



January 23, 2008

**POLICY DIRECTIVE NO. 1–2008  
Penalty Guidelines for Equine Drug, TCO<sub>2</sub> and Non-Therapeutic Drug Offences**

The Ontario Racing Commission at its meeting of Tuesday, January 22, 2008, approved the Penalty Guidelines for Equine Drug, TCO<sub>2</sub> and Non-Therapeutic Drug Offences Policy as follows, effective January 31, 2008:

## Guidelines

### Penalties for Equine Drug, TCO<sub>2</sub> and Non-Therapeutic Drug Offences

<b>Class of Drug</b>	<b>1<sup>st</sup> Offence</b>	<b>2<sup>nd</sup> Offence</b>	<b>3<sup>rd</sup> Offence</b>	<b>4<sup>th</sup> Offence</b>
Class I	1 – 5 years plus \$5,000 fine	5 – 10 years plus \$20,000 fine	10 year suspension plus fine	
Class II	1 – 5 years plus \$5,000 fine	2 – 10 years plus \$10,000 fine	10 year suspension plus fine	
Class III	60 – 180 days plus \$1,500 fine	6 months – 1 year plus \$5,000 fine	1 year – 2 years plus \$10,000 fine	2 years or more plus \$20,000 fine
Class IV	15 – 75 days plus \$1,000 fine	30 – 150 days plus \$2,000 fine	60 – 300 days plus \$4,000 fine	1 year or more plus \$8,000 fine
Class V	15 – 75 days plus \$1,000 fine	30 – 150 days plus \$2,000 fine	60 – 300 days plus \$4,000 fine	1 year or more plus \$8,000 fine
Non- Therapeutic	10 years plus \$40,000 fine	25 years plus \$100,000 fine		

**Application of the Guidelines will take into consideration the following:**

1. The Commission and/or its representatives will consider all offences for the purposes of assessing a penalty as a second or subsequent offence under these Guidelines.
2. The suggested penalties (suspension and fines) are guidelines only.

3. The Commission and/or its representatives may take into consideration any mitigating circumstances surrounding a positive test case, and may do any of the following:
  - i. Impose a penalty that is lower than suggested in these guidelines.
  - ii. Subject to due process, find other licensed individuals responsible and impose penalties upon such licensee as deemed appropriate.
4. The Commission and/or its representatives may exercise discretion in interpreting these Guidelines and assessing penalties, and may consider all prior offences, in and outside of Ontario, involving any drug, medication, bicarbonate (TCO<sub>2</sub>) or any other substance prohibited by rule or law. Although all prior offences may be considered in determining the appropriate penalty, the penalties for second and subsequent offences suggested in these Guidelines are based on:
  - i. The assumption that the previous offence(s) being considered were in the same class of drug, and
  - ii. The date of conviction or ruling for the previous offence(s) occurred within 3 years of the first offence.
5. For second or subsequent offences which occurred within 3 years of the first offence but in a different class of drug, the Commission and/or its representative will exercise discretion in assessing the penalty by considering the following:
  - i. The number and class(es) of all previous offences;
  - ii. The time frame between offences; and
  - iii. Any mitigating circumstances.
6. For the purposes of these Guidelines, a TCO<sub>2</sub> offence is considered a Class III drug.
7. On a first offence, the Commission and/or its representatives may impose a penalty beyond or below the range in appropriate circumstances.
8. Multiple offences occurring on the same race day to different horses of the same trainer may be considered as individual offences in appropriate circumstances.
9. Suspension periods are full suspensions as described in the Rules of Racing.
10. Regardless of the penalty imposed, the horse in question will be disqualified and the purse will be redistributed.
11. Class I through V drugs are based on the *Uniform Classification Guidelines for Foreign Substances*, published by the Association of Racing Commissioners International.
12. 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.

BY ORDER OF THE COMMISSION

John L. Blakney  
Executive Director