



## HEALTH, SAFETY AND REGULATORY MEASURES 2008

**FACT SHEET**  
January 23, 2008

Measure	Search and Seizure Authority
<b>Overview</b>	<p>The Ontario Racing Commission (ORC) has approved rules requiring racetrack personnel to notify the Judges/Stewards immediately of any items of interest found in the course of their activities. Seizure authority will be limited by the rules to ORC personnel delegated by the Director. It is important that licensees are able to operate under a regulatory environment that is consistent and understood.</p>
<b>Effective Date</b>	<p>Issuance of Directive on rule change on January 31, 2008.</p>
<b>Background</b>	<p>Recently, racetracks (Associations) have been conducting off-racetrack property searches and seizures under the permission granted to them when licensees consent to the activity as a condition of entry. Rule changes expressed elsewhere will make it an offence to set this type of condition to the ability to enter horses in races, and will end this activity.</p> <p>Under their private property rights, racetrack management has from time to time conducted searches of building, vehicles, and personal effects of licensees working on the backstretch or more generally on Association grounds.</p> <p>There is recognition, although not stated in the rules, that racetrack management has the authority to search on its own grounds. At issue is the authority to seize, or to take control of whatever potentially incriminating items are discovered on the search. Rules are required to ensure that material valuable to an investigation is not compromised due to lack of control of unauthorized seized items, thereby making any resulting case more difficult to prove in a hearing.</p>
<b>Rules</b>	<p><b>Standardbred Rule Changes</b></p> <p><b>Amended Standardbred Rule SB 10.01</b> No licensee except physicians, Commission Veterinarians or Official Veterinarians or veterinarians licensed by the Commission, or registered veterinary technicians or veterinary student assistants who are under the supervision of a veterinarian and licensed by the Commission shall, within the grounds of the Association, have in or</p>

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upon the premises or vehicle which the licensee occupies or has the right to occupy, or in their personal property or effects:

- (a) any hypodermic syringe, hypodermic needle or any other device which could be used for the injection or infusion into a horse of any substance; or
- (b) any injectable (substance capable of being injected) which may be administered by a hypodermic syringe, hypodermic needle, or device (known technically as a substance for parenteral administration) without first securing written permission from the Judges or the Director.

**Amended Standardbred Rule SB 10.02**

The Director or those persons authorized by the Director shall have the right to enter upon the buildings, stables, rooms, vehicles or other places within the grounds of any Association for the purpose of examining, searching, inspecting and seizing the personal property and effects of any person in or upon such place.

**Amended Standardbred Rule 10.03**

Participants acting in any capacity at a race meeting approved by the Commission, by so participating, are subject to the examination, search and inspection referred to in the rules, and to the seizure of any hypodermic syringe, hypodermic needle or any other device described in the rules, and all drugs and medicaments including those listed in 6.46.01 or any kind which might be in his or her possession. Any drugs, medicaments or other material or devices seized may be forwarded by the Commission to the official chemist for analysis.

**New Standardbred Rule SB 10.05**

Any licensee, who in the course of their normal duties, locates any item listed in 10.01(a) and (b) or any drug, substance or medication listed in 6.46.01 shall forthwith advise the Judges of their findings and take direction from the Judges.

**New Standardbred Rule 10.06**

After hearing the evidence and making a ruling concerning a violation of 6.46.01 or Chapter 10, the Judges may order that the items seized be forfeited to the Commission to be disposed of as the Commission sees fit.

**Thoroughbred Rule Changes**

**Amended Thoroughbred Rule 15.02.01**

No licensee except physicians, Commission Veterinarians or Official Veterinarians or veterinarians licensed by the Commission, or registered veterinary technicians or veterinary student assistants who

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are under the supervision of a veterinarian and licensed by the Commission shall, within the grounds of the Association, have in or upon the premises or vehicle which the licensee occupies or has the right to occupy, or in their personal property or effects:

- (a) any hypodermic syringe, hypodermic needle or any other device which could be used for the injection or infusion into a horse of any substance; or
- (b) any injectable (substance capable of being injected) which may be administered by a hypodermic syringe, hypodermic needle, or device (known technically as a substance for parenteral administration) without first securing written permission from the Judges or the Director.

**Amended Thoroughbred Rule 15.02.02**

Participants acting in any capacity at a race meeting approved by the Commission, by so participating, are subject to the examination, search and inspection referred to in the rules, and to the seizure of any hypodermic syringe, hypodermic needle or any other device described in the rules, and all drugs and medicaments including those listed in 15.31.1 or any kind which might be in his or her possession. Any drugs, medicaments or other material or devices seized may be forwarded by the Commission to the official chemist for analysis.

**New Thoroughbred Rule 15.34**

The Director or those persons authorized by the Director shall have the right to enter upon the buildings, stables, rooms, vehicles or other places within the grounds of any Association for the purpose of examining, searching, inspecting and seizing the personal property and effects of any person in or upon such place.

**New Thoroughbred Rule 15.35**

Any licensee who, in the course of their normal duties, locates any item listed in 15.02.01 (a) and (b) or any drug, substance or medication listed in 15.31.1 shall forthwith advise the Stewards of their findings and take direction from the Stewards.

**New Thoroughbred Rule 15.36**

After hearing the evidence, and making a ruling concerning a violation of Chapter 15, the Stewards may order that the items seized be forfeited to the Commission to be disposed of as the Commission sees fit.

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