



March 20, 2018

POLICY DIRECTIVE NO. 1 – 2018

Guidelines – Penalties for Equine Drug, TCO₂ and Non-Therapeutic Drug Violations.

TAKE NOTICE, effective April 21, 2018, the Registrar rescinds all prior penalty guidelines and subsequent revisions and orders that the following penalty guidelines be applied:

Guidelines

Penalties for Equine Drug, TCO₂ and Non-Therapeutic Drug Offences

Class of Drug	1st Violation	2nd Violation	3rd Violation	4th Violation
Class I and II	1 – 5 years and \$10,000 monetary penalty	5 – 10 years and \$25,000 monetary penalty	10 year suspension and \$50,000 monetary penalty	
TCO ₂ – pursuant to SB R. 22.38 and TB R. 37.01	90 days - 1 year and \$5,000 monetary penalty	1 – 2 years and \$10,000 monetary penalty	10 year suspension and \$25,000 monetary penalty	
Class III	60 – 180 days and \$3,000 monetary penalty	6 months – 1 year and \$5,000 monetary penalty	1 year – 2 years and \$10,000 monetary penalty	2 years or more and \$20,000 monetary penalty
Class IV and V	15 – 75 days and \$2,000 monetary penalty	30 – 180 days and \$4,000 monetary penalty	60 – 300 days and \$8,000 monetary penalty	1 year or more and \$10,000 monetary penalty
Non-Therapeutic	10 years and \$40,000 monetary penalty	25 years and \$100,000 monetary penalty		

Application of the Guidelines will take into consideration the following:

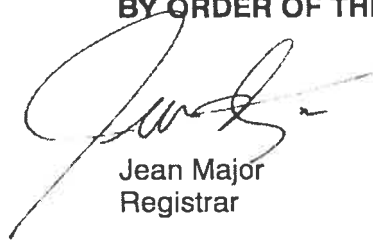
1. The suggested penalties (suspensions and monetary penalties) are guidelines only.
2. The Commission and/or its representatives may exercise discretion in interpreting these Guidelines and assessing penalties, and may consider all previous violations, in and outside of Ontario, involving any drug, medication, bicarbonate (TCO₂) or any other substance prohibited by rule or law. Although

all previous violations may be considered in determining the appropriate penalty, the penalties for second and subsequent violations suggested in these Guidelines are based on:

- a. The assumption that the previous violation(s) being considered were in the same class of drug;
 - b. Class I and II drugs will be considered the same for the purposes of considering a previous violation(s); and
 - c. The date of conviction or ruling for the previous violation(s) occurred within 3 years of the first offence.
3. The Commission and/or its representatives may take into consideration any mitigating or aggravating circumstances surrounding a positive test case, and may do any of the following:
- a. Impose a penalty that is higher or lower than suggested in these guidelines.
 - b. Require completion of an educational component in addition to, or in lieu of, a suggested guideline penalty.
 - c. Subject to due process, find other licensed individuals responsible and impose penalties upon such licensee as deemed appropriate.
4. For second or subsequent violations which occurred within 3 years of the first violation but in a different class of drug, with the exception that Class I and II drugs will be considered the same for the purposes of considering subsequent violation(s), the Commission and/or its representative will exercise discretion in assessing the penalty by considering the following:
- a. The number and class(es) of all previous violations;
 - b. The time frame between violations; and
 - c. Any mitigating circumstances.
5. Multiple violations occurring on the same race day to different horses of the same trainer may be considered as individual violations in appropriate circumstances.
6. Suspension periods are full suspensions as described in the *Rules of Racing*.
7. Regardless of the penalty imposed, the horse in question will be disqualified and there will be a loss of purse.
8. Class I through V drugs are based on the *Uniform Classification Guidelines for Foreign Substances*, published by the Association of Racing Commissioners International.
9. "Non-Therapeutic" will include any drug, substance or medication that is determined to be in the system of a horse that has no therapeutic value to the horse.

10. Acetylsalicylic acid (Aspirin) will be considered a Class V drug and furosemide and procaine will be considered Class V drugs upon the receipt of a certificate of positive analysis indicating a prohibited quantitative level.

BY ORDER OF THE REGISTRAR



Jean Major
Registrar