



HEALTH, SAFETY AND REGULATORY MEASURES 2008

FACT SHEET
January 23, 2008

Measure	Restrictions to Conditions of Entry
Overview	<p>The Out of Competition Program is a provincially regulated program operated under the authority of the Racing Commission Act, 2000. It is the position of the Ontario Racing Commission (ORC) that it is the responsibility of the regulator to conduct such activities in support of racing, and not that of any other industry stakeholder. As such, the ORC has approved new rules making it a violation for a racetrack (Association) to make a condition of entry that requires a licensee to consent to searches and testing.</p>
Effective Date	<p>Issuance of Directive on rule change January 31, 2008.</p>
Background	<p>Numerous incidents have occurred where racetrack security has entered onto private property to collect blood samples for testing and perform searches. Racetrack management considers the action legally permissible because they have obtained consent from the affected trainer.</p> <p>The consent, however, is being obtained as a condition of entry of horses, wherein the licensee would assume that if he/she refused to consent to the condition of entry, their horses would be denied the privilege of racing at that racetrack. It is inappropriate that an individual be required to give up their rights under the auspices of Private Property power.</p> <p>The authority to conduct out-of-competition activities should be limited to the regulator. Third party involvement in this area of industry regulation is leading to confusion and misunderstanding.</p> <p>If a third party has reason to believe that such action is warranted, that person or entity should come to the ORC with information, which would then be assessed and acted upon in context of the structure of the known program (e.g. reasonable grounds or change of performance).</p>
Rules	<p>New Standardbred Rule 7.17 An Association shall not make a condition of entry requiring a licensee to consent to Association personnel or their agent(s) entering the</p>

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- a) conducting search and seizure; or
- b) collecting biological samples from horses.

New Thoroughbred Rule 3.17

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