



Certificate of Positive Analysis – Class 2 – Lorazepam

Red Shores Summerside, September 10, 2024

Horse – Woodmere Ideal Art (1NR26) 9-year-old gelding

Trainer – Sifroi Melanson (4474L)

The Atlantic Provinces Harness Racing Commission received a certificate of positive analysis for a Class 2 drug Lorazepam on September 26, 2024. The positive test was from a urine sample collected at Red Shores Summerside on September 10, 2024. Sample identification number 61 24254 017.

The Director of Racing contacted Senior racing judge Kent Butler on September 26, 2024, and forwarded the certificate of positive analysis. Mr. Butler was the senior racing judge at Red Shores Summerside on September 10, 2024.

Senior racing judge Derek Folland confirmed the matching identification tags with the Racing Forensics test inspector on September 27, 2024.

Lorazepam is a Class 2 drug under the Association of Racing Commissioners International (ACRI) Classification Guidelines. It is a prohibited substance under the Canadian Pari-Mutuel Betting Guidelines. When detected in a horse it results in a certificate of positive analysis.

APHRC Investigator Watts visited the stables of Mr. Melanson in Greater Lakeburn, NB on September 29, 2024, to inform him of the certificate of positive analysis for Woodmere Ideal Art and to begin his work to compile an investigative report for the judges as per Rule 367(1) under the Rules of Standardbred Harness Racing (“the Rules”) as adopted by the APHRC.

Mr. Melanson advised Investigator Watts that he has never administered any prohibited substance to a horse in his life.

Rules concerning Equine Medication Control are contained in Section 6.8.3 of “the Rules”.

Rule 366. (1) Unauthorized administration of any drug or foreign substance, or the administration of nontherapeutic medications to racehorses is absolutely prohibited.

(c) “Unauthorized administration by the Trainer of Record shall be presumed in the case of a positive test under Rule 367. The Trainer of Record may rebut the presumption of unauthorized administration by demonstrating on a balance of probabilities (s)he made

every reasonable effort to comply with the obligations of Rule 122 and protect the racehorse from unauthorized administration”

Rule 367. Where any test taken under the Pari-mutuel Betting Supervision Regulations reveals a positive presence of a restricted drug as described in such regulations, the APHRC shall refer to the uniform classification guidelines for foreign substances concerning the drug class.

(1) Rule On Drug Classifications—Upon finding of a violation of these medication and prohibited substances rules, the senior judge shall consider the classification level of the violation as currently established by the Uniform Classification Guidelines of Foreign Substances as promulgated by the Association of Racing Commissioners International Inc. and impose penalties and disciplinary measures consistent with the prescribed APHRC penalty table (Rule 367 (2)(a)).

(a) Prior to deciding on the imposition of penalties and disciplinary measures, the judge(s) shall consider the presence of any mitigating and/or aggravating circumstances.

(b) In the event the judge or a majority of them, find mitigating circumstances to be present, discretion may be exercised to impose a lesser penalty than the minimum penalty indicated in the APHRC penalty table Rule 367 (2) (a).

Lorazepam is a Class 2 drug and carries a sanction of 6-8 months and a fine of \$1500 for a first offence absent mitigating or aggravating circumstances.

The Mitigating Circumstances

The mitigating circumstances considered by the judges in this matter:

1. Sifroi Melanson has no prior positive tests for anything in his near 40 years as a trainer.
2. The Investigators report indicated “the stable is meticulously maintained... the feed rooms are well organized and there are even separate feed rooms for lunch and dinner meals... the tack room and supplement areas are very clean and organized... the manure is removed and disposed of remotely.” “All horses in the stable appear to be well cared for and in excellent health. Working cameras are situated by all entrance areas and have complete coverage of the stable area. Signage is in place in the washrooms and elsewhere outlining disease protection/prevention measures.”

An additional security factor is the residence is located above the stable.

3. Neither Mr. Melanson nor anyone who handles Woodmere Ideal Art is on Lorazepam. The farrier and another licensee at Ultimate Stables were interviewed, neither takes Lorazepam.
4. Mr. Melanson was very professional and cooperative throughout with the investigator and with Senior Judge Butler.
5. An independent veterinarian's report for the judges indicates that Lorazepam (Ativan) is a short-acting benzodiazepine primarily used in human medicine for managing anxiety, insomnia, and seizures. Lorazepam is not licensed as an equine drug and research has shown it detrimental to the performance of the horse. Research has shown that horses experienced muscle weakness, ataxia, sedation, and a loss of coordination. Not something that is beneficial to a racehorse.
6. When this certificate of positive analysis was received from the CPMA there was no quantitative analysis of the drug. The CPMA does not tell the APHRC how much of the drug was found in the horse. While a quantitative analysis is not necessary to establish a violation of the Canadian Pari-Mutuel Betting Regulations – the mere presence of a prohibited substance is the violation – a quantitative analysis would be of assistance to the judges when adjudicating violations when the source of the prohibited substance cannot be determined.
7. The Rules of Standardbred Harness Racing as adopted by the APHRC do not allow for stays to be considered for Class 1, Class 2, Class 3, or TCO2 positive tests. Rule 398 (1) *The timely filing of any appeal shall suspend the payment of any fines or the serving of any calendar days in a Judge's ruling, unless it is deemed by the Commission to not be in the best interest of racing to stay the penalties. There will be no stay granted for Class 1, 2 & 3 or TCO2 violations associated with Rule 369 or a positive test analysis as a consequence of blood, blood gas analysis, urine or saliva sample analysis. Class 4 and 5 violations may be considered for a stay.*

Aggravating Circumstances

1. Woodmere Ideal Art was assigned to the third row of stalls in the paddock barn. The trainer made the choice to not place the horse in the assigned stall initially and relocated him to the red barn adjacent to the ship-in barn. The horse was in the barn that houses the walker/conditioner. He was given hay and left loose in the stall as two other horses from the stable were qualified. Woodmere Ideal Art was moved to his assigned stall following the qualifiers. He was not left unattended upon relocation to his assigned stall.

Unless the horses in the Ultimate Stable are sold, they are ineligible to race during the term of Mr. Melanson's suspension as per Rule 372. *"Whenever a trainer is suspended under Section 6.8.3 and 6.8.4 any horse trained by him/her or under his/her care, but not owned wholly or in part by him or her, with the consent of the Commission or it designates, may be released to the care of another licensed trainer and may race."*

Following the hearing with Sifroi Melanson on October 7, 2024, the judges were satisfied that on the balance of probabilities the Lorazepam detected in Woodmere Ideal Art from a test sample taken at Summerside on September 10, 2024, was not from a substance that Mr. Melanson administered to the horse but rather as a result of an inadvertent transfer of Lorazepam.

The judges also believe as trainer of Woodmere Ideal Art Mr. Melanson bears a degree of responsibility for the positive test under Rule 122. It was the trainer's decision to let the horse loose in the red barn that contains the walker/conditioner as opposed to taking Woodmere Ideal Art directly to his assigned stall. From the investigators report and the judges hearing for Mr. Melanson, it appears that this was a possibility for the source of the contaminant.

The Decision

Lorazepam is a Class 2 violation which may carry a suspension of 6-8 months and a \$1500 fine for a first offense absent any mitigating circumstances. This case does not warrant consideration of this severe of a sanction given the mitigating circumstances.

Judges have a responsibility under the rules of racing to protect the integrity of the industry. Because the drug Lorazepam was present in the horse it is a violation of the rules, and the trainer is responsible. Under APHRC rules the trainer may rebut the positive finding by demonstrating adherence to Rule 122.

Lorazepam (Ativan) positive tests are rare. Judges could not find any previous cases in Atlantic Canada, a strict liability jurisdiction, and only one case authority in the rest of Canada from Ontario, an absolute liability jurisdiction, from 2019.

Having considered the evidence before them, the judges issued the following ruling:

1. The horse Woodmere Ideal Art is suspended until October 29, 2024, and must requalify.
2. Any purse monies from September 10, 2024, will have to be returned for re-distribution.
3. Woodmere Ideal Art is disqualified from 3rd place in the 13th race at Red Shores Summerside on September 10, 2024.
4. Mr. Melanson is suspended from October 30-November 8. 20 days probated.
5. Mr. Melanson is fined \$1000.