

Horse Racing Policy: Licensee Drug Testing

All policies regarding this matter dated prior to the date on this document are void.

Pursuant to Part 7, section 50(1)(3) of the Gaming Control Act (the Act) for the Province of British Columbia:

50 (1) For the purposes of ensuring compliance with this Part, the regulations and rules under this Part and the terms and conditions of a horse racing licence, but subject to subsection (2), a person employed in the branch who

- (a) is a judge or steward, or
- (b) is designated by the general manager for the purposes of this section

to attend at race meetings, racetracks or designated race horse training centres on behalf of the general manager may require a licensee

- (c) to submit to a search of the licensee's person, and
- (d) to provide samples of the licensee's blood, saliva, urine, breath or other materials for testing or analysis.

(3) A licensee must comply with a demand made under subsection (1).

Why Does the Gaming Policy Enforcement Branch Require Drug Testing Under Section 50(1)(d)?

The Branch has a wide mandate to regulate horse racing in the Province. That mandate includes responsibility for industry safety and integrity in their widest senses. Horse racing is an elite and dangerous sport. Horse racing is also integrally tied to gaming. This makes it a significant economic enhancement to the community but one that is unusually vulnerable to illegal or improper influences. The public, however, rightfully expect horse racing to be conducted in as safe a manner as possible and without illegal or improper influences and that the Racing Division, of the Gaming Policy and Enforcement Branch, will regulate horse racing to that very end. The Branch therefore requires licensee drug testing:

- As part of its responsibility to prevent human and equine safety from being compromised by licensee drug use;
- As part of its responsibility to protect the integrity of the industry in the eyes of the public;
- As part of its responsibility to protect the financial health of the industry.

What Drugs are Saliva Samples Tested For?

A person authorized for the purposes of section 50(1)(d) of the Act may require a saliva sample to be tested for any drug, the use of which may compromise human or equine safety or harm the integrity or financial health of horse racing.

Saliva samples will usually be analyzed for:

- cocaine
- marijuana
- amphetamines (stimulants)

Saliva samples may also be analyzed for:

- barbiturates (sedatives)
- benzodiazepines (tranquilizers)
- propoxyphene (pain killers)
- phencyclidine (angel dust)
- opiates (heroin, morphine, codeine)

Saliva samples may also be analyzed for other drugs if there is reasoned suspicion that the use of the drug will compromise human or equine safety or harm the integrity or financial health of horse racing.

A licensee will be informed at the time he or she gives a urine/saliva sample if the sample will be tested for any drugs other than cocaine, marijuana or amphetamines.

Who Gets Tested?

Licensed officials, jockeys, drivers, gate crew, valets

A person authorized for the purposes of section 50(1)(d) of the Act may require licensed officials, jockeys, drivers, gate crew or valets to provide saliva samples at any time. However, demands will usually be made:

- On a periodic basis, of all licensed officials, jockeys, drivers, gate crew and valets, and
- Of licensed officials, jockeys, drivers, gate crew and valets, based upon a reasoned suspicion that the licensee has used a drug, the use of which may compromise human or equine safety or harm the integrity or financial health of horse racing.

Trainers, exercise riders, grooms and any other persons entitled to be mounted

Trainers, exercise riders, mounted persons, or grooms may also be required to provide a saliva sample at any time. However, a demand will usually be made:

- On a periodic basis, of randomly selected exercise riders, mounted persons, or grooms, and
- Of trainers, exercise riders, mounted persons, or grooms, based upon a reasoned suspicion that the licensee has used a drug, the use of which may compromise human or equine safety or harm the integrity or financial health of horse racing.

Owners and other licensees not authorized to handle or mount horses

Owners and other licensees whose licenses do not authorize them to handle or mount horses will not usually be required to provide a saliva sample under section 50(1)(d) of the Act. When required, the demand will be based on a reasoned suspicion that the licensee has had or will have contact with or access to a horse under the jurisdiction of the Branch (Racing Division) when a drug, which may compromise human or equine safety or harm the integrity or financial health of horse racing has been consumed by the licensee or administered to the horse.

What is Reasoned Suspicion?

When determining whether there is reasoned suspicion to require testing, a person authorized for the purposes of section 50(1)(d) of the Act may consider, but is not limited to considering, any of the following factors:

- Involvement in any accident which causes injury to a person or animal at a racetrack, as well as any near accident which created a clear danger of accident or injury to a person or animal at a racetrack;
- Conduct detrimental to horse racing as evidenced by unexplained or continued rule violations, other disciplinary problems, behavioral problems, disturbances or other similar conduct at a racetrack;
- Observable physical or emotional impairment at a racetrack;
- Involvement in a race of questionable outcome or circumstance as determined by the stewards/judges in the exercise of their expertise;
- Willful abuse of animals or persons who are engaged in a race, work or exercise engagement at a racetrack;
- Prior reported positive urine/saliva samples which resulted in a ruling against the licensee, except when the licensee has complied with the conditions or requirements necessary to bring his or her licensing status back into good and unconditional standing;
- Contact with a horse under the Branch's jurisdiction when that horse has tested positive for a drug, the use of which may compromise human or equine safety or harm the integrity or financial health of horse racing;
- Performance of duties in a manner which indicates a best effort to win is not present at a racetrack;
- Information relating to drug use from a law enforcement agency, industry organization or horse racing commission of any province, state or country;
- Unexplained absence from duties of the licensee;
- Any other conduct at a racetrack which might indicate dependence on or usage of a drug, the use of which may compromise human or equine safety or harm the integrity or financial health of horse racing.

Where and When Samples are Taken

Unless a person authorized for the purposes of section 50(1)(d) of the Act directs or permits otherwise, a licensee who has been required to provide a saliva sample must do so at a designated sample collection site, designated by the Racing Division of the Gaming Policy and Enforcement Branch. This will usually be at the racetrack where the demand was made.

Analysis of Samples

Saliva samples taken for drug testing pursuant to section 50(1)(d) of the Act are analyzed by a laboratory selected by the Branch.

Positive Saliva Samples

All saliva samples undergo initial immunoassay testing. Those saliva samples with initial positive test results then undergo confirmatory quantitative Liquid Chromatography/Tandem Mass Spectrometry testing.

A saliva sample tests positive if it contains more than the established cut off level for that drug and that method of testing. A saliva sample is only reported positive by the laboratory if it has tested positive by both initial and confirmatory testing methods.

The established cut off levels for the initial saliva test are as follows:

	Screening Cutoffs	Confirmation Cutoffs
• Marijuana	(1 ng/ml)	(4 ng/ml)
• Cocaine	(5 ng/ml)	(8 ng/ml)
• Opiates	(10 ng/ml)	(40 ng/ml)
• Phencyclidine	(1 ng/ml)	(10 ng/ml)
• Amphetamine	(100 ng/ml)	(50 ng/ml)
• Methamphetamine	(40 ng/ml)	(50 ng/ml)
• IGG	(500 ng/ml)	
• Oxycodone/Morphone	(10 ng/ml)	(40 ng/ml)

For each reported urine/saliva sample the laboratory provides the Racing Division, of Gaming Policy and Enforcement Branch, with a certificate of positive analysis which identifies the licensee only by the number on his or her saliva sample container. Each certificate of positive analysis is matched against the applicable licensee's name in the Racing Division's drug testing log book and that licensee is notified that his or her saliva sample has been reported positive.

Refusal to Provide a Sample

Refusal to provide a saliva sample as required under section 50(3) of the Act will be treated as equivalent to a reported positive sample and may also result in additional sanctions under section 51 of the Act.

Consequences of Reported Positive Saliva Samples for Impairing Prescription Medication with a Valid Prescription

A licensee who provides a reported positive saliva sample and is using a drug for valid medical reasons which may compromise human or equine safety or harm the integrity or financial health of horse racing, will usually receive a ruling issued under section 51 (2) of the Act immediately suspending the licensee from his/her duties until a Medical Review Officer has reviewed the result and provided a report to the Racing Unit, Compliance Division, GPEB with a recommendation concerning the future status of the licensee.

The first reported positive saliva sample will result in the licensee being suspended until a clean saliva sample is received by the Racing Unit at the expense of the licensee in addition to any recommendations of the Medical Review Officer.

The second reported positive saliva sample will result in the licensee being suspended until a clean saliva sample is obtained at the licensee's expense in addition to any recommendations of the Medical Review Officer and any other penalties imposed by the Stewards/Judges.

Consequences of Reported Positive Saliva Samples for Drugs Not Used for Valid Medical Reasons

A licensee who provides a reported positive saliva sample for a drug not used for valid medical reasons will usually receive a ruling issued under section 51 (2) of the Act immediately suspending the licensee from his/her duties until a Medical Review Officer has reviewed the result and provided a report to the Racing Unit, Compliance Division, GPEB.

The first reported positive saliva sample may result in an immediate ruling suspending the licensee's licence for thirty (30) calendar days **and** until he or she provides a saliva sample which does not result in a reported positive in addition to any recommendations of the Medical Review Officer. That saliva sample will be at the expense of the licensee, as set out by the Racing Division Director. A reported positive of that sample will not be counted in the number of positives by that licensee. The licensee will also sign a conditional licence agreement, and be responsible to follow those conditions set out in that agreement, which will be enforced by the stewards/judges.

The second reported positive saliva sample within a 24-month period may result in the licensee being suspended for 60 days in addition to any recommendations of the Medical Review Officer, and to provide a further clean saliva sample at the licensee's expense, as set out by the Racing Division Director. A reported positive of that sample will not be counted in the number of positives by that licensee. The licensee will continue on his/her signed conditional licence agreement.

Three or more reported positive saliva samples within a 3-year period may result in more serious action under section 51(2) of the Act proportional to the circumstances of each case.

The Branch may include reported positive saliva samples from other racing jurisdictions when determining a licensee's number of reported positive samples.

Use and Disclosure of Recorded Identifying Personal Information About Licensees

The Branch's use and disclosure of recorded identifying personal information about a licensee, which has been collected in the exercise of the Branch's powers and duties under the Act, is regulated by provisions of the Freedom of Information and Protection of Privacy Act, S.B.C. 1992, c. 61. Such information collected in connection with drug testing under section 50(1) of the Act will consist of medical information, certificates of positive results (when matched with licensee identifying information), reports filed as a result of attending a treatment program and rulings arising from reported positive results. This information will only be used or disclosed by the Branch in accordance with Part 3, Division 2, of the Freedom of Information and Protection of Privacy Act. Under this legislation a licensee may also request access to his or her recorded identifying personal information and, where desired, correct or annotate that information.

Copies of the relevant provisions of the Freedom of Information and Protection of Privacy Act are available from the Branch on request.

The following Branch practices with respect to recorded identifying personal information about licensees collected in connection with drug testing under section 50(1) of the Act, comply with the Freedom of Information and Protection of Privacy Act:

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- Section 51(2) rulings against licensees in relation to reported positive saliva samples, when issued from rulings, internal reconsideration and administrative review decisions and reasons from rulings, will be:
 - Part of the Racing Division's public and internal records of that licensee's licensing history;
 - Reported on request to law enforcement agencies.
- Other recorded identifying personal information about licensees collected in connection with drug testing under section 50(1) of the Act, such as medical information, certificates of positive analysis (when matched with licensee identifying information) and reports filed as a result of attending a treatment program, will be treated as confidential except for their present or future use in issuing rulings or other licensing decisions about the licensee concerned, or in hearings, internal reconsideration, administrative reviews or other proceedings regarding rulings or other licensing decisions. This information will be securely stored apart from the Racing Division's public or internal licensing history records and will only be disclosed in accordance with section 33 of the Freedom of Information and Protection of Privacy Act. In most cases, this will limit access:
 - To the Racing Division Executive Director or other persons authorized by the Executive Director for use in issuing rulings or other licensing decisions about the licensee concerned, or in hearings, internal reconsideration or other proceedings regarding rulings or other licensing decisions;
 - To the licensee concerned or other persons the licensee authorizes to have access; and
 - For the purpose of complying with a subpoena, warrant or order of a court, person or body with jurisdiction to compel access.

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