

dispute referred under sections 93.3 and 97 of the Labour Code.

**9.** The arbitrator shall submit a detailed account of the fees in order to justify each day where fees, allowances or expenses are claimed.

**10.** This Regulation replaces the Regulation respecting the remuneration of arbitrators, made by Order in Council 975-90 dated 4 July 1990.

**11.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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### **Draft Regulation**

An Act respecting racing  
(R.S.Q., c. C-72.1)

#### **Rules to amend the Rules respecting Standardbred horse racing**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Rules to amend the Rules respecting Standardbred horse racing may be made by the Régie des alcools, des courses et des jeux on the expiry of 45 days following this publication.

To that end, the board proposes

(1) to amend the Rules in order to harmonize them with the Pari-Mutuel Betting Supervision Regulations (1991), 125 Can. Gaz. II, 1913, which replace the Race Track Supervision Regulations (C.R.C., 1978, c. 441), as well as with the new Civil Code of Québec, now in force;

(2) to introduce a safety line, situated not less than 200 feet from the first turn, at which the starting judge gives the official signal for the start of a race and at which a horse is deemed to have started in a race;

(3) to exclude races held on class D race tracks from the scope of the Rules;

(4) to clarify certain standards for the holding of races, including qualifying races, claiming races and preferred races;

(5) to clarify certain standards relating to interference during a race;

(6) to change the definition of “entry” so that horses trained by the same trainer will no longer be considered as one horse for the purposes of pari-mutuel betting;

(7) to relax and clarify certain administrative procedures that must be followed by racing participants and associations; those procedures include the filing of Coggins test results by participants from outside Québec; authorization, by the race secretary, to declare a horse under different conditions for participation; a summons before the racing judges; the review, by the board, of a decision rendered by a racing judge who rejects an objection raised by a participant; and control of the use of alcohol and drugs by participants;

(8) to tighten the standards for supervision of the various areas within a race track, including the obligation that a trainer bring his horse to the paddock two hours before the start of a race;

(9) to add new restrictions preventing a horse’s participation in a race in situations where the possibility of doping could raise doubts as to the fairness of the race:

— where a substance other than water is administered to a horse within two hours preceding a race;

— where the horse’s physiological condition does not comply with set standards;

— for a period of 30 days, where analysis of the urine sample taken immediately after a race reveals the presence of a prohibited drug;

— where a drug, a medication or a mixture containing sodium bicarbonate was administered to a horse within 24 hours preceding the start of a race;

(10) to introduce a new violation, where a licence holder, through his act or failure to act, assists another licence holder in committing a violation in respect of doping;

(11) to provide for a ban on the administration of a substance other than water to a horse two hours before it starts in a race; and

(12) to tighten the standards pertaining to the ownership and training of race horses, including the impossibility of declaring a horse in a race where the horse’s ownership or the identity of its real trainer has not been established.

To date, study of this matter has revealed the following impact on business, and particularly on small and medium-sized businesses:

— the redefinition of “entry” will allow associations to enhance their product in the eyes of betters, which is likely to increase their profits;

— the tightening of the standards pertaining to doping is likely to renew betters’ faith in the integrity of the race and may thus attract more fans; and

— the introduction of new standards of conduct for racing participants will make it possible to improve the quality of the show provided for betters, to promote an increase in profits and to attract more fans.

Additional information may be obtained from Marc Lajoie, Lawyer, Régie des alcools, des courses et des jeux, 1281, boulevard Charest Ouest, Québec (Québec), G1N 2C9; tel. (418) 644-0815, fax (418) 643-5971.

Any interested person having comments to make on this matter is asked to send them in writing before the expiry of the 45-day period to the President and Director General of the Régie des alcools, des courses et des jeux du Québec, 1281, boulevard Charest Ouest, Québec (Québec), G1N 2C9.

GHISLAIN K.-LAFLAMME, *Lawyer,*  
*President and Director General*

## Rules to amend the Rules respecting Standardbred horse racing

An Act respecting racing  
(R.S.Q., c. C-72.1, s. 103, 1<sup>st</sup> par., subpars. 1 to 4,  
6, 14, 15 and 21)

**1.** The Rules respecting Standardbred horse racing, made by the Commission des courses du Québec on 19 September 1990, published in part 2 of the *Gazette officielle du Québec* on 3 October 1990 (122 *G.O.Q.* 2, 2491) and amended by the Rules made on 6 March 1991 (123 *G.O.Q.* 2, 1172), on 5 November 1992 (124 *G.O.Q.* 2, 4982) and on 14 September 1995 (1995, 127 *G.O.Q.* 2, 4241) are further amended, in section 1,

(1) by adding the words “and amended by Order in Council 1240-85 dated 19 June 1985” after the year “1983” in paragraph 2;

(2) by substituting the words “Pari-Mutuel Betting Supervision Regulations (1991), 125 *Can. Gaz.* II, 1913” for the words “Race Track Supervision Regulations (C.R.C., 1978, c. 441)” in paragraph 33;

(3) by substituting the words “Pari-Mutuel Betting” for the words “Race Track” in paragraph 34;

(4) by substituting the following for paragraph 35:

“(35) “entry” means several horses declared or participating in a race that are owned by the same owner;”;

(5) by substituting the following for paragraph 44:

“(44) “starting line” means a real vertical line which is marked on the inside of the racing strip and at which the recording of the duration of a race begins;

(44.1) “safety line” means a real vertical line which is marked on the inside of the racing strip not less than 200 feet from the beginning of the first turn;”;

(6) by substituting the words “Pari-Mutuel Betting” for the words “Race Track” in paragraph 53.

**2.** The following is substituted for section 2:

“These Rules apply to Standardbred horse races held at a class A, B or C race track as defined in the Regulation respecting Standardbred horse racing.”.

**3.** Sections 4 and 5 are revoked.

**4.** Section 6 is amended by deleting subparagraph 2 of the first paragraph.

**5.** Section 13 is amended:

(1) by adding the following at the end of the second paragraph: “and shall give the statement to the racing judges before the horse starts in a race following the race from which it was scratched.”; and

(2) by adding the following at the end of the fourth paragraph: “Such certificate is no longer required after the expiry of 30 days from the date of the horse’s entry on the “Veterinarian’s List”.”.

**6.** Section 23 is amended by deleting the second paragraph.

**7.** Section 31 is amended by substituting “3 hours” for “90 minutes” in the second paragraph.

**8.** Section 35 is amended by substituting the words “these Rules” for the words “a licence or a pass”.

**9.** Section 36 is amended by substituting “2 hours” for “90 minutes”.

**10.** Section 43 is amended by inserting the words “or is declared in a race” after the words “of a race track”.

**11.** Section 52 is amended by adding the words “any nerve blocking that has been done must not have been at a level higher than the pastern;” at the end of subparagraph 4 of the first paragraph.

**12.** Section 53 is amended by deleting the second paragraph.

**13.** Section 59 is amended

(1) by deleting the words “, nor the racing officials”; and

(2) by adding the following paragraph at the end:

“A racing official shall not take part in a race as an owner, authorized agent, driver, trainer or groom.”.

**14.** Section 70 is amended by adding the following paragraph at the end:

“(4) for a licence holder, not appearing before a racing judge when summoned to appear.”.

**15.** Section 74 of the English text is amended by substituting the word “incorrectly” for the word “impolitely” in paragraph 1.

**16.** Section 84 is amended by adding the words “, unless it has been interfered with” at the end of subparagraph 8 of the first paragraph of section 84.

**17.** Section 93 is amended by deleting the second paragraph.

**18.** The following is substituted for section 106:

“**106.** The owner of a mare, the owner’s agent or the trainer may not declare the mare in a claiming race from the date on which she is first serviced or during her gestation period.”.

**19.** Section 120 is amended

(1) by substituting the numeral “60” for the numeral “30” in the second paragraph; and

(2) by adding the words “or the safety line, as the case may be.” at the end of the third paragraph.

**20.** Section 125 of the French text is amended by inserting the words “au cours” after the words “la course”.

**21.** Section 130 is amended

(1) by substituting the numeral “90” for the numeral “30” in that part preceding paragraph 1; and

(2) by substituting the numeral “90” for the numeral “30” in paragraph 2.

**22.** Section 135 is amended by inserting the words “at the same gait” after the words “that is to be held”.

**23.** Section 159 is amended by substituting the word “presumed” for the word “deemed” in the third paragraph.

**24.** Section 175 is amended

(1) by adding the words “, unless it has been interfered with” at the end of subparagraph 5 of the first paragraph;

(2) by inserting the following after subparagraph 5 of the first paragraph:

“(6) it shall meet the time standard set by the race secretary, unless it has been interfered with.”; and

(3) by striking out the second paragraph.

**25.** Section 189 is amended by adding the following paragraph at the end:

“At the request of the trainer or owner of a horse, or of the owner’s agent, the race secretary is authorized to declare the horse in a race with different conditions for participation, where the minimum number of declarations has not been reached or where the maximum number of declarations has been exceeded.”.

**26.** Section 193 is amended by adding the following at the end of the second paragraph: “, except where the horse’s last start took place outside Québec, in which case the owner, the owner’s agent or the trainer shall file with the race secretary the certificate referred to in section 53 at least 1 hour before the start of the race in which the horse is to run.”.

**27.** Section 197 is amended

(1) by substituting the words “declaration under oath” for the words “sworn statement or solemn affirmation”; and

(2) by adding the following paragraph at the end:

“A horse that is scratched by the racing judges upon a person’s failure to make a declaration under oath or to provide such a document may not be declared in another

race until its owner, the owner's agent or its trainer has made the requisite declaration or filed the requisite document.”.

**28.** Section 201 is amended by adding the following at the end of the first paragraph:

“(4) where 2 or more horses are trained by the same trainer, preference is first given to only one horse.”.

**29.** Section 210 is amended

(1) by deleting the words “, first from among horses that have been organized as an entry due to their ownership and then from among horses that have been organized as an entry because of their trainers”; and

(2) by adding the following paragraph at the end:

“For the purposes of this section, horses trained by the same trainer shall be dealt with in the same manner as horses constituting an entry.”.

**30.** Section 232 is amended

(1) by inserting the words “the statement by a veterinarian prescribed in the second paragraph of section 13,” after “section 193,” in subparagraph 3 of the first paragraph;

(2) by substituting the words “does not have” for the words “is not under the responsibility of” in subparagraph 8 of the first paragraph; and

(3) by substituting the following for subparagraph 9 of the first paragraph:

“(9) a drug, a medication or a mixture containing sodium bicarbonate has been administered to a horse within 24 hours preceding the race in which the horse is to start;

(10) the results of the analysis of blood samples taken under sections 345.1 and 345.3 are positive;

(11) the trainer of the horse, the trainer's representative or the owner of the horse refuses to submit the horse to the blood sampling procedure described in sections 345.1 and 345.3;

(12) a horse participating in a race is not in the paddock within the time prescribed in section 236.”.

**31.** Section 234 is amended

(1) by substituting “2 hours” for “90 minutes” in that part preceding paragraph 1;

(2) by inserting the words “and who are at least 10 years old” after the words “for whom the owner answers” in paragraph 1.

**32.** Section 236 is amended by substituting “2 hours” for “one hour”.

**33.** Section 252 is amended by adding the words “or the safety line, as the case may be” after the words “the starting line” in the third paragraph.

**34.** Section 259 is amended by deleting from paragraph 3 the words “, for the purposes of the Race Track Supervision Regulation,”.

**35.** Section 271 is amended by deleting from paragraph 9 the words “or come into contact with a post in that rail”.

**36.** Section 273 is amended by deleting the words “During a race series,”.

**37.** Section 285 is amended by substituting the following for the fourth paragraph:

“Where, during a race, the wheel of a horse's sulky leaves a racing strip that does not have a continuous hub rail, the racing judges shall disqualify the horse, unless the horse left the racing strip as a result of an interference or collision, or as a result of the effects of an interference or collision. They shall then determine the position order of the horses.”.

**38.** Section 295 is amended by inserting the words “or an inspector from the board” after the words “The president of the racing judges”.

**39.** Section 303 is amended by inserting the words “An inspector from” before the words “the board”.

**40.** Section 339 is amended by substituting the words “Pari-Mutuel Betting” for the words “Race Track”.

**41.** The following is substituted for section 343:

“**343.** A horse that is disqualified in accordance with section 341 may not participate or be declared in a race before the expiry of 30 days from the date on which it is disqualified or until such time as the racing judges render a decision concerning the trainer of the horse.”.

**42.** Section 344 is amended by substituting the words “Pari-Mutuel Betting” for the words “Race Track”.

**43.** The following is substituted for section 345:

“**345.** No person who organizes, holds or participates in an activity subject to the Act shall have in his possession at a racetrack an injectable substance, a syringe, a hypodermic needle or other device that could be used to inject or in any way introduce a drug or other substance into a horse, unless the person is a veterinarian.

No licence holder shall prepare a mixture containing sodium bicarbonate or cause such mixture to be absorbed by a horse within 24 hours preceding a race in which the horse is to participate.

No person shall inject a horse with a drug or medication or in any way administer a drug or medication to a horse within 24 hours preceding a race in which the horse is to start.

Within 2 hours preceding the start of the first race with or without pari-mutuel of a race program and during such program, no licence holder shall administer to a horse in the paddock a substance other than the water provided by the Association.”.

**44.** The following is inserted after section 345:

“**345.1** During the 2-hour period preceding the time at which a horse is to start in a race, a blood sample may be taken for the purposes of analysis by a person authorized by the board in accordance with section 90 of the Act. When taking a blood sample, that person shall:

(1) write, on the container used to hold the blood sample, the horse’s tattoo number and the date and number of the race;

(2) write, on the back of the analysis record, in addition to his signature, the horse’s tattoo number and the date, time and place of the sampling.

**345.2** Subject to section 345.12, blood analysis results are positive if at least 2 of the following criteria are met:

(1) blood pH exceeds 7.43;

(2) bicarbonate ( $\text{HCO}_3$ ) concentration is greater than 38 millimoles per litre of blood;

(3) sodium (Na) concentration is greater than 147 millimoles per litre of blood.

**345.3** Where the results of the first blood analysis are positive, a second blood sample shall be taken from the horse.

**345.4** Where the results of the second analysis of the horse’s blood are positive, the person authorized by the board:

(1) shall so inform the racing judges;

(2) shall write, on the container used to hold the blood sample, the horse’s tattoo number and the date and number of the race;

(3) shall write, on the back of the analysis record, in addition to his signature, the horse’s tattoo number and the date, time and place of the sampling.

**345.5** The analysis records for the first and second blood samples, along with the information written on the back of those records by a person authorized by the board, constitute *prima facie* evidence of the bicarbonate and sodium concentrations and the pH in the horse’s blood, and of the horse’s identity, without it being necessary to prove the signature or the official capacities of the person who signed.

**345.6** Where the analysis results are positive, a horse’s trainer, a trainer’s representative or a horse’s owner who feels that the analysis results are physiologically normal due to a physiological trait specific to the horse shall establish that those results are in fact normal during isolation of the horse pursuant to section 345.9.

**345.7** A horse shall not be isolated for more than 72 hours, during which time the pH and the bicarbonate ( $\text{HCO}_3$ ) and sodium (Na) concentrations shall be measured.

**345.8** The horse may not be declared in or participate in a race while in isolation.

**345.9** Where the analyses done on a horse in isolation demonstrate that, due to a physiological trait specific to that horse, the pH or the bicarbonate ( $\text{HCO}_3$ ) or sodium (Na) concentration recorded is physiologically normal for that horse, the board shall determine new criteria for that horse for the purposes of section 345.2.

**345.10** The methodology used in the analyses done on a horse in isolation shall meet the criteria for analytical precision established by the International Federation of Clinical Chemistry and the American Association for Clinical Chemistry.”.

**45.** Section 360 is amended by inserting the word “interested” before the word “person”.

**46.** The following is substituted for sections 362 to 364:

“**362.** Failure to comply with any of the provisions of sections 7 and 8, the second paragraph of section 13, the second paragraph of section 20, the first and second paragraphs of section 22, sections 23 to 29, 32 to 39 or 40 to 46, the third paragraph of section 47, sections 48, 50, 51, 53 to 76, the second and third paragraphs of section 78, sections 79, 80, 85, 87, 88, 90 and 93, the first, second, fourth and fifth paragraphs of section 94, section 97, 106, 111, 112, 123, 124 and 131, the first paragraph of section 132, sections 133, 135, 136, 141 to 143 and 147, the second paragraph of section 156, sections 160, 161, 163, 166, 167, 173, 179, 182, 188 to 190, 192 to 195, 200, 207 and 208, the first paragraph of section 211, sections 222 to 224 and 234 to 241, the first paragraph of section 243, sections 244 to 248, the first paragraph of section 252, the third paragraph of section 255, the first paragraph of section 257, paragraph 2 of section 261, paragraphs 2 and 3 of section 261, sections 262 to 274, 276 to 284, 289, 294, 296 to 298 and 308, the second paragraph of section 310, sections 316, 317, 329 and 360 constitutes a violation, and such violation entails one or more of the following administrative measures:

- (1) a reprimand;
- (2) suspension, for a given period of time, of all or some of the privileges attached to a holder’s licence;
- (3) revocation of a holder’s licence, in which case a period of time not exceeding 5 years shall be determined during which the holder may not apply for the issue of that type of licence;
- (4) denial of access to all race tracks and all areas within race tracks, for a period not exceeding 5 years;
- (5) a fine of not less than \$50 and not more than \$599 for each day the violation continues.

**363.** Any licence holder commits a violation where, through his acts or his failure to act, he aids another person in violating any of the provisions of section 345.

**364.** Any violation of any of the provisions of paragraph 1 of section 261 or of section 345 or 363 entails both of the following administrative measures:

- (1) suspension of all or some of the privileges attached to a holder’s licence for a period of not less than 30 days or, where the licence would expire during such period, revocation of the holder’s licence. The licence holder shall not apply for the issue of that type of licence before the expiry of the suspension period, which may not exceed 5 years;

- (2) denial of access to all race tracks and all areas within race tracks, for a period not exceeding 5 years.”.

**47.** The following is substituted for section 365:

“**365.** The racing judges may not impose an administrative measure on a licence holder where such measure includes the suspension, for a period of more than 60 days, of all or some of the privileges granted under a licence or the revocation of the holder’s licence where a new application cannot be made before the expiry of a period of more than 60 days following the revocation.

In the above cases, the racing judges shall refer the matter to the board, which shall deal with it in accordance with section 51 of the Act.”.

**48.** Section 369 is amended

(1) by substituting the words “Any interested person may lodge an appeal” for the words “An appeal may be lodged” in that part preceding paragraph 1; and

(2) by adding the following after paragraph 4:

“(5) disallowance of an objection in respect of a violation of section 285 that may entail a loss of \$200 or more on the portion of the purse to which the owner of the horse would have been entitled;

(6) revocation of a holder’s licence.”.

**49.** These Rules come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*.

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