

# THE FRONT PAGE

News & Views You Can Use

## Maryland Clears Annual Herpes Epidemic

### Leesburg Reopened

The Marion duPont Scott Equine Medical Center resumed full operations, including inpatient and emergency care, on Monday, April 2. The quarantine imposed by the Virginia State Veterinarian's Office on Feb. 20, was in response to the suspected infection of two horses with equine herpesvirus type-1 (EHV-1). Eighteen patients were held at the hospital during the restriction. Three of those hospitalized horses tested positive for EHV-1 – two of which have since tested negative for the disease and remain in the center's Animal Biosafety Level 2 isolation unit and one of which was euthanized due to unrelated medical conditions. No horses died at the center from EHV-1.

According to Dr. Nat White, Jean Ellen Shehan Professor and Director of the Marion duPont Scott Equine Medical Center, the state veterinarian authorized the release from quarantine based on stringent criteria established by the hospital's leadership including the isolation of groups of horses, the length of time for which the horses have shown no symptoms and a rigorous testing protocol.

"The center's facilities have been thoroughly cleaned and disinfected to ensure the safety and well-being of our patients, and we are ready to once again provide the highest quality of care and service to the equine community," said White.

Dr. Martin Furr, Adelaide C. Riggs Chair in Equine Medicine, noted that the university teaching hospital environment proved integral in containing this infection. "Because our faculty members conduct cutting-edge research into equine disease, we were prepared to handle this type of an outbreak," said Furr. "Al-

though additional research into the prevention and treatment of EHV-1 is needed, our experience has taught us that the immediate implementation of emergency management procedures is the best way to stop the spread of this type of contagion."

According to Furr, new criteria have been added to the center's biosecurity guidelines as a result of the infection including the mandatory use of hand disinfectants and restrictions on visitor access to hospital facilities.

"We know from conversations with our peers and other industry experts that our biosafety procedures are among the strictest," said Furr. "Biosecurity guidelines are essentially living documents that are always being reevaluated and we decided to augment our existing protocols with these additional measures in order to further protect our patients."

"We would like to thank the regulatory officials, university representatives, industry members and horse owners who worked closely with the center's leadership throughout the quarantine," said White. "We look forward to continued cooperation among these parties in pursuing the well-being of the horse and of the equine industry."

Clients with questions concerning the reopening can visit [equiery.com](http://equiery.com) and click on the links for the Marion duPont Scott Equine Medical Center.

The Marion duPont Scott Equine Medical Center is a Leesburg, Va., based full-service equine hospital that is owned by Virginia Tech and operated as one of three campuses that comprise the Virginia-Maryland Regional College of Veterinary Medicine.

### Herpes Query: Incubation Periods and Why Did Maryland & Virginia Responses Differ So?

The mid-Atlantic herpes crises ended in March, but our readers questions still linger.

Q Isn't the incubation period for EHV-1 (equine herpes) up to 17 days? If so, why did Maryland take hold orders off and release horses before the incubation period was over, whereas Virginia did not?

A Maryland State Vet, Guy Hohenhaus, DVM, responds:

One must be careful when comparing the processes used by different states to manage similar, but not identical situations. States are sovereign entities, which have the right to manage most internal affairs as they see their interests. Given that laws, regulations and authority vary between 2 states, and different individuals make up the response management teams, it is no surprise that there would be some differences in approach. The real question you raise is to the reasonableness of the Maryland response to EHV-1.

The 17 day incubation time you cite is an extreme outside range, most being within a week or less and incubation to clinical disease. We are using test methodologies which detect current infection, not current disease or evidence of past disease. The time frames on this are thus much shorter. Only a fraction of infections lead to clinical disease, so using that yardstick could lead to missed or "silent" infections.

If an animal was exposed, there would be PCR evidence of that infection within a few days, but certainly within 7 days. We focused the testing and observation on the higher risk animals, those which had Leesburg exposure, rather than secondary contacts. If those animals had no evidence

of the virus after 7 days away from Leesburg, there is a very high probability they were only exposed, but NOT infected. No infection=no EHV-1 disease; no EHV-1 disease=no transmission to others.

Thus, with a negative PCR 7+ days post Leesburg, we were very confident that a discharged EMC patient had not brought the virus home and the property could be released.

Additionally, if there was any evidence of fever, unexplained respiratory disease or neurologic disease on the property from the time the patient returned, that protocol cannot be employed, hence, 2 farms remained restricted longer.

Lastly, the best measure of success or failure is the absence or presence of new cases traced back to the original outbreak (outcomes). I would certainly expect that had our approach been overly "lenient," that we would have seen some evidence of sick EHV-1 horses by well before the 17 day post discharge time frame. We do not. We continue to receive reports from veterinarians, but to date, none has yielded a case of EHV-1. The outcomes experience in VA has been quite similar, with only very limited disease spread beyond the EMC, as evidenced by very low rates of infection in discharged patients.

Our goal is the same as Virginia's – to control this outbreak as quickly and effectively as possible, while minimizing the necessary negative impacts on the industry. We take our duty to protect the industry very seriously and that duty includes doing everything necessary, lawful and proper to respond. We also subscribe the Hippocratic notion of "First do no harm," in

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Be sure to include your full name, phone number and address. All submissions become the property of The Equiery.**

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that we have determined that for purposes of protecting Maryland horses, anything additional would be unnecessary, a burden on the industry and ultimately harmful.

Remember, our authority is limited to that which tends to control livestock diseases. That said, individuals, businesses and other entities are free to make their own choices about restricting activities. Please consult with our staff in advance to determine the best way to accomplish the goal, which is motivating the decision to restrict activities.

*To understand more about the annual Maryland herpes crises, please visit equiery.com.*

## Reinken Pleads Guilty To Abuse and Neglect

*submitted by the Humane Society of Washington County, Maryland*

Barbara Reinken, the Sharpsburg woman whose 75 horses were seized in December 2006, appeared in Washington County Circuit Court on Tuesday April 3, 2007. Ms. Reinken by and through her counsel Edward Button of Washington County and Charles Iannuzzi of Woodbury, NJ, entered a Plea and Sentencing Agreement pursuant to Maryland Rule 4-243.

Ms. Reinken was charged with 72 misdemeanor counts of abuse or neglect of animal and 4 felony counts of aggravated cruelty to

animals on December 22, 2006. If convicted on the misdemeanor charges, she faces imprisonment not to exceed 90 days or a fine not exceeding \$1,000, or both, for each misdemeanor offense. If convicted of the felony charges she faces imprisonment not exceeding three years or a fine not exceeding \$5,000, or both.

### Plea Agreement

The Defendant will knowingly, voluntarily, and with the benefit of the advice of counsel enter a plea pursuant to *North Carolina v. Alford*, 400 U.S. 25 (1970) (Alford Plea) to count 77 of the Charging Document, to wit: A violation of Maryland Ann. Crim. Code 10-606 (aggravated animal cruelty, including omission or neglect, resulting in the cruel death of an animal). Defendant acknowledges that under an *Alford* Plea she maintains that she did not commit the alleged crime, but admits that the State possesses evidence sufficient to convict her, and knowingly and voluntarily accepts a guilty judgment to the crime. Defendant acknowledges that the maximum penalty for this crime is three (3) years incarceration in the Maryland Division of Corrections, and a fine not exceeding \$5,000 or both.

• The Defendant will knowingly, voluntarily, and with the benefit of the advice of counsel enter guilty pleas to counts 11, 19, 22, 24, 39, 46, 48, 56, 60 and 64 of the Charging Document, to wit: ten counts of violation of Mary-

land Ann. Crim. Code 10-604 (negligent of animals). Defendant acknowledges that the maximum penalty for each count of this crime is 90 days incarceration, and a fine not exceeding \$1,000/00 or both.

### Sentence Agreement

The State and Defendant agree that Defendant will receive a sentence of three years incarceration in the Maryland Division of Correction for Count 77, and 90 days consecutive incarceration for each of Counts 11, 19, 22, 24, 39, 46, 48, 56, 60 and 64, and that the State and Defense agree that, upon acceptance of this plea agreement by this Honorable Court, that this sentence will be suspended in its entirety.

• The State will defer to the Court, after presenting the facts of the case, on the amount of fine, if any to be imposed upon the Defendant. The Defense is free to argue for leniency in the imposition of any fine.

• The Defendant reserves the right under Md. Rule 4-345 (e) to timely file a Motion for Modification of sentence. The State opposes modification of this sentence, but the Defendant and State agree that the Defendant's Motion for Modification may be held *sub curia* for such a period as the Court sees fit. The State specifically requests and reserves the right to be present and oppose the motion to modify if and when the Court elects to hold a hearing to modify the sentence.

### Terms of Probation

The terms of this plea agreement and this document are to be incorporated into the probation order upon the approval of the Court and acceptance of the Defendant's Alford plea and guilty pleas in open court.

The State and Defense agree that the Defendant will be subject to the probation of this Honorable Court for a period of five years. This probation will be supervised by the Maryland Department of Parole and Probation, subject to transfer to another state, until such time that the State, the Defendant, or a Probation Agent petitions this Court for a termination of supervision, and the Court approves termination of supervision. Termination of supervision will not end the period of probation.

As a condition of probation Defendant will undergo a mental health evaluation within 30 days with a mental health provider approved by the Court, said evaluation to include a treatment plan for the Defendant. As a condition of probation the Defendant will engage in and successfully complete or maintain the treatment described by the mental health evaluation, and report the progress of this treatment to the Defendant's supervising probation agent.

During the five year period of probation, the Defendant will possess no animals other than the dogs and cats, and the number of dogs and cats in her possession or

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present in any home or property in which she resides will not exceed 5 dogs, and 6 cats. In addition she will not engage in the training, ownership, care, showing, buying, selling, of any animals other than 5 dogs and 6 cats allowed under her sentence. All dogs and cats in her possession must be either spayed or neutered within 30 days of sentencing in this matter, or 30 days of any later acquisition.

During the five year period of probation, the Defendant shall be subject to periodic (not to exceed monthly) inspection of her home and any real properties owned, used, or occupied by the Defendant by the Humane Society of Washington County (if Defendant resides within Washington County), or by the animal control authority within any jurisdiction in which the Defendant resides, or uses or occupies real property.

The State and Defendant agree that the Court may impose such other reasonable terms of probation that it sees fit, including, but not limited to standard terms of probation.

### Surrender of Horses:

Upon the approval of this plea agreement by this Honorable Court, the Defendant agrees to immediately surrender ownership and possession to the Humane Society of Washington County of all horses previously impounded from her possession. For purposes of this plea agreement the term "horses" includes all equines, and any offspring born or unborn. The Parties acknowledge that this condition of the plea agreement is effective upon the acceptance of the terms of the agreement by the Honorable Circuit Court of Washington County, and that the surrender will be effective and irrevocable immediately upon the court's approval of this agreement. The Defendant agrees to execute such further assurances, release documents, registration documents, or other documents necessary to effectuate this surrender.

Neither the State, nor the Humane Society of Washington County will seek financial recourse against Defendant for the costs of the care of the animals accrued to date, or thereafter.

The Humane Society of Wash-

ington County, upon surrender of the horses will make all reasonable efforts to adopt out the animals according to its protocol, as expressed in documents previously shared with the Defendant, receipt of which the Defendant acknowledges. If reasonable adoption efforts fail for any animal, the Humane Society of Washington County will dispose of any un-adopted animal in a humane fashion.

The Defendant will not attempt to contact or interfere with any person or entity having possession of any animal surrendered by this plea agreement in the future.

*To understand more about legal minimum standards of care for horses in Maryland, please visit [equiery.com](http://equiery.com), select "Horsin' Around Maryland" and click on Maryland's Minimum Standards of Care. To find out how you can adopt or help the Sharpsburg horses, please visit [equiery.com](http://equiery.com) and click on "News & Resources."*

### Horse Related Injuries - Protecting Your Health Coverage

*courtesy of the American Horse Council*

Representatives Bart Stupak (D-MI) and Michael C. Burgess (R-TX) recently introduced "The HIPAA Recreational Injury Technical Correction Act" (H.R. 1076). This bill would bar employers from discriminating against those who take part in legal recreational activities such as horseback riding, motorcycling, ATV riding and snowmobiling in the health-insurance programs they offer their workers. Senators Susan Collins (R-ME) and Russ Feingold (D-WI) introduced identical legislation (S. 616) in the Senate.

Specifically, the bill provides that: a group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not deny benefits otherwise provided under the plan or coverage for the treatment of an injury solely because such injury was sustained while engaged in any particular mode of transportation specified in the plan consisting of the use of a motorcycle, snowmobile, all-terrain vehicle, or other similar recreational vehicle or horseback riding.

The Senate passed identical legislation in the 108th Congress.

The American Horse Council supports this legislation and will work with a coalition of other recreational groups for its passage.

### Hazardous Manure?

*courtesy of the American Horse Council*

Legislation has been introduced to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA), commonly known as "Superfund," to provide that livestock manure is not considered a hazardous substance, pollutant or contaminant under that Act.

Unlike last Congress' version, this bill protects horses along with other livestock. The AHC worked with the supporters of the bill to ensure that the definition of "livestock" included horses. This is critical, because without that clarification, large equestrian facilities, and in particular race tracks, could be subject to fines for manure production.

The House bill (H.R. 1398) was introduced by Representatives Collin Peterson (D-MN) and Ralph Hall (R-TX), along with 59 other Representatives. It was jointly referred to the Committee on Energy and Commerce and the Committee on Transportation and Infrastructure. The Senate bill (S. 807) was introduced by Senators Blanche Lincoln (D-AR), Mary Landrieu (D-LA), Pete Domenici (R-NM) and Saxby Chambliss

(R-GA), along with 5 other Senators. That bill was referred to the Committee on Environment and Public Works.

The legislation is in response to attempts over the past few years by some states and local authorities to extend CERCLA and the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) to livestock and poultry operations for emissions or discharges from manure produced in those operations. While the animal agriculture industry has been regulated for years under the Clean Water Act, Clean Air Act and various state laws to protect the environment, it has never been regulated under Superfund or EPCRA, which include severe liability provisions.

The livestock industry is seeking a Congressional clarification that these laws were never intended to apply to or regulate manure.

The bill would amend CERCLA to provide that livestock manure is not included in the meaning of "hazardous substance" or "pollutant or contaminant" under that Act.

The bill defines "manure" to mean "digestive emissions, feces, urine and other excrement" and "any associated bedding, compost, raw materials or other materials commingled with such excrement" from "livestock" as defined in Section 10403 of the Farm Security and Rural Investment Act of 2002. That provision defines livestock as "all farm-raised animals," which includes horses. ■

### A Fond Farewell

*Although the April issue of The Equiery was my last, I wanted to take this opportunity to thank Crystal Kimball and her staff – as well as you, dear readers – for an incredible two years as its editor.*

*Other opportunities call me in new directions; however, I've been fortunate to be a part of such a labor of love, and you will always remain near and dear to my heart.*

*Marylanders are lucky to have a resource like The Equiery, and I hope all of you appreciate that. Where else can one find the latest sporting, legislative and industry news – not to mention opinions, photo pages and advertisements – tailored specifically by and for Free State equestrians?*

*Keep up the good work, and continue to make me proud! I'll be watching.*

*– Laurel Scott*

*Best wishes to Laurel in her new position, and congratulations to Primedia for their coup in hiring her!*

*– The Equiery Staff*

# "The Bewitching Hour"

## The Maryland Legislative Session Ends For Yet Another Year

by Nancy Hill

Midnight on April 9 marked the end of the first session of the 2007-2010 General Assembly term. Close to 2,500 bills were introduced; approximately 800 passed.

Approximately 60 of the 2,500 bills introduced were proposals to increase taxes. However, Senate President Thomas V. "Mike" Miller made it very clear from the beginning that he was not going to allow a piecemeal approach to tax increases and that he wanted to look at the whole tax issue and formulate a comprehensive budget approach that would include revenue from slot machines. In this regard, he introduced SB 950, Education Funding Act of 2007. The bill had a hearing on March 6 but, as expected, moved no further without the active support of Governor O'Malley. Several other slot machine bills were introduced but all died in committee.

There will be tax increases next year -- so hold on to your wallets! The Governor and legislative leaders have said they will work on the budget deficit/tax issue over the next few months and there may be a special session in the fall.

Following are 2007 General Assembly major legislative initiatives and their final status:

- Governor O'Malley's \$30 billion budget was passed pretty much intact.
- A fee that developers would have to pay in order to clean up the Chesapeake Bay died in the Senate because of concerns about its financial impact.
- Clean car legislation that will provide for stricter emissions standards passed and will be signed by the Governor.
- A bill that would repeal the death penalty died but will more than likely be introduced again next year because of the current court-ordered moratorium on executions.
- A bill that would make second-time drug offenders eligible for parole passed and will be signed by the Governor.
- A proposal to extend Medicaid coverage to an additional 100,000 Maryland residents died in the Senate because of cost concerns.
- The bill to give in-state college tuition to illegal aliens died in the Senate but supporters promise to introduce it again next year.
- Legislation that requires state government contractors to pay workers a minimum wage passed and will be signed by Governor O'Malley.
- Governor O'Malley's request for \$400 million in school construction money passed.

- The General Assembly passed "Jessica's Law" which will provide for mandatory sentencing for child sex offenders.

- A resolution that expresses "profound regret" for Maryland's participation in slavery was adopted by the General Assembly.

- A statewide smoking ban in bars and restaurants was passed and will be signed by the Governor.

- A bill that bans trapping of Maryland's diamondback terrapin was passed and also signed by the Governor.

Maryland's presidential primary date will be moved up to February 12 and the state's electoral votes will be awarded to the winner of the national popular vote even if that candidate does not win the popular vote in Maryland. Voters will also decide whether they want "early voting" in Maryland.

The General Assembly passed legislation that will allow two and three-time felons to vote. Current law allows one-time offenders, who keep clean records for three years, to vote.

Bills reported upon in previous issues of *The Equiery* that could have adversely affected businesses have all either been withdrawn by sponsors, been killed, or died, in committee.

In addition to the above legislation, a few bills of interest to Maryland's horse industry were introduced. Following is the final outcome:

Maryland's equine community, in particular the Maryland Horse Council, deserves kudos for lobbying against Comparative Negligence legislation (SB 267/HB 110). SB 267 died in committee and HB 110 was withdrawn. However, the backers of this bill promise to return next year.

Several bills of particular interest to the horse community fared very well. **HB 348, Horse Racing – Purse and Bred Fund Supplements**, passed the House but died in the Senate Budget and Taxation Committee. This bill would have provided for some lottery funds to be used to bolster Thoroughbred and Standard bred purses and bred funds. Several other bills introduced to help the racing industry also failed to pass.

**SB 341/HB 431, Creation of a State Debt – Montgomery County – Woodstock Equestrian Park** would authorize a state debt not to exceed \$500,000, the proceeds to be used as a grant to the Board of Trustees of the Montgomery County Parks Foundation, Inc. for the planning, design, construction and equipping of a public equestrian park. Committees: Senate Budget and Taxation;

House Appropriations. This project was included in the final capital bond loan bill (SB 56/HB 51) which passed both houses.

**SB 817, Thoroughbred Racing – Restrictions on Night and Sunday Racing – Repeal.** This bill was a real "sleeper." Introduced by Senator Della (Baltimore City) for the second year in a row, the bill repeals statutory restrictions currently in place for Thoroughbred racing in Maryland: 1. Thoroughbred racing cannot be held after 6:15 p.m. except under specified circumstances; 2. Mile Thoroughbred racing may not be held on Sundays unless approved by the Maryland Racing Commission and then the racing cannot start until after noon; and 3. The Maryland State Fair may not hold a race on Sunday except during the Fair. This bill merely codifies existing practices under the new 15-year racing industry agreement (see March Equiery). SB 817 was passed by both houses.

**HB 1289, Maryland Horse Industry Fund**, would have kept any unused funds from reverting back to the state's general fund. This bill was given an unfavorable report by the Environmental Matters Committee.

**HB 1352, Maryland Horse Industry Board – Rescue Stables**, easily passed both houses and was signed into law by the Governor on April 10; from now on, rescue stables will be subject to the same standards for licensing as riding and boarding stables; prior to this legislation, there was no oversight of rescue facilities.

**SB 230/HB 621, Admissions and Amusement Tax-Exemption for Activities Related to Agricultural Tourism.** This legislation was amended and allows counties and municipalities to exempt agricultural activities from the admissions and amusement tax. It probably would have passed both houses, but they ran out of time.

**HB 1433, Department of Agriculture-Animal Health Enforcement.** HB 1433 prohibits a person from willfully making a false statement to the Maryland Department of Agriculture (MDA) regarding the identity, location, place of origin or destination, or health status of an animal. MDA may bring an action for an injunction against any person violating the prohibitions or any valid order or quarantine issued by MDA. This bill has passed both houses. No more fudging your Coggins if you misplace it or are late getting it! You could now get fined or worse.

**SB 337, Registered Offenders Working at Fairs and Carnivals-Prohibition.** This bill had a hearing in March but died in the Senate Judicial Proceedings Committee. While the subject matter of the bill was universally supported, fair managers testified that it would have been extremely difficult and prohibitively expensive to implement the provisions of the bill. Apparently, a registered offender was spotted working at the Frederick Fair. No one was harmed and management quickly fired him and removed him from the premises. Fair managers promise to remain vigilant to ensure fairgoers' safety.

**SB 731/HB 633, Maryland Estate Tax- Exclusions for Family Farms Subject to Agricultural Preservation Easement.** This legislation would have exempted the value of any real property subject to state or local agricultural land preservation easement from the gross value of an estate. Identical bills were introduced in the 2006 session and died in their respective committees. SB 731 was withdrawn by the sponsor and HB 633 died in committee.

**HB 701, Natural Resources-Preservation of Parkland**, was given an unfavorable report by the House Appropriations Committee due to its mandate that the Governor appropriate money for the purpose of preserving parkland. In other words, it carried a big, continuous price tag.

**SB 188/HB 632, Harford County-Deer Hunting on Private Lands-Sundays.** This legislation did not pass due to internal political reasons. Expect it to return next year.

**HB 601, St. Mary's County-Deer Hunting on Private Property-Sundays**, was amended to eliminate one Sunday. The bill passed both houses.

**SB 717, Somerset County, Wicomico County, and Worcester County-Deer Hunting on Private Lands-Sundays.** This bill has also passed both houses.

Governor O'Malley has set April 10, April 24, May 8, and May 17 as 2007 bill signing dates. Bill signings are ceremonial affairs at which individuals who supported bills passed by the General Assembly attend and have official photos taken with the Governor, the Senate President, and the Speaker of the House of Delegates.

This concludes my regular legislative reporting for 2007. My sincere hope is that you have found this column to be interesting and informative. Until next year – Happy Trails!! ■