

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	04/26/2016	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 5/27/2016

2. COMAR Codification

Title Subtitle Chapter Regulation

09 10 03 01-1

3. Name of Promulgating Authority

Department of Labor, Licensing, and Regulation

4. Name of Regulations Coordinator Telephone Number

Jessica V Carter 410-230-6112

Mailing Address

500 N. Calvert Street, Suite 406

City State Zip Code

Baltimore MD 21202

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jessica.carter1@maryland.gov

5. Name of Person to Call About this Document Telephone No.

J. Michael Hopkins 410-296-9682

Email Address

mike.hopkins@maryland.gov

6. Check applicable items:

- New Regulations
- Amendments to Existing Regulations
Date when existing text was downloaded from COMAR online: April 18, 2016.
- Repeal of Existing Regulations
- Recodification
- Incorporation by Reference of Documents Requiring DSD Approval
- Reproposal of Substantively Different Text:
:
Md. R
(vol.) (issue) (page nos) (date)
Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes No

If yes, corresponding proposed text published in:

- same issue
- future issue
- previous issue; it appeared in
:
Md. R
(vol.) (issue) (page no's) (date)
Under Maryland Register docket no.: --E.

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Jessica Carter, Assistant Attorney General, (telephone #410-230-6112) on April 22, 2016. A written copy of the approval is on file at this agency.

Name of Authorized Officer

J. Michael Hopkins

Title

Executive Director

Date

April 21, 2016

Telephone No.

410-296-9682

Title 09
DEPARTMENT OF LABOR, LICENSING, AND
REGULATION

Subtitle 10 RACING COMMISSION

09.10.03 Prohibited Acts

Authority: Business Regulation Article, § 11-210, Annotated Code of Maryland.

Notice of Proposed Action

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The Maryland Racing Commission proposes to amend Regulation .01-1 under COMAR 09.10.03 Prohibited Acts.

This action was considered by the Maryland Racing Commission during a public meeting held on April 19, 2016 at Laurel Park, Laurel, Md.

Statement of Purpose

The purpose of this action is to 1) add four therapeutic medications that would otherwise not be permitted to be present in a horse's system on race day provided the amount of medication does not exceed the stated threshold and 2) to alter an existing threshold on two previously approved therapeutic medications.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to J. Michael Hopkins, Executive Director, Maryland Racing Commission, 300 E. Towsontown Boulevard, Towson, MD 21286, or call 410-296-9682, or email to mike.hopkins@maryland.gov, or fax to 410-296-9687. Comments will be accepted through June 27, 2016. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland Racing Commission during a public meeting to be held on July 19, 2016, at Laurel Park, Laurel, Maryland.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2017

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:
General

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:
The number of horses that would exceed the permitted threshold cannot be estimated.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.
The number of horses that would exceed the permitted threshold cannot be estimated.

G. Small Business Worksheet:

Impact Statement Part C — Legislative Information

Part C requests agencies to provide information required by the Department of Legislative Services in its report to the AELR Committee. Answer the questions in the space provided. Part C is not printed in the Maryland Register.

Small Business Analysis Worksheet

This worksheet is designed to assist the agency in determining if and how the proposal impacts small businesses. Quantify the number of affected small businesses and estimates of costs and benefits to small businesses if possible. State Government Article, §2-1505.2, includes the following definitions which are relevant to the analysis:

“Economic impact analysis” means an estimate of the cost or the economic benefit to

small businesses that may be affected by a regulation proposed by an agency pursuant to Title 10, Subtitle 1 of this article.

“Small business” means a corporation, partnership, sole proprietorship, or other business entity, including its affiliates, that: (i) is independently owned and operated; (ii) is not dominant in its field; and (iii) employs 50 or fewer full-time employees.

1a. Intended Beneficiaries. Who are the intended beneficiaries of the proposed regulation? Are these intended beneficiaries primarily households or businesses? Small businesses.

1b. Intended Beneficiaries: Households. If households are the primary intended beneficiaries, will the proposal affect their income or purchasing power such that the volume or patterns of their consumer spending will change? If so, what directions of change would you anticipate? Will these expected spending changes have a disproportionate impact on small businesses? Can you descriptively identify the industries or types of business activities that are impacted?

1c. Intended Beneficiaries: Businesses. If businesses are the intended beneficiaries, identify the businesses by industry or by types of business activities. How will businesses be impacted? Are these Maryland establishments disproportionately small businesses? If so, how will these Maryland small businesses be affected? Can you identify or estimate the present number of small businesses affected? Can you estimate the present total payroll or total employment of small businesses affected?

The purpose of the proposed regulation is to protect the safety and welfare of the horse. The affected small businesses will be the trainer of a horse which tests above the permitted threshold; the trainer will be sanctioned by the Racing Commission by a suspension of his or her license and/ or a fine. There are approximately 800 licensed trainers in the state. Their payroll cannot be estimated.

2a. Other Direct or Indirect Impacts: Adverse. Businesses may not be the intended beneficiaries of the proposal. Instead, the proposal may direct or otherwise cause businesses to incur additional expenses of doing business in Maryland. Does this proposal require Maryland businesses to respond in such a fashion that they will incur additional work-time costs or monetary costs in order to comply? Describe how Maryland establishments may be adversely affected. Will Maryland small businesses bear a disproportionate financial burden or suffer consequences that affect their ability to compete? Can you estimate the possible number of Maryland small businesses adversely affected? (Note that small business compliance costs in the area of regulation are the sum of out-of-pocket (cash) costs plus time costs — usually expressed as payroll, akin to calculations for legislative fiscal notes. Precise compliance costs may be difficult to estimate, but the general nature of procedures that businesses must accomplish to comply can be described.) N/A

2b. Other Direct or Indirect Impacts: Positive. Maryland businesses may positively benefit by means other than or in addition to changed consumer spending patterns. How may Maryland businesses be positively impacted by this initiative? Will Maryland small businesses share proportionately or disproportionately in these gains? Can you estimate the possible number of Maryland small businesses positively affected? The wagering public will benefit from this proposed regulation by having knowledge that horse racing

competes in a fair and safe manner.

3. Long-Term Impacts. There are instances where the longer run economic impact effect from regulations differ significantly from immediate impact. For example, regulations may impose immediate burdens on Maryland small businesses to comply, but the overall restructuring of the industry as a consequence of monitoring and compliance may provide offsetting benefits to the affected small businesses in subsequent years. Can you identify any long run economic impact effects on Maryland small businesses that over time (a) may compound or further aggravate the initial economic impact described above, or (b) may mitigate or offset the initial economic impact described above? The proposed regulation protects the safety and welfare of the horse and promotes the integrity of the horse racing industry.

4. Estimates of Economic Impact. State Government Article, §2-1505.2 requires that an agency include estimates, as appropriate, directly relating to: (1) cost of providing goods and services; (2) effect on the work force; (3) effect on the cost of housing; (4) efficiency in production and marketing; (5) capital investment, taxation, competition, and economic development; and (6) consumer choice. N/A

Attached Document:

Title 09

Department of Labor, Licensing and Regulation

Subtitle 10 Racing Commission

Chapter 03 Prohibited Acts

Authority: Business Regulation Article, § 11-210, Annotated Code of Maryland

.01-1 Restricted Use of Medications and Other Substances.

The use of the following medications and other substances are permitted if quantitated at not more than the specified thresholds:

A. through D. (text unchanged)

D-1. Cetirizine quantitated at not more than 6 nanograms per milliliter of blood plasma or serum;

D-2. Cimetidine quantitated at not more than 400 nanograms per milliliter of blood plasma or serum;

E. through N. (text unchanged)

N-1. Guaifenesin quantitated at not more than 12 nanograms per milliliter of blood plasma or serum;

N-2. Isoflupredone quantitated at not more than 100 picograms per milliliter of blood plasma or serum;

O. through S. (text unchanged)

T. Omeprazole quantitated at not more than [1 nanogram] 10 nanograms per milliliter of [urine] blood plasma or serum;

U. through W. (text unchanged)

W-1. Ranitidine quantitated at not more than 40 nanograms per milliliter of blood plasma or serum;

X. (text unchanged)

Y. Xylazine quantitated at not more than [.01 nanograms] 200 picograms per milliliter of blood plasma or serum;

Z. through CC. (text unchanged)

J. Michael Hopkins
Executive Director
Maryland Racing Commission

