

Horse Racing Policy: Breathalyser Testing of Licensees

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 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).

1. The tolerance level of alcohol is zero; however, to compensate for unforeseen variances, a level of 19 milligrams in 100 millilitres (.019) of blood or less will not be in violation of this policy.
2. An initial reading of 20 milligrams in 100 millilitres (.020) of blood or over, will require that a second test be taken within twenty minutes time. Should the second test be 20 milligrams in 100 millilitres (.020) to 80 milligrams in 100 millilitres (.080), the following penalty will usually be assessed:

(a) First Violation .020 to .080:

- Fined \$100, and
- Suspended and denied the privileges of the grounds until he/she provides an acceptable breath sample of 19 milligrams in 100 millilitres (.019) of blood or less.

(i) Should that initial reading be 81 milligrams in 100 millilitres (.081) or over after the second test, the following penalty will usually be assessed:

First Violation .081 or over:

- Fined \$100, and
- Suspended and denied the privileges of the grounds until he/she provides an acceptable breath sample of 19 milligrams in 100 millilitres (.019) of blood or less, and
- Sign a conditional licence agreement, and be responsible for following those conditions, which will be enforced by the stewards/judges.

(b) Second Violation within an eighteen-month period, at a level of .020 to .080 will usually result in the following penalty being assessed:

- Suspended and denied the privileges of the grounds for five (5) calendar days,
- He/she must provide an acceptable breath sample of 19 milligrams in 100 millilitres (.019) of blood or less before returning to the grounds, and
- Sign a conditional licence agreement, and be responsible for following those conditions, which will be enforced by the stewards/judges.

Second Violation within an eighteen-month period, at a level of .081 or over, will usually result in the following penalty being assessed:

- Fined \$250, and
- Suspended and denied the privileges of the grounds for ten (10) calendar days, and
- He/she she must provide an acceptable breath sample of 19 milligrams in 100 millilitres (.019) of blood or less before returning to the grounds, and
- Sign a conditional licence agreement prepared by the stewards/judges and the Winners/On Stride program director, and be responsible for following those conditions, which will be enforced by the stewards/judges.

(c) Third Violation within a two year period, of a level .020 to .080, or at a level of 0.81 or over, will usually result in the following penalty being assessed:

- Suspended until he/she has successfully completed a residential alcohol and drug abuse centre program acceptable to the stewards/judges. While in the treatment centre, the licensee must, upon request, provide the stewards/judges with reports on the treatment being received. Upon completion of the program, the licensee shall appear before and satisfy the stewards/judges that he or she is able to resume normal duties and responsibilities, and
- The licensee will continue on his/her signed conditional licence agreement.

(d) Fourth Violation within a three year period will usually result in a more serious action taken, under section 51 of the Gaming Control Act.

3. Refusal to submit a sample will be dealt with under section 50 (3) of the Act. Such refusal shall count as a violation (unacceptable level) for the purpose of determining the number of violations. Penalties for refusals will be at the discretion of the stewards/judges.

Original signed on April 1, 2005 by: Samuel Hawkins
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