

Penalty Guidelines Used for Equine Drug and TCO₂ Offences

Effective May 15, 2022

Horse Positives & TCO ₂ (All Breeds)				
Violation	1st Offence	2nd Offence	3rd Offence	4th Offence
Class I	1-5 years and \$5,000 fine	5-10 years and \$20,000	10 years and \$80,000	
Class II	6 months- 1 year and \$4,000	1-5 years and \$10,000	10 years and \$40,000	
Class III	60-180 days and \$2,000	6 months- 1 year and \$5,000	1-2 years and \$10,000	2-10 years
Class IV	15-30 days and \$1,500 fine or \$3,000	30 days and \$2,000	6 months and \$3,000	1 year and \$4,000
Class V	7-15 days and \$1,000 fine or \$2,000	15 days and \$2,000	30 days and \$3,000	60 days and \$4,000

Application of the Guidelines

- The Guidelines and the assessment of the penalty are intended to have retrospective effect. That is to say, Horse Racing Alberta and/or its representatives will consider offences that occurred prior to January 1, 2004 for the purposes of assessing a penalty as a second or subsequent offence under these Guidelines. These revised Guidelines do not have the effect of “wiping the slate clean” for offences before January 1, 2004.
- The suggested penalties (suspension and fines) are for minimum penalties only. Suspensions of longer duration could be assessed.
- Horse Racing Alberta and/or its representatives may exercise discretion in interpreting the Guidelines and assessing penalties, but will consider **all** prior offences, in and outside of Alberta, involving any drug, medication, bicarbonate (TCO₂) or any other substance prohibited by rule or law. Although all prior offences may be considered in determining the appropriate penalty, the penalties for second and subsequent offences suggested in these Guidelines are based on:
 1. The assumption that the previous offence(s) being considered were in the same class of drug and

2. The date of conviction or ruling for the previous offence(s) occurred within the last 3 years.
- For second or subsequent offences which occurred within the last 3 years but in a different class of drug, Horse Racing Alberta and/or its representatives will exercise discretion in assessing the penalty by considering the following:
 1. The number and class(es) of all previous offences,
 2. The time frame between offences, and
 3. Any mitigating circumstances
 - For the purposes of these guidelines a positive sample for EPO or any other blood or gene doping agent, synthetic or otherwise, shall be considered a Class 1 offence.
 - For the purpose of these Guidelines, a TCO₂ offence is considered a Class 3 drug. A second or subsequent offence involving a TCO₂ positive test shall result in the maximum penalty being levied based upon the Guidelines.
 - For the purpose of these guidelines, a positive sample for anabolic steroids shall be considered a Class 4 offence.
 - In the event of multiple offences of the same substance occurring to different horses of the same trainer, any subsequent positive sample detected prior to the confirmation of the initial positive sample may be treated as a multiple offence, but the penalty may be:
 - A) treated as a first offence or
 - B) a second or subsequent offence
 - Suspension periods are full suspensions as described in the Rules of Racing.
 - Regardless of the penalty imposed, the horse in question will be disqualified and the purse money redistributed.
 - "Class" of drugs is based upon the Uniform Classification Guidelines for Foreign Substances, published by the Association of Racing Commissioners International.

Doug Fenske

Manager of Racing Supervision & Security
Horse Racing Alberta