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Notice to the Industry

Rule Changes issued by ORC

The Board of the Ontario Racing Commission (ORC), having received proposed new rules of racing through the Rules Amendment Process, has approved a number of new rules for Standardbred horse racing in Ontario. Apart from a few exceptions, the new rules are to be effective September 15, 2010.

Communications on the new rule changes will continue to be released over the next few weeks, and the Judges will be discussing the new rules at paddock meetings.

The Rule Amendment Process begins in September of each year when industry participants submit proposed changes to the Rules of Racing. Starting in the fall and through the winter of 2010, Working Groups made up of representatives from the industry, met to discuss the proposed changes and made recommendations. The proposed changes and the recommendations from the Working Group were circulated to the industry for comment in June 2010. The proposed rules and the input were considered by the Board at its meeting in July 2010.

As can be viewed below and as was apparent through the input process and the activities of the working groups, there were many people who took their time to be involved. The ORC would like to thank all those individuals and associations who contributed to the Process.

Please be advised that any rules or rule changes can be viewed on a go forward basis by accessing the ORC website at www.ontarioracingcommission.ca.

The following Directive was issued and should be referenced:

Standardbred Directive 2 – 2010

Any rule changes proposed related to issues being considered as part of the Race Date Review were not considered under this process.

The **Standardbred Rules Of Racing** will be reprinted before the end of 2010 and will be available at ORC Licensing offices across the province. Additionally an updated version will be available at the ORC website in the near future.

This document provides a summary of all Standardbred rule change proposals received from participants, stakeholders and the general public by the ORC under the 2010 Rules Amendment Process and includes the decision making surrounding each rule received.

RULE CHANGES COVERING STANDARDBRED RACING

Proposal SB 01

Description: **Establish accident warning system at all racetracks**

Decision: Approved in part

Reasons: Under the existing rules, the Judges do not have explicit authority to stop a race, as would be the requirement in the case of an accident. As a result, Rule 22.32.01 was approved giving the Judges this authority. During a review of the issue surrounding accidents, it became clear that the individual needs for each racetrack were different. As a result the Board instructed the Administration to work with each racetrack to ensure a system is in place to stop the race once it is ordered by the Judges and to work to create a system that is as consistent as possible across all tracks.

Proposal SB 02

Description: **Rule 15.09 (a)**

The proposed change was to allow claimed horses to race outside of Ontario in added money events.

Decision: Not approved

Reasons: There was no support to change this rule from either the working group or the public input process. Currently claimed horses ARE allowed to race in added money events where they were specifically nominated to the event.

Proposal SB 03

Description: **Rule 15.09 (b) - Claiming Restrictions**

The proposal to remove the restrictions on claimed horses was considered and approved earlier this year and published to the industry in June.

Proposal SB 04

Description: **Rule 17.12.02** (Change in bold)

If 17.12.01 (a) or (b) applies to an owner, the horse may race as a separate betting interest, with the approval of the Judges, if the owner is not required to be licensed under the rules, or is an added money event ~~for \$100,000 or more.~~

Decision: Approved

Reasons: The exemption to couple horses as an entry currently exists for added money events over \$100,000 and the Board agreed this exemption should apply to all added money events.

Proposal SB 05

Description: **Rule 18.08.02 - Penalties for pylon infractions**

The proposed rule change was to add the penalties for an infraction of

this rule, to clarify how the Judges are required to deal with a violation of going inside more than one pylon.

Decision: Approved

Reasons: While a practice is already in place, the Board agreed that clarifying the specific penalty for a violation of the rule in the wording of the rule would be beneficial.

Proposal SB 06

Description: **Rule 22.05.01 (m)**

The proposed rule change was to delete the prohibition for drivers talking on the racetrack.

Decision: Not approved

Reasons: The Board did not agree with this proposal, as it feels public perception is affected by the view of drivers talking on the racetrack.

Proposal SB 07

Description: **New Rule Proposal - Penalties for smoking in restricted areas.**

It was proposed that a rule specifically prohibiting smoking and providing penalty should be in the Rules of Racing to provide consistency for participants across the province.

Decision: Approved

Reasons: Currently, smoking rules and penalties exist within Track Rules. Given that not all tracks have track rules and given that each track is dealing with restrictions and violations differently, it was determined that a single rule with the Rules of Racing would provide consistency across the province and improve compliance.

Proposal SB 08

Description: **New Rule Proposal - Requiring the use of screen goggles**

The proposed change would make it mandatory to where screen goggles when conditions warranted their use.

Decision: Not approved

Reasons: There was no industry support for this rule, as most felt this should be the choice of the driver, as what works for some people, does not work for others. The Board agreed with this position and did not approve the rule.

Proposal SB 09

Description: Rule 15.09 (a) (Proposed change in bold)

The proposed change was to add the penalty for racing a claimed horse outside of the province.

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Any person who violates this rule **shall be subject to a suspension or fine of 10% of the claiming price or 100% of the purse for each race, whichever is greater** and the horse may be suspended.

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Decision: Approved

Reasons: This rule change puts practice into policy by adding the penalty to the wording of the rule and provides more clarity to participants.

Proposal SB 10

Description: **Rule 17.09 - Announcements required when box to be held open**
Currently under rule 17.09, the racetrack operator is required to make public announcements when a race is to be reopened. The proposed rule change seeks to add the requirement that these announcements include postings to industry websites.

Decision: Not Approved

Reasons: The rule already provides that public announcements must be made when a box is reopened. Given the ever changing means of communication that are available, it is not helpful to limit the requirement just to web postings. The Administration will continue to work with the race secretaries and Standardbred Canada to develop new ways of communicating an open box.

Proposal SB 11

Description: **Rule 22.38.05 (2) - TCO₂ Collection Time** (Changes in bold)
The proposed change would allow the Judges more flexibility surrounding the collection of a TCO₂ sample.

The approved TCO₂ laboratory is responsible for:

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*(2) collection the samples within approximately 20 minutes immediately preceding the start of the race in which the selected horse is entered, **or as directed by an ORC Judge. The ORC Judges may also direct the collection of the sample** from a selected horse at least 90 minutes after a race in a secured area designated by the Judges;*

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Decision: Approved

Reasons: The rule change provides the Judges with more flexibility for ordering samples.

Proposal SB 12

Description: **Rule 22.38.05 (6) - TCO₂ Analysis Time** (Changes in bold)
The proposed change would allow the analysis of a TCO₂ sample up to 96 hours.

The approved TCO₂ laboratory is responsible for:

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*(6) analysing samples with 48 hours, **or up to a maximum of 96 hours in exceptional circumstances**, of collection and reporting all results to*

the Commission and the Canadian Pari-Mutuel Agency.

Decision: Approved

Reasons: While the practice will continue to remain at 48 hours, a change to the rule will allow the sample to be considered up to 96 hours after collection for such circumstances as delay in getting the sample to the laboratory.

Proposal SB 13

Description: **Rule 31.01 (xi) - Hard copy eligibility certificate requirement**
The proposed rule change is to delete the requirement for hard copy eligibility certificates.

Decision: Approved

Reasons: Hard copy eligibility certificates are no longer required by Standardbred Canada.

Proposal SB 14 through 19

Description: **Chapter 2 Definitions and Rule 36.08, .09 and .13 - Alcohol and Drug Program**
The proposed rule changes are administrative in nature and are reflecting minor administrative practices with regard to the Alcohol and Drug Program.

Decision: Approved pending completion of the public input process for Thoroughbred Rules

Reasons: The requested changes are administrative in nature and reflect how the Program is operating.

Proposal SB 20

Description: **Rule 37.02 Out of Competition Testing Program** (Changes in bold)
The proposal would allow other approved persons to collect samples under this rule.
*When an order for a biological sample has been made by the Director, the samples will be taken by a veterinarian employed by the Commission, an Official Veterinarian, or a **qualified person approved by the Commission Supervisor of Veterinarians**, to determine whether or not the horse has any drug, medication or other substance in its system.*

Decision: Approved

Reasons: Allows the Commission to use other persons to collect samples, such as other Commission or Official Veterinarians.

Proposal SB 21

Description: **New rule 22.39 Submission of a Procaine slip**
The proposal is to add Procaine procedures to the Standardbred Rule Book to improve understanding of the requirement. Currently rules surrounding Procaine slips are found within the Canadian Pari-Mutuel Agency regulations.

Decision: Approved

Reasons: Specifically adding this CPMA requirement into the Standardbred Rules makes for greater clarity and aligns the Standardbred Rules with the Thoroughbred Rules.

Proposal SB 22

Description: **Rule 22.25 Equipment Reporting** (Changes in bold)
The proposed change expands on the types of equipment changes that need to be reported and specifies the time of reporting.
*Any trainer who wishes to change **any bridle, hobbles, length of hobbles or shoes on a horse** from one race to another shall apply to the Judges **at least one (1) hour prior to the first scheduled post time of the day, or a time prescribed by the Association**, for permission to do so, and no change shall be made without such permission. The Judges shall assure themselves of the necessity for any **change of bridles, hobbles, length of hobbles or shoes** before granting permission. Any such change, or change(s) of a nature which the Judges are of the opinion that the public should be advised **shall be communicated to the public as soon as possible**.*

Decision: Approved

Reasons: Changes to the rule codify the practices already in use.

Proposal SB 23

Description: **New rule proposed – Fairs to be supervised by ORC**

The proposal is to have Ontario Fair Racing conducted under the supervision of the Ontario Racing Commission.

Decision: Deferred to Race Date Review

Reasons: This would be a substantive change and also increase the burden of regulatory costs. It was determined that such a change should be considered under the Race Date Review.

Proposal SB 24

Description: **New rule proposed – Maximum 20 horses for overnight events**

The proposal is to change the maximum field size of 20 horses or two full tiers of starting gate in overnight events.

Decision: Deferred to Race Date Review

Reasons: It was determined that such a change should be considered under the Race Date Review.

Proposal SB 25

Description: **New rule proposed – Maximum 20 horses for added money events**

The proposal is to change the maximum field size of 20 horses or two full tiers of starting gate in added money events.

Decision: Deferred to Race Date Review

Reasons: It was determined that such a change should be considered under the Race Date Review.

Proposal SB 26

Description: **New rule proposed – Distance measurements in recorded times**
The proposal is to provide that all horses be timed in a race, instead of using the existing estimate of 1 length equals 1/5 of a second.

Decision: Deferred to Race Date Review

Reasons: It was determined that such a change should be considered under the Race Date Review.

Proposal SB 27

Description: **New rule proposed – Timing of races in 1/100 of a second**
The proposal is to provide that races be recorded in 1/100's of a second, instead of the current 1/5 of a second.

Decision: Deferred to Race Date Review

Reasons: It was determined that such a change should be considered under the Race Date Review.

Proposal SB 28

Description: **Rule 17.10 Preference rule**
The proposal was developed by the working group to deal with the misuse of scratches to manage racing opportunities. The proposed rule change would mean that horses that are scratched for any purpose other than official's error would lose their preference date.

Decision: Approved

Reasons: Information received from the industry and reviewed by the Administration showed that the number of horses being scratched from the outside position were statistically high. The Board recognizes the importance of full fields as good betting opportunities and therefore in the best interests of the industry.

Proposal SB 29

Description: **New Rule 20.03.01 – Judge's authority to scratch for medication issues**
The proposal is to include a rule to specifically allow the Judges to scratch a horse for "Health", due to receiving medication in error in advance of the race.

Decision: Approved

Reasons: This rule codifies the practice of the Judge's scratch which is currently in use for times when a horse may have mistakenly received medication prior to the race. An example of this type of scratch could be when a horse is fed the wrong feed tub.

Proposal SB 29

Description: **New Rule – Probationary Trainer's Licence**
The proposal calls for establishing a probationary trainer's licence, to be required by all new trainers.

Decision: Approved in concept, to be brought back through the rules process in 2011.

Reasons: In both Thoroughbred and Quarter Horse Racing, an accreditation system is in place to provide a means for new trainers to gain full accreditation following a prescribed “mentoring” or “apprenticeship” period. The Board recognizes that a significant piece of work is required to create such a system for Standardbred Racing and instructs the Administration to work with Standardbred Canada to develop a new accreditation process and new rule to support the concept.

Proposal SB 30

Description: **New Rule 37.09 – Access to off-track stabling locations**

The proposed rule change would allow ORC access to any facilities used to stable, train or transport a racehorse, for the purposes of conducting searches for illegal or non-therapeutic medications or drugs.

Decision: Approved

Reasons: With most horses now stabled off the grounds of the racetrack, the regulator’s ability to ensure a level playing field has been compromised. This new rule will provide a level of access that will improve the ORC’s ability to monitor activities.

Proposal SB 31

Description: **New rule 6.53 – Limitations on use of tubing**

The proposed new rule will prohibit the use of a nasogastric tube on a horse on race day prior to its race.

Decision: Approved

Reasons: Unfortunately despite its many beneficial uses, the tube is used as a means to administer sodium bicarbonate or other alkalizing agents for the purpose of increasing the bicarbonate levels in a horse, which has the effect of improving performance. The ORC does, however, recognize that the nasogastric tube is a safe and legitimate tool in the hands of a professional for hydrating a horse or administering accepted treatments. Through discussions with the working groups and the veterinarian community, agreement to increase controls was reached by prohibiting the use of the tube on race day prior to the horse’s race.

Proposal SB 32

Description: **Rule 8.14 Storage of drugs or medications**

The proposed rule permits the use of a single container to dispense drugs or medication to a multiple of horses, where a written log in the prescribed form is maintained.

Decision: Approved, pending closure of public process as it relates to the Thoroughbred rules, and development of new required recording systems

Other action: The Board instructed the Administration to work with the veterinarian community and the horsepeople to develop the required forms and recording systems to ensure medication control is maintained.

Reasons: The Board was persuaded by the arguments from the industry participants that the rule as it was written caused unnecessary financial burden and could lead to confusion in administration. The Board agreed that if appropriate document controls were in place, the requirement for separate containers was not necessary.

Proposal SB 33

Description: **New Rule Licensing of horsepeople's associations**
The proposed rule would require all horsepeople's groups, where those groups enter into contract with racetrack operators for revenue sharing, to be licensed by the ORC.

Decision: No action at this time

Other action: The Board instructed the Administration to continue to work with the various industry stakeholders towards the establishment of rules and requirements, pending approval of changes to the CPMA regulations.

Reasons: Changes to the CPMA regulations, requiring contracts for horsepeople's groups recognized by the local provincial commission, are expected in the near future.

Proposal SB 34

Description: **Rule 11.10.01 and 11.10.02**
The proposed rule would remove Class III and TCO2 positives from the rules that currently make the horse ineligible for 90 days.

Decision: Not approved

Reasons: The Board is not prepared to revisit this rule at this time.

Proposal SB 35

Description: **Rule 25.09 and 6.02(a) and 36.08**
The proposed rule changes would increase and make fines proportional to the purse in cases where a driver is removed from a horse for being intoxicated or unable to drive.

Decision: Not approved

Reasons: Currently there are rules and escalating fines in place to deal with this circumstance and a change is not warranted at this time.

Proposal SB 36

Description: **Rule 26.12 Late to the paddock**
The proposed rule changes would give the Judges more discretion to allow for late arrivals.

Decision: Not approved

Reasons: In the past the rules provided some discretion to the Judges to allow for late arrivals. Due to perceived unfairness in their application, the rule was

changed to an absolute and removing the discretion to deal with the various different circumstances. A change is not warranted at this time.

Proposal SB 37

Description: **Proposed new rule – Changes to purse distribution**
The proposed rule changes would redistribute the purse in a new manner in cases where a horse was interfered with.

Decision: Not approved

Reasons: The proposal was too complex.

Proposal SB 38

Description: **Proposed new rule – Changes to control of telewagering and account betting.**
The proposed rule changes would remove control of local telewagering and account betting from the regional racetracks.

Decision: Not approved.

Reasons: While the exact nature of the proposal was unclear, the concern of the submitter is understood. A change to the “rules” is not required, as the ORC already has certain authorities in this area. The ORC will accept an application from any operator in the case where it is deemed that a local racetrack operator has abandoned their market and the reason for abandoning the market has not been substantiated.

John L. Blakney
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