

# **Title 15 DEPARTMENT OF AGRICULTURE**

## **Subtitle 16 MARYLAND HORSE INDUSTRY BOARD**

### **Chapter 01 General Regulations**

**Authority: Agriculture Article, §§2-707, 2-711, and 2-712, Annotated Code of Maryland**

#### **.01 Purpose.**

The Secretary of Agriculture, under Agriculture Article, Title 2, Subtitles 1 and 7, Annotated Code of Maryland, adopts the following regulations to insure the humane treatment of horses and the safety of horse riders.

#### **.02 Definitions.**

A. In these regulations, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Board" means the Horse Industry Board.

(2) "Horse Establishment" means an establishment that solicits or offers the public any of the following activities:

(a) A boarding stable;

(b) A lesson or rental stable; or

(c) A rescue or sanctuary stable.

(3) "Operator's license" means that license that the Board has issued entitling a person to operate and maintain a horse establishment.

#### **.03 Exemptions.**

A. Horse Racing and Standardbred Stables.

(1) Horse racing and standardbred stables are exempt from the regulations of this chapter.

(2) For purposes of this regulation, "horse racing and standardbred stables" means stables or farms where horses are bred, trained, and rested, for purposes relating to either or both of the following types of racing:

(a) The racing of thoroughbreds, whether it be on a flat course or over hurdles; and

(b) The racing of standardbreds, whether they be trotters or pacers.

B. Farms Using Horses for Agricultural Purposes.

(1) If farms are using horses for agricultural purposes and not for any of the activities listed in Regulation .02B(2) of this chapter, they are exempt from the regulations of this chapter.

(2) For purposes of this section, "agricultural purposes" includes the following uses:

- (a) Working or cultivating the soil; and
- (b) Herding or cutting livestock.

#### **.04 Operator's License.**

A. Required to Conduct Business. Except as provided under §I of this regulation, a person may not operate or maintain a horse establishment without first obtaining an operator's license in at least one of the three different licensing classifications developed by the Board.

B. Determination by Board. Before the Board may issue an operator's license in a particular class to a person, the Board shall first determine whether that person's horse establishment meets the requirements of that class. The requirements for each licensing class are stated in Regulation .07.

C. Licensing Classifications. The licensing classifications developed by the Board are based on the three different activities that may be offered at a horse establishment and which, because any one of them is offered, requires that the establishment's operator be licensed. The licensing classifications and their respective activities are the:

(1) Boarding stable class, for establishments that solicit or offer to the public to stable horses;

(2) Rescue or sanctuary stable class, for establishments that offer to the public to shelter or keep one or more horses for humane purposes with or without compensation and with or without tax-exempt status; and

(3) Lesson or rental stable class, for establishments in which one or more horses are offered to the public to be let for hire, to be ridden or driven, either with or without the furnishing of riding or driving instructions.

D. Limitations on Licensee. A person who has been issued an operator's license may:

(1) Conduct such business only at the horse establishment shown on his application; and

(2) Offer only those activities allowed to be performed in the particular class or classes in which the person is licensed to do business.

E. Who May Apply.

(1) Only a person who either owns or is leasing a horse establishment may apply for an operator's license.

(2) If the owner or lessee of a horse establishment is a corporation or other association, the application shall be made in the name of that corporation or other association.

(3) If the owner or lessee of the horse establishment is an individual, the application shall be made in that individual's name.

(4) The Board shall issue the operator's license in the name of the person shown on the application.

F. Application and Renewal Process.

(1) A person applying for or renewing an operator's license shall:

(a) Use a Board-approved form which is available on request at the Board's principal office located at 50 Harry S Truman Parkway, Annapolis, MD 21401;

(b) As established under §C of this regulation, indicate on the application form which class or classes of activities the person intends to do business in for that application year; and

(c) Pay the nonrefundable fee of \$125.

(2) The Board may not issue an operator's license to a person until that person's horse establishment has passed Board inspection as provided in Regulation .05.

G. Duration of License. After issuance, unless suspended or revoked, an operator's license is effective for a period of 1 year or until the following June 30, whichever occurs first.

H. Posting Requirements. After issuance, the licensee shall display his operator's license in a conspicuous place on the stable's premises.

I. If a person holds a livestock dealer's or livestock market license under Agriculture Article, Title 3, Subtitle 3, and is engaged only in the activity under the licensing classification "Sales", that person need not obtain an operator's license.

## **.05 Board Inspection of Horse Establishments.**

A. Inspection Requirement. The Board shall inspect the horse establishments of the following persons:

- (1) Those who have applied for an operator's license; and
- (2) Those who have obtained an operator's license.

B. Purpose of Inspection.

(1) Applicant's Establishment. The Board shall inspect the applicant's establishment to determine whether it meets the requirements provided under Regulation .07 of the class or classes its operator is intending to do business in for that application year.

(2) Licensee's Establishment. The Board shall periodically inspect a licensee's establishment to determine whether it still meets the requirements provided under Regulation .07 of the class or classes its operator is licensed to do business in.

C. Consent to Inspection. Immediately on request by the Board or its inspector, the applicant or licensee shall permit Board inspections of the applicant's or licensee's establishment, only during normal business hours.

## **.06 Establishment's Failure to Pass Inspection.**

A. Failure of Applicant's Establishment to Pass Initial Inspection.

(1) Initial Inspection. The Board may not issue a license to a person to operate a horse establishment if the establishment fails to pass inspection.

(2) Subsequent Inspection. If an establishment fails to pass its initial inspection, the Board may:

(a) Conduct a subsequent inspection after giving the person sufficient time to correct the deficiencies; and

(b) Issue a license if it finds during the subsequent inspection that the deficiencies have been corrected.

B. Failure of Licensee's Establishment to Pass Inspection.

(1) If, following an inspection, the Board determines that the licensee's establishment does not meet the requirements of the particular class or classes in which the operator is licensed to do business, the following actions shall be taken:

(a) The Board shall:

(i) Give the licensee written notice of the perceived deficiencies, and

(ii) Schedule an additional inspection, allowing the licensee a reasonable period of time to complete necessary corrective measures;

(b) The licensee, before the additional inspection is scheduled to occur, shall:

(i) Complete those measures necessary to correct the perceived deficiencies, and

(ii) Submit evidence to the Board that satisfactory corrective measures have been completed.

(2) If, following the failed first inspection, the licensee does not submit evidence to the Board showing that satisfactory corrective measures have been completed, the Board shall conduct the scheduled additional inspection.

(3) If, following this second inspection, the Board determines that the licensee's establishment is still deficient in those areas in which it had been given written notice, the same actions outlined in §B(1) of this regulation shall be taken.

(4) If, following a third inspection, the Board again determines that the licensee's establishment is still deficient in the areas in which it had been given written notice, the Board shall:

(a) Bring formal charges against the licensee; and

(b) Conduct an administrative hearing in order to determine whether:

(i) The operator's license in a particular class or classes should be suspended or revoked for any of the reasons listed in Agriculture Article, §2-715, Annotated Code of Maryland ; or

(ii) The operator shall pay an administrative penalty as provided under COMAR 15.16.03.

## **.07 Licensing Requirements.**

A. Compliance with General and Special Requirements. Each person issued an operator's license shall comply with the:

(1) General requirements under §B; and

(2) Special requirements under §C for the particular class for which that person is licensed.

B. General Requirements.

(1) The Stable and Area In and Around the Stable. The licensed operator shall ensure that:

(a) Each horse under his control is provided shelter, and that the shelter is:

(i) Clean,

(ii) Dry,

(iii) Well-ventilated, but not drafty,

(iv) Able to afford horses protection in inclement weather,

(v) Neat and orderly, and

(vi) Sturdy and in good repair;

(b) Adequate measures are taken in and around the stable to:

(i) Prevent excessive manure accumulation, and

(ii) Control flies and rodents;

(c) All fences used to confine horses are sturdy and in good repair;

(d) Each stall occupied by a horse:

(i) Is cleaned regularly, and

(ii) Has a bedding of regularly changed straw, shavings, or other suitable material, sufficient enough to maintain the horse in a clean and dry condition;

(e) All tools used to clean and maintain the stable and its immediate area are properly stored when not in use.

(2) Other Areas. The licensed operator shall ensure that other areas under the operator's control where horses are confined, exhibited, exercised, or permitted to be ridden, are free of hazards.

(3) Food and Water. The licensed operator shall ensure that:

- (a) Each horse under his control is provided adequate food, water, and salt;
- (b) These items are provided in suitable containers; and
- (c) The food is:

(i) Of good quality, free of molds and other contaminants, supplying all the needed nutrients, to maintain a horse depending on its age, reproductive status, level of exercise, and geographic location, and

(ii) Properly stored so as to maintain its quality.

(4) Health Care. The licensed operator shall ensure that:

(a) Each horse under his control receives:

(i) Regular routine care, including but not limited to worming, dental, and foot care, and

(ii) Immediate attention, care, or treatment if it becomes sick, injured, or lame;

(b) Basic first aid supplies are maintained in good order;

(c) A licensed veterinarian examines a horse, if the Board requires an examination; and

(d) A horse not be ridden or driven if the caring veterinarian advises against it.

#### C. Special Requirements.

(1) Boarding Stable Class. A person who has been issued an operator's license in this class shall comply with the general requirements outlined in §A of this regulation.

(2) Rescue or Sanctuary Class. A person who has been issued an operator's license in this class shall comply with the general requirements outlined in §A of this regulation.

(3) Lesson or Rental Class. A person who has been issued an operator's license in this class shall, in addition to the general requirements outlined in §A of this regulation, comply with the following:

(a) That each horse receives the rest and sustenance it needs each working day, given its age, condition, and the type of activity it performs;

(b) That each horse tacked and awaiting use has its girths loosened, is protected from the weather, and is not tied to the bit;

(c) That a horse may not be used for riding or driving purposes if the horse is unfit;

(d) That tack and related equipment:

(i) Is clean,

(ii) Is in sound condition, and

(iii) Cannot by its adjustment cause physical pain or injury to a horse;

(e) That hoof picks, brushes, curry combs, and other grooming equipment are readily available, clean, and usable;

(f) That any wagon used is in good condition and that its:

(i) Axles are well greased, and

(ii) Brakes are operating.

## **.08 Appeals.**

A. A person may appeal a decision by the Board:

- (1) Not to renew an operator's license in a particular class or classes;
  - (2) To suspend or revoke an operator's license in a particular class or classes; or
  - (3) To impose a civil penalty as provided under COMAR 15.16.03.
- B. Appeals are governed by the Administrative Procedure Act.

# Title 15 DEPARTMENT OF AGRICULTURE

## SUBTITLE 16 MARYLAND HORSE INDUSTRY BOARD

### Chapter 03 Administrative Penalty Standards

**Authority:** Agriculture Article, §§2-701, 2-710, and 2-718, Annotated Code of Maryland

#### **.01 Scope.**

This chapter determines the administrative penalty amount for any person who operates an unlicensed horse establishment or has violated any provision of Agriculture Article, §2-715, Annotated Code of Maryland.

#### **.02 Penalty.**

A. Terms Defined. In this chapter, the following terms have the meanings indicated.

(1) "Licensee" means a person who is licensed to operate a Horse Establishment.

(2) "Member of the Board" means a member of the Horse Industry Board including a Board inspector.

B. After a hearing, or an opportunity for a hearing, the Board may impose a penalty on:

(1) A person who operates or maintains a horse establishment without a license; or

(2) A licensee who:

(a) Refuses to allow a member of the Board to enter and inspect the licensed premises;

(b) Obstructs any member of the Board in the performance of that person's duties;

(c) Fails to provide suitable food, water, and shelter for a horse under control of the licensee;

(d) Maintains an unsanitary or unfit horse establishment;

(e) Fails to provide suitable saddles, bridles, harnesses, or other tack or equipment;

(f) Allows unfit horses to be used for riding or driving purposes;

(g) Commits an act of cruelty as defined in Criminal Law Article, § 10-601, Annotated Code of Maryland, or allows the commission of an act of cruelty by any other person with relation to any horse under control of the licensee;

(h) Does any other act that, in the opinion of the Board, taking into consideration the welfare of the horses under the control of the licensee, shows that the licensee is unfit to operate a horse establishment; or

(i) Fails to comply with the rules and regulations of the Board after receiving a license.

### **.03 Violations for the Purpose of Determining Penalties.**

A. Except as provided in §B of this regulation, the Board may impose an administrative penalty up to \$2,000 for each violation of this chapter taking into consideration the gravity of the offense as it relates to:

(1) The risk of injury to member of the public who may let for hire, to be ridden or driven, a horse at that establishment; or

(2) The fitness or welfare of a horse under the control of the licensee.

B. For violations of Regulation .02B(1) and B(2)(a)—(b) of this chapter, the Board may impose:

(1) For a first violation, a penalty of not less than \$500 or more than \$1,000;

(2) For the second violation, a penalty of not less than \$1,000 or more than \$1,500; and

(3) For the third and any subsequent violation, a penalty of not less than \$1,500 or more than \$2,000.

### **.04 Appeal.**

A. Any person subject to the Board's jurisdiction may appeal, according to Agriculture Article, §2-405, Annotated Code of Maryland, the Board's decision to impose an administrative penalty.

B. An operator shall be notified of this right to appeal.

### **.05 Penalty Payment.**

Unless a person appeals, the amount of a penalty shall be paid promptly to the Board.