

## Moving Ahead: Horse Racing Regulation In Ontario

### Equine Drug Program Process Changes Frequently Asked Questions

**Q: Why is the Alcohol and Gaming Commission of Ontario (AGCO) removing the rules surrounding the 90-day automatic suspension of the horse when other jurisdictions such as Pennsylvania have similar rules in place?**

**A:** The AGCO is enhancing its regulatory approach in addressing equine drug violations. For each Certificate of Positive Analysis issued by the Canadian Pari-Mutual Agency (CPMA), the AGCO will take the appropriate action towards a horse on a case-by-case basis, as opposed to an automatic 90-day suspension.

Based on the AGCO's review of other key Canadian and American jurisdictions, although rules are in place to suspend the horse as a result of a positive test:

- In some jurisdictions, this is not an automatic suspension; and
- Across the jurisdictions there does not appear to be a consistent day count for the suspensions or a rationale for the days.

The AGCO will take regulatory action towards the horse based on the circumstances of each incident and in some cases, a suspension may be warranted.

In Ontario, the process of automatically suspending a horse for 90 days has been in place for almost a decade. The reforms to the AGCO equine drug program aim to streamline the positive test process, in a manner that is fair and reflects the AGCO's objectives of ensuring the integrity of horse racing and protecting equine athletes.

**Q: With the removal of the 90-day automatic suspension of a horse rules, how does the AGCO intend to hold owners accountable?**

**A:** The AGCO and the *Rules of Racing* provide for the necessary levels of accountability, including owner accountability. The AGCO can and will continue to take regulatory action against any licensee when deemed necessary.

The AGCO considers any equine drug violation to be a serious matter and reviews/investigates the circumstances associated with each Certificate of Positive Analysis issued by the CPMA. This information is compiled with information from other compliance activities, such as regular inspections and out-of-competition testing, and the AGCO monitors trends and may take additional regulatory action towards any licensees as necessary.

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**A: With these process changes, it appears the AGCO may decide on a Ruling prior to the licensee receiving the results of a residue sample requested by an independent laboratory. Why is the AGCO changing the process and making Rulings without the results of the residue sample?**

Historically, it can, at times, take months for a Ruling to be delivered when a residue sample is requested.

Under the new process licensees can continue to request residue samples.

In determining a potential settlement and Ruling the AGCO will consider:

- The Certificate of Positive Analysis, given it is prima facie evidence; and
- All additional information collected, including details of mitigating circumstances provided by the licensee.

When a Ruling is issued without the results of the residue sample, the licensee may appeal the Ruling with the Horse Racing Appeal Panel (HRAP) and at the same time request a stay of the penalty.

Should the results of the residue sample conflict with the Certificate of Positive Analysis, the AGCO may reconsider its Ruling, if the licensee did not accept the settlement.

This process change is expected to streamline the positive test process and all Rulings are expected to be issued in a more efficient manner, while ensuring fairness.

**Q: Who do I contact if I have questions about these equine drug programs reforms ahead of the 2018 race season?**

**A: For questions regarding the equine drug process changes please contact [connect@agco.ca](mailto:connect@agco.ca).**