# **Maryland Medication Rules**

09.10.03.01

### .01 Definitions.

- A. In this chapter, the following terms have the meanings indicated.
- B. Terms Defined.
- (1) Drug.
- (a) "Drug" means a substance which may have a pharmacological effect on a horse, and:
- (i) Which does not exist naturally in the untreated horse at a normal physiological concentration;
- (ii) Is defined as a controlled dangerous substance under Criminal Law Article, §5-101, Annotated Code of Maryland;
- (iii) Is intended to be used for the diagnosis, cure, mitigation, treatment, or prevention of diseases affecting a human or other animal;
- (iv) Other than food, is intended to affect the structure or a function of the body of a human or other animal; or
- (v) Is intended for use as a component of an item specified in SB(1)(a)(i)—(iv) of this regulation.
- (b) "Drug" includes the combination of phenybutazone and flunixin if:
- (i) Phenylbutazone is quantitated at more than 0.3 micrograms per milliliter of blood plasma or serum; and
- (ii) Flunixin is quantitated at more than 3.0 nanograms per milliliter of blood plasma or serum.
- (2) "Judges" means those individuals appointed by the Commission to enforce the regulations of the Commission at a harness race track.
- (3) "Stewards" means those individuals appointed by the Commission to enforce the regulations of the Commission at a thoroughbred race track.

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09.10.03.01-1

## .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. Acepromazine quantitated at not more than 10 nanograms per milliliter of HEPS in urine;
- A-1. Albuterol quantitated at not more than 1 nanogram per milliliter of urine;
- B. Betamethasone quantitated at not more than 10 picograms per milliliter of blood plasma or serum;
- C. Butorphanol quantitated at not more than 300 nanograms per milliliter of total butorphanol in urine, or 2 nanograms per milliliter of free butorphanol in blood plasma or serum;
- D. Caffeine quantitated at not more than 100 nanograms per milliliter of blood plasma or serum;
- 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. Clenbuterol quantitated at not more than 140 picrograms per milliliter of urine, or the limit of detection in blood plasma or serum;
- E-1. Cobalt quantitated at not more than 25 nanograms per milliliter of blood plasma or serum;
- F. Dantrolene qunatitated at not more than 100 picrograms per milliliter of 5-hydroxydantrolene in blood plasma or serum;
- G. Detomidine quantitated at not more than 1 nanogram per milliliter of carboxydetomidine in urine, or the limit of detection for detomidine in blood plasma or serum;
- H. Dexamethasone quantitated at not more than 5 picograms per milliliter of blood plasma or serum;
- I. Diclofenac quantitated at not more than 5 nanograms per milliliter of blood plasma or serum;

- J. Dimethlysulfoxide (DMSO) quantitated at not more than 10 micrograms per milliliter of blood plasma or serum;
- K. Firocoxib quantitated at not more than 20 nanograms per milliliter of blood plasma or serum;
- L. Flunixin quantitated at not more than 20 nanograms per milliliter of blood plasma or serum;
- M. Furosemide (Lasix), as provided in Regulation .08 of this chapter;
- M-1. Gamma aminobutyric acid quantitated at not more than 110 nanograms per milliliter of blood plasma or serum;
- N. Glycopyrrolate quantitated at not more than 3 picograms per milliliter of blood plasma or serum;
- 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. Ketoprofen quantitated at not more than 2 nanograms per milliliter of blood plasma or serum;
- P. Lidocaine quantitated at not more than 20 picograms per milliliter of total 3-hydroxylidocaine in blood plasma or serum;
- Q. Mepivacaine quantitated at not more than 10 nanograms per milliliter of total hydroxymepivacaine in urine, or the limit of detection of mepivacaine in blood plasma or serum;
- R. Methocarbamol quantitated at not more than 1 nanogram per milliliter of blood plasma or serum;
- S. Methylprednisolone quantitated at not more than 100 picograms per milliliter of blood plasma or serum;
- T. Omeprazole quantitated at not more than 10 nanograms per milliliter of blood plasma or serum;
- U. Phenylbutazone quantitated at not more than 2 micrograms per milliliter of the blood plasma or serum;
- V. Prednisolone quanitated at not more than 1 nanogram per milliliter of blood plasma or serum;
- W. Procaine Penicillin quantitated at not more than 25 nanograms per milliliter of blood plasma or serum;

- W-1. Ranitidine quantitated at not more than 40 nanograms per milliliter of blood plasma or serum;
- X. Tiamcinolone acetonide quantitated at not more than 100 picograms per milliliter of blood plasma or serum;
- Y. Xylazine quantitated at not more than 200 picigrams per milliliter of blood plasma or serum;
- Z. Nandrolone quantitated at not more than 1 nanogram per milliliter of urine taken from a gelding, filly, or mare;
- AA. Boldenone quantitated at not more than 15 nanograms per milliliter of urine taken from a colt or horse;
- BB. Testosterone quantitated at not more than 20 nanograms per milliliter of urine taken from a gelding; and
- CC. Testosterone quantitated at not more than 55 nanograms per milliliter of urine taken from a filly or mare.

#### .02 Sanctions.

In addition to a specific sanction applicable to a particular violation, an individual found by the:

- A. Stewards or judges to have violated a provision of this chapter may be subject to:
- (1) A fine of up to \$2,500;
- (2) The suspension of any license issued by the Commission for a period of up to 360 days; and
- (3) Referral to the Commission for additional sanctions if the stewards or judges determine that a greater sanction is warranted than they are empowered to impose; and
- B. Commission to have violated a provision of this chapter may be subject to:
- (1) A fine of up to \$5,000;
- (2) The suspension or revocation of any license issued by the Commission; and
- (3) Certain conditions of licensure as imposed by the Commission.
- C. Multiple Medication Violations.
- (1) A trainer who receives a penalty for a medication violation based upon a horse testing positive for a Class 1—5 medication with Penalty Class A—D, as provided in the most recent version of the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances, shall be assigned points as follows:

Penalty	Points for	<b>Points for</b>
Class	<b>Controlled Medication</b>	Noncontrolled Medication
Class A	N/A	6
Class B	2	4
Class C	1	2
Class D	1/2	1

- (2) The points assigned to a medication violation by the stewards or judges shall not be applied until a final adjudication of the enforcement of any such violation.
- (3) A trainer's cumulative points for violations in all racing jurisdictions shall be maintained by the Association of Racing Commissioners International. Once all appeals are waived or exhausted, the points shall immediately become part of the trainer's official record and shall be considered by the Commission in its determination to subject the trainer to the mandatory enhanced penalties by the stewards or judges as provided in this regulation.

- (4) Multiple positive tests for the same medication incurred by a trainer prior to delivery of the official notice by the laboratory may be treated as a single violation. In the case of a positive test indicating multiple substances found in a single post-race sample, the stewards or judges may treat each substance found as an individual violation for which points will be assigned.
- (5) The stewards or judges shall consider all points for violations in all racing jurisdictions as contained in the trainer's official record when determining whether the mandatory enhancements provided in this regulation shall be imposed.
- (6) In addition to the penalty for the underlying offense, the following penalty shall be imposed upon a licensed trainer based upon the cumulative points contained in their official record:

<b>Points</b>	Suspension in Days	
3—5.5	30	
6-8.5	60	
9—10.5	180	
11 or mor	re 360	

- (7) Multiple medication points are not a substitute for the current penalty system and are intended to be an additional uniform penalty when the licensee:
- (a) Has more than one violation for the relevant time period; and
- (b) Exceeds the permissible number of points.
- (8) The suspension periods, as provided in C(6) of this regulation, shall run consecutive to any suspension imposed for the underlying offense.
- (9) The stewards' or judges' ruling shall distinguish between the penalty for the underlying offense and any penalty based upon a steward's or judge's review of a the trainer's cumulative points and regulatory record, which may be considered an aggravating factor in a case.
- (10) Any trainer who has received points for a medication violation shall have their points expunged from their record as follows:

Penalty Classification	Time to Expungement
A	Permanent
В	3 years
C	2 years
D	1 year

#### .03 General.

A. Except as provided in A(14) of this regulation, the following acts are prohibited if committed on the grounds of a facility under the jurisdiction of the Commission, if they affect a race conducted live in this State, or if they affect the betting on a race in this State:

- (1) Offering, promising, giving, accepting, or soliciting a bribe in any form, directly or indirectly, to or by a person having any connection with the outcome of a race;
- (2) Entering, or knowingly aiding and abetting in the entering of, a horse ineligible or unqualified to race;
- (3) Participating in any improper, corrupt, or fraudulent act or practice in relation to racing;
- (4) Causing, attempting to cause, or any participation in an attempt to cause the pre-arrangement of a race result;
- (5) Soliciting bets on a horse from the public by a licensee either by correspondence or other methods;
- (6) Using or possessing a battery, buzzer, electrical device, or other appliance, other than an ordinary whip, which could be used to alter the speed or racing condition of a horse in a race or workout;
- (7) Using profane, abusive, or insulting language to employees of the Commission, employees of a facility under the jurisdiction of the Racing Commission, or the public;
- (8) Being in an intoxicated state;
- (9) Fighting or other conduct of a disorderly nature;
- (10) Using or possessing a deadly weapon;
- (11) Committing or participating in the commission of a criminal act;
- (12) Violating a regulation or condition of the Commission or aiding or abetting a person in the violation of a regulation or condition of the Commission;
- (13) Failing to comply with an order or ruling of a steward, judge, or other racing official pertaining to a racing matter;
- (14) Cruelty to a horse wherever committed;
- (15) Tampering, or attempting to tamper, with a horse for any purpose;

- (16) Transferring, or attempting to transfer, the ownership of a horse for a purpose other than its legitimate sale or lease;
- (17) Registering a horse under the name of a person other than the legitimate owner or lessee of the horse;
- (18) Making false or misleading statements to a racing official or submitting false or misleading statements on a license application;
- (19) Except as otherwise provided in this regulation, using or possessing, actually or constructively, any of the following items:
- (a) A drug, or
- (b) A hypodermic needle, hypodermic syringe, or other device which could be used for injection;
- (20) Using or possessing the ingredients or the paraphernalia associated with the forced feeding to a horse of a combination of baking soda and sugar, or a form of sugar, or administrating a substance by tubing within 24 hours of a racing program in which a horse is scheduled to race;
- (21) The possession or administration of Erythropoietin or any analogous substance that increases the oxygen-carrying capacity of the blood; and
- (22) Failing to report the knowledge of a violation of this regulation to the stewards, judges, or the Commission.
- B. The use or possession of the items listed in A(19)(a) and (b) of this regulation is permissible if the:
- (1) Item is possessed or used for a legitimate purpose by a licensed veterinarian;
- (2) Item is possessed or used pursuant to a valid prescription or order from a medical practitioner while acting in the course of the practitioner's professional practice; or
- (3) Stewards or judges, in their discretion, grant permission authorizing the possession or use of the item.
- C. The use of a shockwave therapy device is prohibited unless:
- (1) The device is registered with the Commission Veterinarian;
- (2) The device is used by a licensed veterinarian;
- (3) The device is used on a horse at least 10 days before the horse participates in a race; and
- (4) Each use of the device is reported to the stewards on a daily medication report as provided in COMAR 09.10.01.47K and COMAR 09.10.02.39F(3) and (4).

# .04 Drug Prohibition — Horses.

- A. Other than Lasix administered in accordance with the regulations in this chapter, an individual may not administer, cause to be administered, participate, or attempt to participate in any way in the administration of any drug or medication to a horse:
- (1) During the 24-hour period before the scheduled post time for the first race of the program in which the horse is to participate; and
- (2) Until after the race in which the horse is programmed to participate is run.
- B. A horse participating in a race may not carry in its body:
- (1) A drug; or
- (2) A medication or other substance quantitated at more than the thresholds prescribed in Regulation .01-1 of this chapter.
- C. The presence of a drug or a medication or other substance quantitated at more than the thresholds prescribed in Regulation .01-1 of this chapter in the post-race urine, blood, or other sample taken from a horse is prima facie evidence that the:
- (1) Horse was administered a drug and carried the drug in its body during the race; and
- (2) Drug was administered by the person or persons having control, care, or custody of the horse.
- D. The presence of a drug, as defined in Regulation .01B(1)(a)(i) of this chapter, in a prerace blood sample taken from a horse that participated in a race, is prima facie evidence that the:
- (1) Horse was administered a drug and carried the drug in its body during the running of the race; and
- (2) Drug was administered by the person or persons having control, care, or custody of the horse.
- E. Trainer Responsibility. A trainer is the absolute insurer of, and responsible for, the condition of each horse the trainer enters in a race, regardless of the acts of third parties.
- F. Enforcement.
- (1) The stewards or judges may order the:
- (a) Post-race taking of urine, blood, or other samples for testing purposes from any horse which participated in a race;

- (b) Prerace taking of blood samples for testing purposes from any horse entered in a race to determine the presence of a drug, as defined in Regulation .01B(1)(a)(i) of this chapter;
- (c) Denial, forfeiture, and prompt return of a purse, sweepstakes, trophy, or any other reward received by the owner of a horse found to have carried a drug or a medication or other substance quantitated at more than the thresholds prescribed in Regulation .01-1 of this chapter in its body during a race;
- (d) Redistribution of the items denied, forfeited, and returned, resulting from the disqualification of a horse found to have carried a drug or a medication or other substance quantitated at more than the thresholds prescribed in Regulation .01-1 of this chapter in its body during a race, to those owners whose horses were advanced by the disqualification.
- (2) If the stewards or judges order a disqualification due to a horse having carried a drug or a medication or other substance quantitated at more than the thresholds prescribed in Regulation .01-1 of this chapter in its body during a race, they shall issue a ruling announcing the disqualification.
- G. Repeat Violations. An individual guilty of violating this regulation, or a comparable regulation of another racing jurisdiction, for the second time is considered a repeat offender, and the stewards, judges, or the Commission shall weigh this factor in determining a sanction.

## .05 Drug Prohibition — Humans.

#### A. Drug Testing.

- (1) The stewards or judges may direct a licensee to deliver a specimen of urine, or submit to another noninvasive test, in the presence of the track physician or other representative appointed by the Commission, for the detection of an impermissible drug, using as a basis for this directive:
- (a) Reasonable cause for any licensee; or
- (b) Random selection for a licensee who:
- (i) As part of the licensee's duties and responsibilities, comes into contact with a horse; or
- (ii) Is employed by the association as a part of the security force in the backstretch area of the racetrack.
- (2) Random drug testing, as provided by §A(1)(b) of this regulation, may be accomplished by the:
- (a) Testing of all licensees in a category of licensure;
- (b) Selection by lottery of licensees within a category of licensure; or
- (c) Selection of licensees who have a documented, or otherwise verified, history of prior drug use within the previous 5 years.
- (3) For the purposes of A(2)(c) of this regulation, the stewards or judges may not direct a licensee to submit to a drug test more than once in a calendar week.
- B. A sufficient quantity of the specimen shall be collected to provide for a split sample when possible.
- C. Refusal to submit a specimen as directed by the stewards, judges, or designated Commission representative without good cause shall subject an individual to disciplinary action as provided in this chapter, and the individual may not be permitted to continue to function in the individual's licensed capacity pending a hearing on the matter.
- D. The presence of a drug or the metabolite of a drug in a specimen is considered a positive specimen, unless it is determined by the stewards, judges, or the Commission that the presence of a drug or the metabolite of a drug in a specimen was not due to purposeful use by the licensee.
- E. An individual whose specimen is positive is subject to an evaluation and disciplinary action as

provided in this regulation.

- F. Disciplinary Action and Evaluation.
- (1) For an individual's initial violation under this regulation, the individual shall be suspended until such time as the individual has been professionally evaluated.
- (2) If the professional evaluation indicates that the individual's condition is nonaddictive and not detrimental to the best interests of racing, the suspension shall be lifted after the individual:
- (a) Provides the results of a drug test which indicates that the individual presently is drug free; and
- (b) Agrees to submit to drug testing at the direction of the stewards, judges, or designated Commission representative to ensure a continuing drug-free condition.
- (3) If the professional evaluation indicates that the individual's condition is addictive or detrimental to the best interests of racing, the suspension remains in effect until such time as the individual:
- (a) Provides documented proof of successfully completing a certified drug rehabilitation program approved by the Commission;
- (b) Provides the results of a drug test which indicates that the individual presently is drug free; and
- (c) Agrees to submit to drug testing at the direction of the stewards, judges, or designated Commission representative to ensure a continuing drug-free condition.
- G. For an individual's second violation under this regulation, the individual shall be suspended for an indefinite period and may apply for reinstatement only in the discretion of the Commission following completion of a certified drug rehabilitation program approved by the Commission.

#### .06 Alcohol Detection Test.

A. The stewards, judges, or a designated Commission representative may direct a licensee to submit to a noninvasive alcohol detection test for the detection of an impermissible level of alcohol, using as a basis for this order:

- (1) Reasonable cause for any licensee; or
- (2) Random selection for a licensee who, as part of the licensee's duties and responsibilities, comes into contact with a horse.
- B. A test which shows a reading of more than 0.05 percent alcohol in the blood subjects the licensee to disciplinary action, and the licensee is not permitted to continue to perform in a licensed capacity on that racing day.
- C. A licensee who refuses to take an alcohol detection test as directed by the stewards, judges, or designated Commission representative is subject to disciplinary action, and the licensee is not permitted to continue to perform in a licensed capacity on that racing day.

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### .07 Search and Seizure.

A. The stewards, judges, or designated Commission representatives have the right to enter into or upon the buildings, stables, rooms, automobiles, or any other place within the grounds of a facility under the jurisdiction of the Commission for the purpose of examining them, as well as the personal property and effects of a licensee contained there for the purpose of searching for, and the seizure of, items that constitute evidence of a violation of this chapter.

- B. An individual who has been granted a license by the Commission, by accepting the license, consents to a search and seizure as provided in §A of this regulation.
- C. A licensee who refuses to permit a search may be disciplined.

#### .08 Bleeders.

- A. The administration of Lasix to a horse is permissible if:
- (1) The administration of Lasix is recommended by a practicing veterinarian;
- (2) The recommendation is submitted to the State Veterinarian in writing; and
- (3) The trainer declares the use of Lasix at the time of entry.
- B. A Commission veterinarian is responsible for maintaining up-to-date records of horses which are permitted to use Lasix, and these records shall be available for inspection during the hours of operation of a race track.
- C. If a horse has been observed by a Commission veterinarian to have bled from at least one nostril during the running of a race or workout, either on the racing strip or in the barn area, that horse may not be permitted to race for a period of 14 days.
- D. If a horse has been observed to have bled as described under §C of this regulation within 365 days of the first occurrence, that horse:
- (1) May not race for 30 days after the first reoccurrence;
- (2) May not race for 180 days after the second reoccurrence; and
- (3) Is banned from racing forever after the third reoccurrence.
- E. For the purpose of counting the number of days a horse is not permitted to race in this State under this section, the day the horse bled is the first day, and the horse shall be permitted to race in this State when the last day has expired.
- F. Race Day Administration of Lasix.
- (1) Unless a horse has been declared off of Lasix pursuant to \$G of this regulation, a horse that is permitted to use Lasix shall be administered Lasix on the day of the race only by a veterinarian designated by the Commission to perform such a function.
- (2) As indicated by post-race quantitation, a horse may not carry in its body at the time of the running of a race not more than 100 nanograms of Lasix per milliliter of plasma or serum.
- (3) Reports.

- (a) The veterinarian who administers Lasix to a horse scheduled to race shall prepare a written certification indicating that Lasix was administered.
- (b) The written certification shall be in the possession of a designated Commission representative at least 1 hour before the horse is scheduled to race.
- (c) The stewards or judges shall order a horse scratched if the written certification is not received in a timely manner.
- G. Racing Off of Lasix.
- (1) A horse on the Lasix Program that races without Lasix in any jurisdiction which permits the use of Lasix may not be eligible for its use for a period of 60 days.
- (2) To become eligible after 60 days, the horse shall have been observed to have bled by a Commission veterinarian either:
- (a) Externally; or
- (b) By endoscopic examination.
- H. Program Notice.
- (1) Of the horses scheduled to race, the official program shall denote the horses which have been administered:
- (a) Lasix; and
- (b) Lasix for the first time.
- (2) If the official program contains past performance lines, each past performance line shall indicate if the horse was administered.

## .09 Equine Specimen Testing.

- A. The stewards or judges may designate a horse entered in a race to give a blood or urine sample, or both, before or following the race.
- B. At the conclusion of each race, urine and blood samples shall be collected from the winner of the race and any other horses that the Commission or stewards or judges may direct.
- C. The collection of the urine sample shall be performed by a Commission representative in the presence of the owner, trainer, or designated representative of the horse being tested.
- D. A State veterinarian, in the presence of the owner, trainer, or designated representative and the Commission representative, shall verify the horse's identifying tatoo number before taking a blood sample from the horse.
- E. Failure to allow or cooperate in the taking of a sample, or any act or threat to impede, prevent, or otherwise interfere with the taking of a sample, constitutes a violation and subjects the licensee to sanctions as provided in this chapter.

#### F. Urine.

- (1) Except as provided in §F(2) of this regulation, after the Commission representative obtains the urine specimen from the horse, the Commission representative or the detention barn foreman shall split the specimen into two parts in the presence of the owner, trainer, or designated representative. One portion shall be delivered to the Commission laboratory for testing. The remaining portion shall be maintained in the detention barn until the stewards or judges direct its disposal.
- (2) If the quantity of the urine specimen collected is insufficient to allow for proper testing, the specimen may not be split.

#### G. Blood.

- (1) After the horse has been washed down, but not less than 30 minutes following the running of the race, a State veterinarian shall extract two tubes of blood from the horse.
- (2) Of the two tubes of blood drawn under G(1) of this regulation, one shall be forwarded to the Commission laboratory for testing. The remaining tube of blood shall be maintained at the detention barn until the stewards or judges direct its disposal.
- (3) If necessitated by an insufficient quantity of urine having been obtained, another tube of blood shall be drawn and forwarded to the laboratory.

#### H. Split Samples.

- (1) The Commission, together with the applicable association representing a majority of the owners and trainers racing in Maryland, shall designate laboratories to which split samples of urine and blood may be sent for confirmatory testing.
- (2) Within 72 hours of being notified of a determination by the Commission laboratory that the testing of the blood or urine sample evidences the presence of a drug, the owner or trainer of the horse in question may request that the split sample of urine or blood, or both, be forwarded to one of the designated laboratories for confirmatory testing.
- (3) Upon a request for confirmatory testing, before the split sample is forwarded to the designated laboratory, the owner or trainer and a representative of the Commission shall execute an agreement that binds the owner or trainer and the Commission to the designated laboratory's findings. If the owner or trainer declines to execute the agreement, the split sample may not be forwarded to the designated laboratory for confirmatory testing.
- (4) After testing the split sample, if the designated laboratory:
- (a) Does not confirm substantially the Commission laboratory's findings, then any allegations that the drug in question was in the horse's system at the time of the race shall be dismissed; or
- (b) Confirms substantially the Commission laboratory's findings, then the finding shall be considered conclusive.
- (5) If, for whatever reason, confirmatory testing is not possible, H(1)----(4) of this regulation is of no effect.
- I. The owner or trainer requesting the confirmatory testing shall bear the costs of the confirmatory testing.

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## **Administrative History**

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Regulation .01B amended as an emergency provision effective October 27, 1995 (22:23 Md. R. 1794); emergency status expired April 1, 1996

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