



HEALTH, SAFETY AND REGULATORY MEASURES 2008

FACT SHEET
January 23, 2008

Measure	Revision of Penalty Guidelines
Overview	The Penalty Guidelines have been reviewed and revised to provide the Ontario Racing Commission (ORC) Judges/Stewards with discretion to deal with mitigating circumstances when determining the appropriate penalty for a specific violation and to provide the Judges/Stewards with the ability to find other persons liable for their actions in contributing to a positive test.
Effective Date	Issuance of Directive on rule changes January 31, 2008. Issuance of Policy Directive on Guidelines on January 31, 2008
Background	<p>In hearings before the Commission, appellants have claimed that new penalties for Class I, II, and TCO₂ do not fall within the published ORC Penalty Guidelines. It was suggested that the guidelines be expanded to set penalties for non-therapeutic drugs and confirmed positive tests under the Out of Competition Program. Amendments were made to the Penalty Guidelines and were approved to be effective December 1, 2007. These amendments included the addition of Non-therapeutic drug positive tests to the Guidelines.</p> <p>This further amendment of the Penalty Guidelines, now to be published as a Policy Directive, provide the Judges/Stewards with discretion to deal with mitigating circumstances when determining the appropriate penalty for a specific violation and provide the Judges/Stewards with the ability to find other persons partial liable for their actions in contributing to a positive test.</p>
Rules	<p>New Standardbred Rule 22.38.06 Where the TCO₂ level in a horse is determined to equal or exceed the levels set forth in Rule 22.38 above, the Judges shall assess penalties in accordance with Policy Directive: <i>Guidelines – Penalties for Equine Drug, TCO₂ and Non-Therapeutic Drug Offences</i>.</p>

New Thoroughbred Rule 37.07

Where the TCO₂ level in a horse is determined to equal or exceed the levels set forth in Rule 37.01 above, the Stewards shall assess penalties in accordance with Policy Directive – *Guidelines: Penalties for Equine Drug, TCO₂ and Non-Therapeutic Drug Offences*.
