

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Labor, Licensing, and Regulation
(DLS Control No. 16-196)**

Overview and Legal and Fiscal Impact

This regulation adds a secondary threshold of ketoprofen, which, if detected in a race horse above the permitted threshold and in combination with one of two other non-steroidal anti-inflammatory medications, would constitute a violation.

The regulation presents no legal issue 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

Legal Analysis

Background

Ketoprofen is a common nonsteroidal anti-inflammatory drug, antipyretic, and analgesic used in horses and other equines. It is most commonly used for musculoskeletal pain, joint problems, soft tissue injury, and laminitis. Ketoprofen is also used to control fevers and prevent endotoxemia.

Summary of Regulation

The regulation would expand the definition of “drug” (for the purposes of determining the existence of a violation) to include any combination of phenylbutazone, flunixin, or ketoprofen if the phenylbutazone is quantitated at more than 0.3 micrograms per milliliter of blood plasma or serum, the flunixin is quantitated at more than 3.0 nanograms per milliliter, and the ketoprofen is quantitated at more than 1.0 nanograms per milliliter.

Legal Issues

The regulation presents no legal issue of concern.

Statutory Authority and Legislative Intent

The department cites § 11-210 of the Business Regulation Article as statutory 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.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulation specifies the amount of ketoprofen that may be permitted in blood plasma or serum of a race horse when found in combination with certain other nonsteroidal anti-inflammatory medications. 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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