

**Maryland General Assembly
Department of Legislative Services**

**Emergency/Proposed Regulation
Department of Labor, Licensing, and Regulation
(DLS Control No. 15-100)**

Overview and Legal and Fiscal Impact

This emergency/proposed regulation restricts the amount of cobalt permitted to be present in a racehorse in Maryland to no more than 25 nanograms per milliliter of blood plasma or serum.

The emergency/proposed regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Labor, Licensing, and Regulation:

Racing Commission: Prohibited Acts: COMAR 09.10.03.01-1

Legal Analysis

Background

Cobalt is a naturally occurring substance in racehorses but is also present in various feed supplements. There is evidence that the administration of cobalt salts to humans and other species can increase red cell production but can become toxic in certain amounts. It is reported that bulk cobalt salts are sometimes administered to racehorses at doses causing acute toxic effects, raising horse welfare concerns. In April 2015, the Association of Racing Commissioners Drug Testing Standards and Practices Committee recommended that horses with a plasma cobalt concentration of greater than 25 ppb but less than 50 ppb be issued warnings and placed on the racing board's veterinarian's lists until the levels fall below that amount.

COMAR 09.10.03.01-1 provides a list of medications and other substances that are restricted to specific threshold quantities. Sanctions for violating these protocols are provided in COMAR 09.10.03.02.

Summary of Regulation

The regulation restricts the amount of cobalt permitted to be present in a racehorse in Maryland to no more than 25 nanograms per milliliter of blood plasma or serum.

Legal Issue

The emergency/proposed regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The department cites § 11-210 of the Business Regulation Article as authority for the emergency/proposed 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 to begin July 1, 2015 and to expire December 15, 2015. This period is within normal timeframes approved by the committee. The department states that the reason for the request for emergency status is to protect the safety and welfare of horses subject to the regulation by providing a threshold for the maximum amount of cobalt that can be present in the animals.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulation provides for the amount of cobalt that may be permitted in blood plasma or serum of a race horse. The department advises that the regulation has minimal or no impact on State or local governments. 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 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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