

**Maryland General Assembly  
Department of Legislative Services**

**Emergency/Proposed Regulation  
Department of Labor, Licensing, and Regulation  
(DLS Control No. 14-178)**

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## **Overview and Legal and Fiscal Impact**

This emergency/proposed regulation makes a claim on a thoroughbred horse that is vanned off the track within a certain period after the official end of the race voidable by the new owner.

The regulation presents no legal issue of concern.

There is no fiscal impact to State or local agencies.

## **Regulation of COMAR Affected**

### **Department of Labor, Licensing, and Regulation:**

Racing Commission: Thoroughbred Rules: COMAR 09.10.01.07

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## **Legal Analysis**

### **Background**

A “claiming race” in thoroughbred horse racing is one in which the horses are all for sale for more or less the same price (the “claiming price”) up until shortly before the race. Claiming races are considered at the bottom of the hierarchy in horse racing based on the quality of horses they attract (below handicap and graded stakes races). They make up the bulk of races run at most tracks and usually have the lowest average purse among race types.

COMAR 09.10.01.07 governs the process of claiming horses under the thoroughbred rules.

### **Summary of Regulation**

The regulation establishes a rule that a claim is voidable at the sole discretion of the new owner, for a period of one hour after the race is made official, for a horse that is vanned off the track after the race at the discretion of the State Veterinarian.

### **Legal Issue**

The regulation presents no legal issues of concern.

## **Statutory Authority and Legislative Intent**

The Department of Labor, Licensing, and Regulation cites § 11-210 of the Business Regulation Article as legal authority for the regulation. Section 11-210 authorizes the Maryland Racing Commission to adopt regulations and conditions to govern racing and betting on racing in the State. This authority is correct and complete. The regulation complies with the legislative intent of the law.

## **Reason for Emergency Status**

The department requests emergency status for the period beginning September 1, 2014 and expiring December 31, 2014, and advises that the reason for the request for emergency status is to have the new claiming procedure in place at the beginning of the fall thoroughbred race meeting in Laurel Park. This period is within normal timeframes approved by the committee.

## **Fiscal Analysis**

There is no fiscal impact to State or local agencies.

## **Agency Estimate of Projected Fiscal Impact**

The Department of Labor, Licensing, and Regulation advises that the regulation allows a claim for a horse to be voidable at the sole discretion of the new owner, for a period of one hour after a race is made official, if the horse is vanned off the track after the race at the direction of the State Veterinarian. The department states that the regulation has no fiscal impact, and the Department of Legislative Services concurs.

## **Impact on Budget**

There is no impact on the State operating or capital budget.

## **Agency Estimate of Projected Small Business Impact**

The Department of Labor, Licensing, and Regulation advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

## **Contact Information**

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