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October 30, 2003

**THOROUGHBRED DIRECTIVE NUMBER 3 – 2003
RULES OF THOROUGHBRED RACING 2003**

The Ontario Racing Commission at its meeting of Thursday, October 30, 2003, resolved that the Rules of Thoroughbred Racing 2003 be amended by the promulgation of the addition of the following Rules, effective November 1, 2003:

**CHAPTER 15
ILLEGAL AND CORRUPT PRACTICES**

Rule 15.33.1 Horses may be tested for the antibodies of erythropoietin or darbepoetin as follows:

- (a) once entered to race,
- (b) when claimed,
- (c) when a horse has died and the trainer or owner is required to report the death of the horse,
- (d) any horse that was entered or raced within the previous 60 days.

Rule 15.33.2 The entry of a horse to race in Ontario shall constitute permission for a person designated by the Director of Racing to collect or otherwise obtain a blood sample from or of that horse for purposes of testing. Where a blood sample has been collected for purposes of TCO₂ testing, that sample may be used for testing for the antibodies of erythropoietin or darbepoetin, and the entry of the horse to race in Ontario shall constitute permission for a person designated by the Director of Racing to obtain that blood sample for purposes of testing for the antibodies.

Rule 15.33.3 The Director under the *Racing Commission Act, 2000* shall establish a protocol for the collection of or to obtain blood samples from horses and for the testing of those samples for the antibodies of erythropoietin and darbepoetin. Participants shall comply with the protocol.

Rule 15.33.4 The Director under the *Racing Commission Act, 2000* may approve one or more tests where he or she is satisfied that the testing methodology used is appropriate to determine whether or not the sample will result in the detection of the antibodies of erythropoietin or darbepoetin.

Rule 15.33.5 The Director under the *Racing Commission Act, 2000* may approve a laboratory operator to conduct the testing:

- (a) if he or she is satisfied that the laboratory is adequately equipped and secure to carry out the testing,
- (b) if he or she is satisfied that the laboratory operator is competent and that the individuals who will carry out the testing have the requisite training to do so, and
- (c) the laboratory operator and the Director under the *Racing Commission Act, 2000* have entered into an arrangement, memorandum of understanding or agreement with respect to, among other things, the standards for the carrying out of the testing, the reporting of the results of the testing, the confidentiality and use of the results of the testing and any reports prepared therefrom, including use for research purposes for the betterment of racing, protection of the horse and the health of the horse, and enforcement purposes.

Rule 15.33.6 If the antibodies of erythropoietin or darbepoetin are detected in the blood sample, the horse from which the blood sample was collected or obtained shall be placed on the Veterinarians List (long term) and shall not be removed from the Veterinarians List until the Director of Racing is satisfied that the antibodies are no longer detectable in a blood sample from the horse.

Rule 15.33.7 The Stewards shall declare a claim invalid if antibodies are detected in the blood sample of a horse that was claimed in a race and the Stewards are so notified in writing by the Director of Racing and the claimant of the horse requests that the claim be declared invalid. A request must be made within 48 hours of the claimant, the claimant's trainer or the claimant's authorized agent being advised that the antibodies were detected. Once the claim is declared invalid, the horse shall be returned to the previous owner, that owner's trainer or that owner's authorized agent, and the amount of the claiming price shall be repaid to the claimant. The claimant shall be responsible for any reasonable costs incurred for care or training of the horse while it was in the possession of the claimant or his or her trainer.

Rule 15.33.8 For purposes of testing for the antibodies of erythropoietin or darbepoetin, the Director under the *Racing Commission Act, 2000* shall establish by Directive the detectable limit for each test that he or she has approved.

BY ORDER OF THE COMMISSION

Jean Major
Executive Director