

**Maryland General Assembly
Department of Legislative Services**

**Emergency/Proposed Regulation
Department of Labor, Licensing, and Regulation
(DLS Control No. 16-064)**

Overview and Legal and Fiscal Impact

This regulation adds four therapeutic medications to the list of medications and other substances permitted to be present in a race horse in Maryland on race day if the amount of medication does not exceed the stated threshold. The regulation also alters an existing threshold on two previously approved therapeutic medications.

The regulation presents no legal issues of concern.

There is no material impact on State finances and no impact on local governments.

Regulation of COMAR Affected

Department of Labor, Licensing, and Regulation:

Racing Commission: Prohibited Acts: COMAR 09.10.03.01-1

Legal Analysis

Background

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.

Cetirizine is an antihistamine used in the treatment of hay fever, allergies, and other conditions. Cimetidine is used to treat equine gastric ulcers and melanomas. Guaifenesin is used as a muscle relaxant or anesthetic. Omeprazole and ranitidine are gastric acid suppressants. Xylazine is used for sedation, anesthesia, muscle relaxation, and analgesia.

The thresholds proposed in this regulation have been adopted by other states in the Mid-Atlantic region.

Summary of Regulation

The regulation adds the following therapeutic medications to the list of medications and other substances that are restricted if found to be over a specified threshold: cetirizine (no more than 6 nanograms per milliliter of blood plasma or serum); cimetidine (no more than

400 nanograms per milliliter of blood plasma or serum); guaifenesin (no more than 12 nanograms per milliliter of blood plasma or serum); and ranitidine (no more than 40 nanograms per milliliter of blood plasma or serum). The regulation alters the permissible amount of omeprazole from 1 nanogram per milliliter of urine to 10 nanograms per milliliter of blood plasma or serum. The regulation also increases the permissible amount of xylazine from .01 nanograms to 200 picograms per milliliter of blood plasma or serum.

Legal Issues

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The Maryland Racing Commission cites § 11-210 of the Business Regulation Article as statutory authority for the regulation. This section authorizes the 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.

Emergency Status

The commission requests emergency status beginning May 20, 2016 and expiring November 15, 2016. This emergency period is within the normal time frames approved by the Joint Committee on Administrative, Executive, and Legislative Review. The commission indicates the emergency status is necessary to maintain consistency with the thresholds adopted by other states in the Mid-Atlantic region.

Fiscal Analysis

There is no material impact on State finances and no impact on local governments.

Agency Estimate of Projected Fiscal Impact

The Department of Labor, Licensing, and Regulation advises that this regulation (1) adds four therapeutic medications to the list of medications and other substances permitted to be present in a race horse in Maryland on race day if the amount of medication does not exceed the stated threshold and (2) alters an existing threshold on two previously approved therapeutic medications. Thus, the regulation has minimal, if any, impact on State finances and no impact on 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 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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