

COVID-19 Maryland State of Emergency

Interpretive Guidelines & Best Management Practices for the Equestrian Community



These best practices/interpretive guidelines produced by the Maryland Horse Council (MHC) are based on Executive Orders and various Department Guidelines as of 4/13/20; MHC will make every effort to review and revise in a timely fashion when Executive Orders or Department Guidelines are updated. These are Interpretive guidelines and are not binding. Barn owners or operators of equestrian facilities are urged to consult with their own legal counsel, accountants and insurance providers for advice about the Governor's Orders and the corresponding Office of Legal Counsel Interpretive Guidances, and their applications to their own unique business circumstances.

The Maryland Horse Council is not a regulatory body; it is an umbrella association for all horse organizations, horse farms, equine-related businesses, non-profits, charities and horse owners. MHC advocates for the equestrian community at the state level on matters of legislative and regulatory affairs. The MHC Executive Committee is in regular communication with the various agencies and departments which regulate activities and businesses related to horses, including but not limited to the Maryland Department of Agriculture, the Maryland Horse Industry Board (housed at the Department of Agriculture), the Department of Natural Resources, and others.

Governor Hogan has issued numerous Executive Orders in response to the COVID-19 pandemic. Some affect the horse community, including the Executive Order issued on March 23 relating to Gatherings, Stay at Home Order which was amended and restated on March 30* and the Executive Order issued on April 5† relating to Delegating Authority to Health Officials. Since the issuance of these orders, the Horse Council has been fielding numerous questions about how the orders specifically apply to and affect horse people and their horses, farms and businesses.

After extensive consultation with the Maryland Department of Agriculture, the Maryland Horse Industry Board, the Maryland Department of Natural Resources, attorneys and other stakeholders, the Maryland Horse Council has developed the following Interpretive Guidelines and suggested Best Practices.

These Interpretive Guidelines and suggested Best Practices are based on our best understanding of the information and guidance that we have received to implement the Governor's directive that Marylanders should stay home to prevent the spread of COVID-19. The recommendations contained herein are not mandatory and do not have the force of law. Questions about application to individual, specific situations should be directed to your attorney and/or insurance carrier.

We recognize that this is a very difficult situation for all, and our interpretation, which could potentially prevent an owner from seeing his/her horse, or an owner from trail riding during this situation is a very difficult conclusion to reach. However, the spread of the COVID-19 across Maryland has not yet shown signs of slowing down (see Maryland Department of Health's latest data at <https://coronavirus.maryland.gov/>). Accordingly, we hope that these guidelines and best practices are not viewed as an assault on horse owner's rights, but rather as an attempt to reconcile the Governor's orders and to mitigate the threat to everyone's well being and safety.

In developing these Interpretive Guidelines and suggested Best Practices, we have considered the fact that there are two primary relevant orders from the Governor. The first order dated March 23 (the "closure of non-essential businesses order") applies to what business and farm owners must do (i.e., whom to allow onto their farms and business properties). The second order dated March 30 (the "Stay at Home order") includes the 3/23 order, and further applies to what individuals must do, with penalties for failure to comply (i.e., whether and for what reasons they are justified in leaving their homes). From there, we have turned towards guidelines issued by various departments and agencies.

The Interpretive Guidelines has a section for owners, operators and/or managers of equestrian facilities, a section for owners of horses that are boarded at equestrian facilities, and a section for horse owners who board their horses at home, as each has a different set of concerns and challenges. To get to the information that pertains to you:

Page 2: Best Management Practices for All Equestrian Facilities

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Suggested General Best Practices for ALL Equestrian Facilities

- Access to facilities should be restricted to essential personnel, including essential caretakers, veterinarians, farriers, equine dentists, and other health care professionals.
- Access should not be allowed to anyone showing symptoms of COVID-19, or anyone who has been exposed to a person with symptoms within the self-quarantine period.
- Limit the number of personnel on the property to 10 people at one time, and maintain 6' social distancing to the greatest extent possible.
- Wearing face masks/coverings and gloves should be encouraged.
- Require hand washing or hand sanitizing by all persons entering and leaving the property, and after handling deliveries and equipment.
- Limit on farm activity to only those actions essential to maintain animal health and safety.
- Tack, equipment and supplies should not be shared if possible, and should be disinfected between uses if sharing is unavoidable. Frequently handled surfaces such as doorknobs, gate and stall latches, light switches, hoses, spray nozzles, pump handles, cross tie snaps, feed scoops, trash cans, truck and tractor doors and controls, etc., should be disinfected regularly.
- Develop an emergency plan for the business operation if key workers become ill with COVID-19. This should include all aspects of the farm operations, from office to barn aisle and fields.
- Make sure that, to the extent possible, adequate supplies of essential inventory such as feed, hay, bedding, etc. are on hand in the event of delivery delays.
- Some vets, farriers, dentists and other health professionals are curtailing services during this time or adding additional safety protocols. Communicate proactively to determine a plan for emergency response or necessary routine care if needed.
- Check with your liability insurance provider for information about what coverage you might have for transmission of COVID-19 to or from your employees, clients and/or visitors.

“When this crisis is over – and one day, it will be over – we will look back at this time in our lives as a particularly extraordinary moment. When we look back, we have to be able to say that we did everything we could to save lives...We stayed home, we missed school, we missed our friends, all of our normal routines, so we could fight this virus and save lives. We will say we gave up so much for a while in order to save our loved ones, our friends, neighbors and countless others that we will never know.”

Fran Phillips, Maryland Deputy Secretary of Health

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INTERPRETIVE GUIDELINES FOR OWNERS/OPERATORS OF EQUESTRIAN FACILITIES

Self-Care Boarding Facilities

It is clear that individuals who board their horses somewhere other than where they reside may travel to care for their horses if, prior to the Governor's order, they were routinely responsible to provide, in whole or in part, daily food, water, stall cleaning, or other activities such as medical care required for the horse's health or safety at the facility where the horse is boarded. Only those actually providing the care should enter the property. Friends, family, others tagging along "for company," etc. should stay home.

Full Care Facilities (field or stall; includes training facilities)

In general, because the care of horses is considered essential, full care boarding barns are permitted to remain open, but only staff who are routinely responsible to provide, in whole or in part, daily food, water, stall cleaning, or other activities such as medical care required for the horse's health or safety, should be on the property, and they should observe the bio-security and social distancing guidelines of the CDC and the MD Department of Health. According to the MDA's March 30 Guidance: "individual companies are asked to make an honest assessment as to whether their operation is essential to public health and safety. Businesses that are not directly linked to public health and safety should immediately scale back their operations, eliminate foot traffic," etc. The Maryland Horse Industry Board elaborated on this statement: "The care and feeding of livestock is regarded as Agriculture and deemed essential. Please determine who at your horse stable is essential and give them the documentation that they need."

Based on these statements, if a full care barn's regular staff is not able to provide some care that is normally provided by the boarders themselves (e.g., periodic "eyeballing" of field boarded horses for injuries, etc.), barn owners can choose to add a *competent* client or clients as temporary staff on either a paid or volunteer basis to assist with performance of such essential care, and provide the client/temporary staff (as well as regular staff), with letters as suggested by MDA to justify their travel. MHC has templates for such letters available on our website.

The MHC does not believe that the intent of the Governor's order is to use this provision to justify blanket "deputizing" of all clients to allow them to avoid the stay at home order. Barn owners who are considering adding clients as temporary staff and/or designating certain persons as "essential" should restrict the number of additional staff to only that needed to provide essential care, so as to restrict the number of people coming on to the property, since the prohibition on gatherings of more than 10 people is still in effect.

Appointing a client as a temporary employee could impact the barn's liability, workers' compensation insurance and have tax consequences (bartering is taxed); MHC recommends facility owners discuss this with their professional advisors before turning clients into temporary employees or volunteers.

Partial-Care Facilities

We recognize that some facilities fall somewhere on the spectrum between full-care and self-care; owners/operators/managers will have to interpret the above guidelines as to how they will best suit their operations.

Lesson Stables, Trail Riding Facilities, For-Hire Carriage & Wagons

The Governor's orders are pretty clear, as are the directives from the Maryland Department of Agriculture, that these are a non-essential activities. The Department of Natural Resources has prohibited trail riding in State Parks. We recognize that this may have serious financial consequences for your operation. MHC has separately developed information on financial resources for your businesses; please see our website.

Therapeutic Riding Stables

Equine therapy is considered an essential health service, and this would apply to those appropriately credential therapeutic riding facilities that do on-site and off-site therapies. However, the restrictions on social distancing/prohibition against large gatherings must be followed, as well as the Best Practices in terms of disinfecting/cleaning.

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**INTERPRETIVE GUIDELINES FOR
OWNERS OF HORSES BOARDED AT FACILITIES OWNED BY OTHERS**

MDA and MHIB provide guidelines for the owners of equestrian facilities and horse farms, as those facilities fall under their regulatory umbrella. Individual horse owners do not fall under MDA/MHIB regulatory umbrella – just the facilities. However, the guidelines provided by MDA/MHIB to facility owners beg certain questions for their clients who own the horses. MHC has provided the following interpretive guidelines for horse owners that we believe comport with MDA/MHIB's guidelines for facility owners and our related suggested Interpretive Guidelines and suggested Best Practices.

Q. Isn't grooming part of basic health and safety of the horse, so that my boarding barn MUST allow me to come and groom my horse?

Basic, occasional eyeballing/skin, foot and wound checks are generally essential, but also usually performed by barn staff, or by designated persons if barn staff is not able. Routine "appearance" grooming will likely not be considered essential.

Q. Am I allowed to be present when the vet, farrier or dentist is treating my horse, even though there is barn staff who can handle the horse without me?

Generally, probably not, since the treating professional can communicate by phone or text, as small animal vets are doing now. Exceptions may apply in special circumstances. Also, many equine health practitioners are issuing strict guidelines to their clients as to whether or not they will treat a horse if there is anyone else present. Some vets are requiring that there be no one else in the barn, at all, when they are present.

Q. Is equine massage, chiropractic or other alternative therapies an "essential" service?

Possibly, if prescribed by a vet as part of a therapeutic regimen. However, if part of routine maintenance that could be postponed for a while without adversely affecting the horse, then it would probably not be considered essential. Consult with your health care professional to determine what is "essential."

Q. MDA has stated that "the only thing legally required is "social distancing," i.e. no groups of more than 10 and keeping 6 feet apart, so if my barn posts a schedule to restrict the number of people on the property, that's ok, right?

That MDA statement preceded the Governor's stay at home order, and we believe that it is superseded by the current order to stay at home.

Q. I am a self-care boarder at a facility I need to travel to. Can I also ride once I get there?

This is likely allowed. Traveling for self-care boarders is allowed as that would include essential care, what one does after one is already there is less relevant, noting however, that everyone should take care not to take unnecessary risks to avoid getting hurt and end up in the ER.

Q. I want to move my horse from one facility to another facility. Can I?

There are no prohibitions against relocating your horses, and the Governor's order permits transportation of livestock for essential health and safety activities. However, it is up to the owner/manager of the other facility to determine whether or not they are willing to take you. There are other considerations as well, such as whether or not you will need to hire someone to ship your horses to the new facility (if you do not own a truck and trailer). It is in the discretion of the shippers as to whether or not they are offering their services.

Q. Can I pick up my horse from my boarding facility and take it someplace else to trail ride, if I maintain social distancing?

The Governor's order specifically permits transportation of livestock for only essential health and safety. The Maryland Department of Natural Resources recently announced that horseback riding in all state-owned lands is prohibited. Trailering a horse to any other location for recreational purposes is probably prohibited by the stay at home order.

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...continue Interpretive Guidelines for Owners of Horses Boarded at Facilities Owned by Others

Q. Why is it ok for people to haul their bikes to parks for recreational purposes or to do hiking in public parks?

We are the Horse Council; we cannot speak for those constituency groups.

Q. The Governor's order allows "exercise," and since riding horses is exercise, then why am I not automatically allowed to go to my boarding facility to ride my horse?

The Governor's order was broad, and did not address horseback riding specifically. We believe that the Governor's point was that humans will benefit from getting fresh air, but he specifically listed things that can be done directly from home (thus riding your own horse on your own property is within the guidelines, since one is complying with the "stay at home" directive). Gyms and fitness centers are still closed, but many of those exercises (not all) can be done at home. Some agencies, such as DNR, have construed the Governor's language to apply to "human powered" exercise. So recreational boating has been specifically prohibited, although canoeing and kayaking are allowed by DNR.

Q. I am a horse trainer. I have horses on my property that I am paid to care for and exercise/train. Can I continue to do that?

Probably, as we don't believe there is a specific prohibition against riding, particularly on your own property.

Q. I am a horse trainer. I travel to other barns to ride/exercise horses. Can I do that?

Probably not, unless you also need to be there to provide essential care.

Q. Exercising my horse is essential for my horse's health, so am I allowed to come out and ride?

The answer will probably depend on whether the horse has access to turnout sufficient to allow it to self-exercise, and if not, whether there is onsite staff that is competent to exercise the horse that is not getting adequate turnout. The answer to this will also depend on whether having you go exercise the horse because it is essential and there is no competent on-site staff to do so, and whether at any given time will violate any of the social distancing/prohibition against large gatherings order.

Q. MDA has stated that essential care "can include exercise of horses." Well, my horse is on stall-rest and has been prescribed by the vet a hand walking/controlled exercise program as part of rehabbing from an injury, and the barn staff doesn't do it. Is it allowed that I go to the Boarding farm and do that?

Travel to do that is probably allowed under the Governor's order as self-care; however, if you are boarding at a partial-care or full-care facility, your ability to do that is at the discretion of the barn owner, as the barn owner/manager may determine that onsite barn staff can provide that service in order to comply with the social distancing/prohibition against large gatherings directives. We realize that this is a worrisome situation, and we urge owners with stall-bound horses to try to work cooperatively with their barn management in conjunction with their vet.

Q. Why is training still going on at the racetracks?

Racetracks are under the jurisdiction of the Department of Labor and the Maryland Racing Commission, not the Maryland Department of Agriculture or Maryland Horse Industry Board. Racetracks typically have no turnout and thus horses would be stall-bound with no opportunity to self-exercise.

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INTERPRETIVE GUIDELINES FOR HORSE OWNERS WHO KEEP THEIR HORSES AT HOME

Q. I have my own farm. Can I ride my own horses on my own farm?

There are no prohibitions against owners riding their horses on their own farms. But we would urge you to be considerate of your community and be mindful of your risk taking.

Q. My property is adjacent to state-owned land with trails. Can I ride on those trails?

A. According to the Maryland Department of Natural Resources facebook page for Maryland State Parks, as of April 7, no. If and when DNR updates this directive, MHC will immediately share the information.



Maryland State Parks

April 7 at 7:06 PM · 🌐



ALERT: In accordance with Governor Hogan's emergency actions to protect public health during the COVID-19 pandemic, horseback riding is prohibited in State Parks.

Q. What if my property is adjacent to county-owned land with trails. Can I ride on those trails?

A. Check with your county parks or land management agency.

Q. Can I haul my horse to my trainer's farm to ride?

A. We believe that this would not qualify under the Governor's order that permits transportation of livestock for only essential health and safety reasons. We also believe this would be a violation of the stay-at-home directive.

Q. Can I haul my horse to a vet or an equine hospital for essential medical treatment?

A. Yes. However, if you leave the state, the Governor's Order requires you to self-quarantine for 14 days on your return.

References

•The Executive Orders relating to Gatherings & Stay at Home Order was issued on March 23 and amended and restated on March 30 can be found here:

<https://governor.maryland.gov/wp-content/uploads/2020/03/Gatherings-FOURTH-AMENDED-3.30.20.pdf>

†The Executive Order issued on April 5 relating to Delegating Authority to Health Officials can be found here:

<https://governor.maryland.gov/wp-content/uploads/2020/04/Delegation-to-County-Health-Officials-4.5.20.pdf>