

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Health and Mental Hygiene
(DLS Control No. 15-305)**

Overview and Legal and Fiscal Impact

The regulation updates and clarifies certain definitions related to rabies control procedures.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Health and Mental Hygiene:

Diseases: Communicable Diseases – Rabies: COMAR 10.06.02.02

Legal Analysis

Summary of Regulation

The regulation updates and clarifies certain definitions related to rabies control procedures. The regulation clarifies the definition of “apparently healthy” to provide that the investigation by the local health officer or health officer’s designee shows that the animal has not had a change in health or behavior in the past 30 calendar days. The regulation also clarifies the definition of “bite contact” to mean penetration of the skin by the teeth of an animal, regardless of whether blood is visible. The regulation repeals the definition of “biting animal.” The regulation clarifies that “livestock” includes horses and other equines. In addition, the regulation alters the definition of “provoked bite” to include a bite the resulted from instances when a human attempted to harm an animal. The regulation alters the definition of “risk assessment” to mean the evaluation of the circumstances surrounding a bite or non-bite contact to determine the likelihood that an individual has been exposed to material potentially infectious with rabies. Finally, the regulation alters the definition of “strict isolation” to require the animal to be confined in an escape-proof enclosure that precludes direct contact with people and other animals.

Legal Issues

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The Department of Health and Mental Hygiene cites §§ 18-102, 18-312 through 18-320, and 18-604 of the Health – General Article as statutory authority for the regulation. More specifically, the regulation is authorized by §§ 18-102 and 18-313. Section 18-102(a) requires the Secretary of Health and Mental Hygiene to adopt regulations necessary to prevent the introduction of an infectious or contagious disease in the State or other disease that endangers public health in the State, or the spread of an infectious or contagious disease or other disease that endangers public health in the State. Section 18-313 requires the secretary to provide a statewide system to control rabies. The remaining cited authority is not relevant to this regulation.

The relevant cited authority is correct and complete. The regulation complies with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulation alters definitions used in rabies control procedures for local health departments, physicians, veterinarians, and other State government agencies. The department advises that the changes are updating and clarifying in nature; therefore, there is no fiscal impact. 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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