



HEALTH, SAFETY AND REGULATORY MEASURES 2008

FACT SHEET
January 23, 2008

| Measure | Trainer Responsibility Rule |
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| Overview | <p>The horse cannot speak for itself, nor can it act to defend itself from nefarious actions of persons. A person must be held responsible for the care, custody, control and safety of the animal and that person is the trainer. Trainer responsibility is a fundamental principal in the industry and the Ontario Racing Commission (ORC) is acting to ensure that it is strengthened and enshrined.</p> |
| Effective Date | <p>Issuance of Directive on rule change January 31, 2008.</p> |
| Background | <p>Over the past number of years, what was commonly understood by the industry as an “absolute liability” application of the rules had changed to a “strict liability application.”</p> <p>The ORC believes that certain serious and significant offences should be clearly identified as absolute liability offences.</p> <p>The circumstance where a trainer is charged for a positive test would be considered an absolute liability offence under this new approach. The current rules around trainer responsibility are an example of the inconsistency of the rules; in one place the rules speak to absolute liability (SB 9.09b) and in another place speaks to strict liability (SB26.02.01).</p> <p>Currently under the rules, if a trainer is able to demonstrate that he/she took all reasonable care of the horse, there can, in certain circumstances, be a finding of no responsibility.</p> <p>In the end there is no establishment of who was responsible, while there remains the condition of a horse that obtained a positive. In the end who is responsible for the horse?</p> <p>Establishing trainer responsibility for the condition of his/her horse as an absolute liability offence will provide certainty in the eyes of the public and the industry that someone maintains ultimate responsibility. The degree of responsibility will be addressed in the determination of penalty.</p> |

Rules

New Standardbred Rule 26.01.03

Notwithstanding 26.02.01, the Commission and all delegated officials shall consider the following to be absolute liability offences:

- a) any trainer whose horse(s) tests positive for any substances determined to be non-therapeutic;
- b) any trainer whose horse(s) tests positive resulting from the out-of-competition program;
- c) any trainer whose horse(s) tests positive resulting from testing in accordance with or under the *Pari-Mutuel Betting Supervision Regulations*;
- d) any trainer whose horse(s) level of TC0₂ equals or exceeds the levels set out in Rule 22.38.

New Thoroughbred Rule 26.01.03

Notwithstanding 15.06.01, the Commission and all delegated officials shall consider the following to be absolute liability offences:

- a) any trainer whose horse(s) tests positive for any substances determined to be non-therapeutic;
 - b) any trainer whose horse(s) tests positive resulting from the out-of-competition program;
 - c) any trainer whose horse(s) tests positive resulting from testing in accordance with or under the *Pari-Mutuel Betting Supervision Regulations*;
 - d) any trainer whose horse(s) level of TC0₂ equals or exceeds the levels set out in Rule 37.01.
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