with the Canadian Thoroughbred Horse Society.
Ontario Resident Mare means a mare, registered with the Horse Improvement Program Registry, foaling out in Ontario that has met all residency eligibility requirements for the birth year.
Horse Improvement Program means a suite of multi-breed Ontario racing and breeding incentive programs (including the Ontario Sires Stakes and the Mare Residency Program).

Decision: Approved

Reasons: These definitions should now be used for any stakes conditions, overnight conditions and any programs under the Horse Improvement Program.

Proposal TB 15

Description: New rule proposed
Scratches will be permitted without penalty when conditions for racing are altered after entries have been made.

Decision: Not Approved

Reasons: This rule change would undermine the racetracks' ability to ensure full fields. Additionally, given horses are no longer "stuck" for change of surface, this concern is less of an issue.

Proposal TB 16

Description: New rule proposed
Allow for the ability to store some therapeutic medications in one "for barn use" dispensor, instead of requiring individual bottles for each horse.

Decision: Referred back for more work

Reasons: This proposal has been referred back to the Administration with a requirement for more work, to involve the veterinary community and the Rules Working Group in a cross breed discussion, to determine an appropriate course of action.

Proposal TB 17

Description: New rule proposed
Trainers should have to create daily written ledgers of all work done on each horse, this ledger should include daily routines of their training regiment, maintenance programs, weekly weight reports, monthly blood count levels, the report should include daily dietary programs and any casual health treatment being done, as well all vet work.
This ledger can be pulled up prior to racing and disclosed to the public of any changes from weight, to blood levels and all vet work , it also can be used by all owners, ORC, or the Track Vet to measure the trainers care. The ledger shall follow the horse and be kept outside its stall, and in the paddock on race days to be reviewed by owners, ORC or track Vets. If the ledgers are not updated or not being followed as noted, the horse shall not be eligible to race.

Decision: Not Approved

Reasons: While the ORC agrees with the spirit of this rule submission and would encourage trainers to maintain this type of record keeping, these issues are best handled under the trainer/owner contract that is currently required by the rules.

Proposal TB 18

Description: New Rule Proposal
To restrict the number of times the whip can be used.

Decision: Deferred to the *Use of the Whip Initiative*

Reasons: The *Use of the Whip Initiative* is currently conducting a separate review of the rules regarding the use of the whip and acceptable urging of the horse and will be bringing separate recommendations to the Board for its consideration.

Proposal TB 19

Description: New rule proposed to specifically allow the Stewards to scratch a horse where it has been determined that horse was medicated in error.

Decision: Referred back for more work

Reasons: Medicated in error is a term that is used for those circumstances where a horse has been given a therapeutic medication in error, such as feed tubs being given to the wrong horse or administering a therapeutic medication too close to race time, which might result in a positive test. It is noted that these medications are permitted for the treatment of ailments but not allowed to be in the system at race time. A new rule does not change the current practice, but allows the Stewards to scratch the horse under a specific rule, instead of under Rule 15.05.

Proposal TB 20

Description: New rule proposed
The purse for any claiming race shall not exceed 80% of the claiming price, exclusive of allowances.

Decision: Not Approved

Reasons: After much discussion, the consensus was that a rule of this nature would only work to improve the condition of racing if applied to lower level claiming races in Standardbred Racing.

Proposal TB 21

Description: New rule proposed as Standardbred submission, but considered for Thoroughbred racing as a concept.
If more than the required number of horses are declared:
(i) Preference will be given to Ontario owned and/or trained horses with a minimum of six clear days between their last race and entered for date.
(Definition: "Ontario trained" will refer to horses stabled in Ontario. Horses may be deemed 'Ontario Trained' 14 days after the ORC is notified in writing of the horses name and stabling location. Any false claims of Ontario Ownership and/or Ontario Trained will result in suspensions for all parties involved up to a maximum of 1 year.)
(ii) If more than the required number of horses are declared in with the same preference date, the previous two preference dates shall apply. A race secretary may draw by lot if more than two previous preference dates are identical. These procedures are to be carried out at the time of the draw in the presence of licensed participants.

Decision: Not Approved

Reasons: Through both the working group process and the public input process, most of the comments were not in favour of this change as something that should be applied to Thoroughbred Racing. While there is a recognition that certain border regions of the province are experiencing difficulties, most believe Ontario's open door policy has served the Ontario horse racing industry well. It was pointed out that race secretaries have a series of tools under the Rules of Racing to create races that benefit Ontario but that are not exclusive, such as creating OSS restricted races.

Proposal TB 22

Description: Proposed as a Standardbred rule change, but considered for Thoroughbred racing as a concept. (Proposed change in bold)
If, in their opinion, the Judges are unable to properly judge the running or finish of a race they may declare the race to be "No Contest". When a race has been declared "No Contest" by the Judges, all monies wagered on that race will be distributed in accordance with the provisions of the Pari-Mutuel Betting Supervision Regulations of the Criminal Code.
Except as provided for in Rule 18.09, the purse will be divided equally among all of the horses that started in such race, excepting for any offending horse(s). The line for the race will be charted by the charter to the best of his/her ability to indicate the performance of each horse in the race and the charted line **shall be** used for the determination of preference dates or eligibility to any future race. In the event that the race that is declared "No Contest" is a claiming race the provisions of Chapter 15 of these rules are applicable, and notwithstanding a determination that the race is "No Contest", title to the horse shall be

deemed to have passed to the claimant if the claimed horse is behind the gate when the field is released at the starting point by the starter.

Decision: Not Approved

Reasons: A form of this proposed rule change is already in place in Thoroughbred Racing and is handled by paying out the Starter Bonus where there are races declared “No Contest”.

RULE CHANGES COVERING QUARTER HORSE RACING

- No new rules specifically for Quarter Horse Racing were proposed for 2009, although it should be noted that any Thoroughbred Rules approved, also apply to Quarter Horse racing.

John L. Blakney
Executive Director