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# New Mexico Register

The official publication for all official notices of rulemaking  
and filing of proposed, adopted and emergency rules.

**Volume XXXVI - Issue 7 - April 8, 2025**

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## **The New Mexico Register**

Published by the Commission of Public Records,  
Administrative Law Division

1205 Camino Carlos Rey, Santa Fe, NM 87507

The *New Mexico Register* is published twice each month by the Commission of Public Records, Administrative Law Division. The cost of an annual subscription is \$270.00. Individual copies of any Register issue may be purchased for \$12.00. Subscription inquiries should be directed to: The Commission of Public Records, Administrative Law Division, 1205 Camino Carlos

Rey, Santa Fe, NM 87507.

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# New Mexico Register

Volume XXXVI, Issue 7

April 8, 2025

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## Notices of Rulemaking and Proposed Rules

### HEALTH CARE AUTHORITY MEDICAL ASSISTANCE DIVISION

#### NOTICE OF RULEMAKING

The New Mexico Health Care Authority (HCA), through the Medical Assistance Division (MAD), is proposing to amend the New Mexico Administrative Code (NMAC) rules *8.200.510 NMAC - General Recipient Policies Resource Standards*, *8.200.520 NMAC - General Recipient Rules-Income Standards*, and *8.291.430 NMAC - Affordable Care Financial Responsibility Requirements*.

Section 9-8-6 NMSA 1978, authorizes the Department Secretary to promulgate rules and regulations that may be necessary to carry out the duties of the Department and its divisions.

Notice Date: April 8, 2025  
Hearing Date: May 8, 2025  
Adoption Date: Proposed as August 1, 2025  
Technical Citations: HHS 2025 Federal Poverty Guidelines and 2025 SSA COLA Fact Sheet.

#### **Background**

The Department is amending these rules to implement the Department of Health and Human Services (HHS) updates to the Federal Poverty Level (FPL) income limits for Medicaid categories of eligibility to be effective April 1, 2025, as required by HHS. The Department is also implementing the annual cost of living allowance (COLA) increase that went into effect on January 1, 2025. The Department is repromulgating these sections of the rules in full within six months of issuance of the emergency rule in accordance with the New Mexico State Rules Act.

**The Health Care Authority is proposing to amend the rule as follows:**

#### **8.200.510 NMAC**

Section 11 has been amended to reflect current COLA for Community Spouse Resource Allowance. Section 12 has been amended to reflect the current COLA for Post-Eligibility Calculation (Medical Care Credit). Section 13 has been amended to reflect the current COLA for Average Monthly Cost of Nursing Facilities for Private Patients. Section 15 has been amended to reflect the COLA for current Excess Home Equity Amount for Long-Term Care Services.

#### **8.200.520 NMAC**

Section 11 has been amended to reflect updated FPL limits. Section 12 has been amended to reflect the COLA increase. Section 13 has been amended to reflect the increase in the Federal Benefit Rate. Section 15 has been amended to reflect the increase in SSI Living Arrangement Amounts. Section 16 has been amended to reflect the increase in the monthly income standard for Institutional Care and Home and Community Based Waiver Services Categories. Section 20 has been amended to reflect the increase in the Covered Quarter Income Standard.

#### **8.291.430 NMAC**

Section 10 has been amended to reflect 2025 FPL guidelines.

#### **I. RULE**

These proposed rule changes will be contained in 8.200.510, 8.200.520, and 8.291.430 NMAC. This register and the proposed rules are available on the HCA website at: <https://www.hca.nm.gov/lookingforinformation/registers/> and <https://www.hca.nm.gov/comment-period-open-2025/>. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting MAD at (505) 827-1337.

#### **II. EFFECTIVE DATE**

The COLA rules are effective January 1, 2025. The FPL rules are effective April 1, 2025.

#### **III. PUBLIC HEARING**

A public hearing to receive testimony on this proposed rule will be held on May 8, 2025, at 9:30 a.m. Mountain Time (MT). The hearing will be held at the Administrative Services Division (ASD), 1474 Rodeo Rd, Santa Fe, NM 87505 and via Teams.

**Join Teams Meeting**  
**Microsoft Teams** [Need help?](#)  
**Join the meeting now**

Meeting ID: 248 892 227 499  
Passcode: ze9R6KK6

#### **Dial in by phone**

+1 505-312-4308,,947120903#  
United States, Albuquerque  
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Phone conference ID: 947 120 903#

If you are a person with a disability and you require this information in an alternative format or require special accommodation to participate in the public hearing, please contact the MAD in Santa Fe at (505) 827-1337. The HCA requests at least ten (10) working days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by MAD upon request by providing copies directly to a requestor or by making them available on the MAD website or at a location within the county of the requestor.

#### **IV. ADDRESS**

Interested persons may address written comments to:

New Mexico Health Care Authority  
Office of the Secretary  
ATTN: Medical Assistance Division  
Public Comments  
P.O. Box 2348  
Santa Fe, New Mexico 87504-2348

Recorded comments may be left at (505) 827-1337. Interested persons may also address comments via electronic mail to: [HCA-madrules@hca.nm.gov](mailto:HCA-madrules@hca.nm.gov). Written mail, electronic mail and recorded comments must be received **no later than 5 p.m. MT on May 8, 2025**. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing. All written comments received will be posted as they are received on the HCA website at <https://www.hca.nm.gov/lookingforinformation/registers/> and <https://www.hca.nm.gov/comment-period-open-2025/> along with the applicable register and rule. The public posting will include the name and any contact information provided by the commenter.

**REGULATION  
AND LICENSING  
DEPARTMENT  
CANNABIS CONTROL  
DIVISION**

**NOTICE OF PROPOSED RULE  
HEARING**

**Public Hearing.** The New Mexico Regulation and Licensing Department (RLD), Cannabis Control Division (CCD), will hold a public rule hearing on Friday, May 9, 2025, at 9:00am. The rule hearing will be held at the Rio Grande Conference Room in the Toney Anaya State Office Building located at 2550 Cerrillos Road, Santa Fe, New Mexico. The hearing will be live-streamed via Internet-based video and via telephone for those wishing to observe the hearing. Individuals wishing to participate and offer comment on the proposed rules will appear in-person at the hearing location. A PDF of the proposed rule and meeting details may be accessed through the Cannabis Control Division website: <https://www.rld.nm.gov/cannabis/> or from Victoria Kaniatobe at the contact information listed below.

**Purpose of Rule Hearing.** The purpose of the public rule hearing

is to receive public commentary regarding the proposals for amendments to rules as described below.

Any technical information used to inform the proposed rules will be accessible by visiting: <https://www.rld.nm.gov/cannabis/>.

**Statutory Authority.** Legal authority for this rulemaking may be found the Cannabis Regulation Act, Section 26-2C-1 through Section 26-2C-42 NMSA 1978 (2021). Additional authority may be found at Section 9-16-6 NMSA 1978 (2021).

**Public Comment.** The Division will begin accepting public comment on the proposed rules beginning April 8, 2025. Please submit written comments on the proposed rules to Bradford A. Borman, Attorney for the Cannabis Control Division, via electronic mail at [ccd.publiccomment@state.nm.us](mailto:ccd.publiccomment@state.nm.us). Written comment may also be submitted by visiting the Division website at <https://www.rld.nm.gov/cannabis/> or by mailing the comment to the following address:

Cannabis Control Division Public Comment  
c/o Bradford A. Borman  
P.O. Box 25101  
Santa Fe, NM 87504

All public comments must be received by the close of the public rule hearing on May 9, 2025. Persons will also be given the opportunity to present their comments at the rule hearing. Comments received prior to the rule hearing will be posted to the RLD website at: <https://www.rld.nm.gov/cannabis/>.

No later than April 8, 2025, interested parties may obtain and review copies of the proposed rules and public comments by going to the Cannabis Control Division website at <https://www.rld.nm.gov/cannabis/> or by contacting the Cannabis Control Division at [RLD.CannabisControl@rld.nm.gov](mailto:RLD.CannabisControl@rld.nm.gov) or (505) 476-4995.

Any individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing should contact Victoria Kaniatobe, Legal Clerk for the Cannabis Control Division at [Victoria.Kaniatobe@rld.nm.gov](mailto:Victoria.Kaniatobe@rld.nm.gov) or (505) 476-4577 at least seven (7) days prior to the hearing.

**Summary of Proposed Amended Rules.**

16.8.1.7 Definitions

- Adds definition of “audited product”.
- Adds definition of flowering”.
- Adds definition of “immature plant”.
- Adds definition of ‘inhaled product”.
- Adds definition of “oral consumption”.
- Adds definition of “skin and body product(s)”.

16.8.1.11 Cannabis Regulatory Advisory Committee Meetings

- Clarifies that meetings of the Cannabis Regulatory Advisory Committee may be held remotely at the discretion of the Superintendent of the Regulation and Licensing Department.

16.8.2.8 General Operational Requirements For Cannabis Establishments

- Prohibition against licensees providing free non-medical cannabis moved from 16.8.2.40 NMAC

16.8.2.11 Recall Of Cannabis

- Clarifies that the CCD may order destruction of cannabis as part of a recall order.

16.8.2.20 Monitoring Of Licensee

- Eliminates the requirement that licensees submit a biennial audit to the CCD

16.8.2.21 Cannabis Producer Licensure; General Provisions

- Removes reference to Subsection BB of 16.8.2.8 NMAC, which doesn't exist

16.8.2.27 Minimum Requirements For The Production Of Cannabis

- Corrects referenced rule for cannabis waste procedures

16.8.2.29 Cannabis Manufacturer Licensure; General Provisions

- Clarifies that licensed manufacturers may only conduct activities authorized for the class for which they are licensed
- Clarifies that restriction on manufacturing without a license encompasses all cannabis products
- Modifies the prohibited additives to cannabis products and separately addresses products for oral consumption

16.8.2.30 Application Requirements For Cannabis Manufacturer License

- Removes topicals from the requirement to obtain authority from the New Mexico environment department.

16.8.2.40 Minimum Standards For Retail Of Cannabis Products

- Removes prohibition on sale or consumption of cannabis products removed from packaging for display
- Prohibition against licensees providing free non-medical cannabis moved to 16.8.2.11 NMAC
- Clarifies delivery of cannabis products is to be made only by licensed cannabis couriers, exclusively to residential addresses

16.8.2.41 Cannabis Courier Licensure; General Provisions

- Identifies approved sources of payment for cannabis delivery as any legal method of payment including gift

card pre-payments but excluding Electronic Benefits Transfer Services Card

- Reduces maximum retail value of cannabis allowed in a courier vehicle to five thousand dollars (\$5000)

16.8.2.43 Cannabis Testing Laboratory License; General Provisions

- Clarifies that individuals with an interest in or employed by a cannabis establishment may not also hold an interest, invest in or be employed by a cannabis testing lab.

16.8.2.45 Submittal Of Application For Amended Cannabis Testing Laboratory License

- Reorganizes the rule to clarify a material or substantial modification of the premises as an increase or decrease in size; a sale of the property used for the testing laboratory; the purchase of additional; property for the laboratory; or a change in the laboratory's location
- Identifies requirements for approval of a material or substantial change in testing methods

- o Includes change in type of instrument used in testing for required analyte
- o Limits material or substantial changes to testing methods to once a year at time of license renewal
- o Requires submission of any information representing material or substantial change and an initial demonstration of capability for any new or materially changed testing method

16.8.2.48 Minimum Standards For The Testing Of Cannabis Products

- Updates the standard sample size for microbial test samples to no less than one gram, and the standard sample size for non-microbial test samples to no less than 0.5 grams
- Updates the minimum quantity of sample increments:
  - o For a dried cannabis batch size of five or less pounds, a minimum sample increment of 10; for a dried batch size of 5 to 15 pounds, a sample increment of 10 plus 5 per pound or fraction thereof above five pounds
  - o For a Topicals, edibles, concentrates, and volatile solvents batch size of two pounds or less, a sample increment of 10; for a batch size greater than two pounds, a sample increment of 5 per pound
- Removes the option to use for internal control purposes a portion of a cannabis test sample that is not destroyed

16.8.2.49 Cannabis Consumption Area Licensure; General Provisions

- Eliminates the two classes of license types for cannabis consumption areas
- Limits all cannabis products to be consumed at licensed cannabis consumption areas to pre-packaged 10 mg or less units purchased at the consumption area.

16.8.3.9 Cannabis Finished Product Labeling

- Adds to the principal display label on cannabis products the requirement to include the license number of the



retail licensee that sold the finished cannabis product

#### 16.8.3.12 Cannabis Finished Product Packaging

- Adds a requirement that every regulated cannabis product be in an opaque, resealable and continually child-resistant container at the time of transfer to a cannabis consumer
- Clarifies an exception for medical cannabis to the Total THC limitation of 10 mg per serving and 1000 mg per package
- Eliminates requirement that liquid cannabis finished products be single-serving only
- Eliminates as unneeded the runway for selling medical cannabis packaged prior to the enactment of the CRA

#### 16.8.3.13 Exit Packaging

- Eliminates the requirement for exit packaging

#### 16.8.7.15 Required Testing Of Cannabis Products

- Eliminates an exception to required testing for pesticide residue for any cannabis product made from cannabis concentrate or extract that has verified pesticide residue test results. Testing of such products for pesticide residue will now be required.
- Limits re-testing by a cannabis establishment of failed samples to one re-test by any state licensed cannabis testing laboratory
- Adds a requirement that any cannabis finished product that has been remediated to microbial contaminants be labeled as Remediated
- Clarifies that cannabis that fails a test for pesticides is subject to destruction under CCD wastage rule

#### 16.8.8.9 Cannabis Plant Tier Levels

- Eliminates authority of licensee to increase its authorized plant count up to eight increments at a time

#### 16.8.8.10 Plant Increase Request

- Eliminates from the CCD's factors to consider in a licensee's request to increase its plant count:
  - o That the licensee has met the required minimum sale of medical cannabis each of the most recent three months; and
  - o Whether there is a shortage of medical cannabis during the most recent six month period

### SUPERINTENDENT OF INSURANCE, OFFICE OF

#### NOTICE OF PROPOSED RULEMAKING

**NOTICE IS HEREBY GIVEN** that the Office of Superintendent of Insurance (OSI or Superintendent) will hold a public hearing in person, via video conference and telephone conference regarding proposed amendments to 13.14.4 NMAC, Sections 7, 10, and 12, certain sections of 13.14.8 NMAC, 13.14.9.13 NMAC, 13.14.17.12 NMAC Form 3, and new section 13.14.16.18 NMAC. **This hearing will commence on Tuesday, May 13, 2025, at 10:00 a.m., MDT.**

**PURPOSE OF THE PROPOSED RULEMAKING:** The purpose of this rulemaking is to propose: **1)** amendment the definitions section of 13.14.4.7 NMAC to add a definition for "electronic transfer" that will apply only to 13.14.4.10 NMAC; **2)** amendment to 13.14.4.10 NMAC to add electronic transfer as a means to send and receive funds; **3)** amendment to 13.14.4.12 NMAC to add escrow transaction to the notice and

disclosure requirements required to be reported to OSI; **4)** amendment to 13.14.8 NMAC to propose allowing for implementation and use of NM Forms 65.3, 76.1, 76.2, 76.3, 90, 92, 93, 94, 94.1, and 95; **5)** amendment to 13.14.8.11 NMAC to identify 13.1.6 NMAC Informal Hearings, as the procedure to be used to request terms, conditions, and rate(s) for use of NM Form 85; **6)** amendment to 13.14.9.13 NMAC to allow for rounding to the nearest dollar for the premium split subject to order of the Superintendent in the rate hearing Docket No. 2024-0072; **7)** addition of new section 13.14.16.18 NMAC, Schedule I, proposing that Schedule I be added to the Agent Statistical Report; **8)** amendment to 13.14.17.12 NMAC to revise FORM 3 to reflect the proposed amended forms and proposed new forms; **9)** amendment to NM Form 6, Commitment to Title Insurance, to eliminate an inconsistency without any effect on rates; **10)** amendment to NM Form 65.2, Zoning – No Zoning Classification with a proposed rate of 23% base premium rate (BPR), proposed amendments relate to dealing with insured land that was improved where was no applicable zoning; **11)** use of new NM Form No. 63, Short Form Residential Loan Policy with a proposed premium that is the same as a standard loan policy; **12)** use of new NM Form No. 65.3, Zoning – Completed Improvement, proposed premium is 23% BPR; **13)** use of new NM Form No. 76.1, Encroachment – Boundaries and Easements proposed premium is \$25.00; **14)** use of new NM Form No. 76.2, Encroachment – Boundaries and Easements – Described Improvements, proposed premium is \$25.00; **15)** use of new NM Form No. 76.3, Encroachment – Boundaries and Easements – Described Improvements and Land Under Development, proposed premium is \$25.00; **16)** proposes new NM Form 92, Severable Improvements, proposed premium is 5% of BPR for the total of the value of the land and the improvements; **17)** use of new NM Form No. 93, Commercial Lender Group, proposed premium is 10% of BPR, \$250.00

minimum; **18**) use of new NM Form No. 94, Tax Credit – Owner’s Policy, proposed premium of 10% of BPR, \$250 minimum; **19**) proposed new NM Form No. 94.1, Tax Credit – Defined Amount – Owner’s Policy, proposed premium of 10% of BPR, \$250 minimum; and **20**) use of new NM Form No. 95, Pari Passu, with a proposed premium of \$250.00.

**STATUTORY AUTHORITY:**

Sections 14-4-1 *et seq.*, NMSA 1978, State Rules Act, Chapter 59A, Article 30, New Mexico Title Insurance Law, and Section 59A-2-9 NMSA 1978.

**TO ATTEND THE HEARING IN**

**PERSON:** Office of Superintendent of Insurance - 1120 Paseo de Peralta, (PERA Building), 4<sup>th</sup> Floor Hearing Room, Santa Fe, NM 87501

***PLEASE NOTE:*** *The entrance to the PERA Building is on the ground floor. All guests must sign in with the ground floor receptionist and then will be escorted to the 4<sup>th</sup> Floor Hearing Room. Please give yourself extra time to check in before 10:00 a.m.*

**TO ATTEND THE HEARING BY ELECTRONIC VIDEO CONFERENCE VIA MS TEAMS MEETING:**

**Please copy the link below into your browser to get to the video conference meeting:**

[https://gcc02.safelinks.protection.outlook.com/ap/t-59584e83/?url=https%3A%2F%2Fteams.microsoft.com%2F1%2Fmeeting-join%2F19%253ameeting\\_NjVhN2NmOTgtMzU5ZS00MzRlThiNTktYWFkZDMxNmJkNjdm%2540thre ad.v2%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%252204aa6bf4-d436-426f-bfa4-04b7a70e60ff%2522%252c%2522Oid%2522%253a%2522c98a96ff-b0ae-460e-a9b3-e9bd2085452d%2522%257d&data=05%7C02%7Cpatricia.salazar%40osi.nm.gov%7C704317cfd1a469b9c38008dd5dc97d4d%7C04aa6bf4d436426fbfa404b7a70e60ff%7C0%7C0%7C638769842144453749%7CUnknown%7CTWFpb](https://gcc02.safelinks.protection.outlook.com/ap/t-59584e83/?url=https%3A%2F%2Fteams.microsoft.com%2F1%2Fmeeting-join%2F19%253ameeting_NjVhN2NmOTgtMzU5ZS00MzRlThiNTktYWFkZDMxNmJkNjdm%2540thre ad.v2%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%252204aa6bf4-d436-426f-bfa4-04b7a70e60ff%2522%252c%2522Oid%2522%253a%2522c98a96ff-b0ae-460e-a9b3-e9bd2085452d%2522%257d&data=05%7C02%7Cpatricia.salazar%40osi.nm.gov%7C704317cfd1a469b9c38008dd5dc97d4d%7C04aa6bf4d436426fbfa404b7a70e60ff%7C0%7C0%7C638769842144453749%7CUnknown%7CTWFpb)

GZsb3d8eyJFbXB0eU1hcGkiOnRydWUsI1YiOiIwLjAuMDAwMCIsI1AiOiJXaW4zMilSkFOIjoiTWFpbCIzI1dUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=%2BFdg8muTGuwmSS4f7zoONgqoCLbww9mNjWNF7AwWga8%3D&reserved=0

**Meeting ID:** 295 082 758 167  
**Passcode:** dk99go3f

**TO ATTEND VIA TELEPHONE:**

**Dial** +1-505-312-4308 **Phone Conference ID:** 767 899 480#

**PUBLIC COMMENT:** The Superintendent designates Mickey VanCuren as the hearing officer for this hearing. Oral comments will be accepted at the public hearing from members of the public and other interested parties in-person or via electronic video conference. Copies of the Notice of Proposed Rulemaking and proposed rule are available by electronic download from the OSI eDocket (<https://edocket.osi.state.nm.us/case-view/6054>). You may also request copies if the Notice of Proposed Rulemaking and proposed rule by emailing Laura Baca at: [laura.baca@osi.nm.gov](mailto:laura.baca@osi.nm.gov) or by phone at: **505-699-1429**, *email communication is preferred*. Any copies of the Notice of Proposed Rulemaking, proposed rules, and any updates concerning the hearing date, time, or location will be available by visiting the OSI website at: <https://www.osi.state.nm.us/pages/bureaus/legal/resources/laws-rules> or on the Sunshine Portal at: [https://statenm.my.salesforce-sites.com/public/SSP\\_RuleHearingSearchPublic](https://statenm.my.salesforce-sites.com/public/SSP_RuleHearingSearchPublic) (from the “Agency” drop down menu, select “Office of Superintendent of Insurance”)

**Written comments will be accepted through 4:00 p.m. on Thursday, May 8, 2025. Responses to written comments or to oral comments delivered at the hearing will be accepted through 4:00 p.m. on Wednesday, May 14, 2025.** All comments shall be filed electronically through the OSI eDocket. Please copy the following link into your

browser to get to the eDocket: <https://edocket.osi.state.nm.us/case-view/6054>

Written comments may be sent via U.S. mail to:

**OSI Records and Docketing  
NM Office of Superintendent of  
Insurance  
P.O. Box 1689, Santa Fe, NM  
87504-1689**

Written comments must be received by OSI and stamped as accepted between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday except on state holidays. The Superintendent will consider all oral comments and will review and consider all timely submitted written comments and written responses. For help submitting a filing, please contact [osi-docketfiling@state.nm.us](mailto:osi-docketfiling@state.nm.us).

*The docket number and title below must be indicated on all written comments submitted to the OSI:*

**Docket No. 2025-0013 – Please copy the following link into your browser to get to the eDocket:** <https://edocket.osi.state.nm.us/case-view/6054>

**IN THE MATTER OF  
ADOPTION OF FORMS  
AND PROMULGATION OF  
CORRESPONDING RATES,  
AND AMENDMENTS TO 13.14.4  
NMAC, 13.14.8 NMAC, 13.14.9  
NMAC, 13.14.17 NMAC, AND  
NEW SECTION 13.14.16.18  
NMAC**

**SPECIAL NEEDS:** Any person with a disability requiring special assistance to participate in the hearing should contact Andrea Padilla, at 505-531-7171 no later than ten (10) business days prior to the hearing.

**End of Notices of  
Rulemaking and  
Proposed Rules**

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## Adopted Rules

### Effective Date and Validity of Rule Filings

Rules published in this issue of the New Mexico Register are effective on the publication date of this issue unless otherwise specified. No rule shall be valid or enforceable until it is filed with the records center and published in the New Mexico Register as provided in the State Rules Act. Unless a later date is otherwise provided by law, the effective date of the rule shall be the date of publication in the New Mexico Register. Section 14-4-5 NMSA 1978.

**HEALTH CARE  
AUTHORITY  
MEDICAL ASSISTANCE  
DIVISION**

**This is an emergency amendment to 8.200.510 NMAC, Sections 11, 12, 13 and 15, effective 4/1/2025.**

**8.200.510.11 COMMUNITY SPOUSE RESOURCE ALLOWANCE (CSRA):**

The CSRA standard varies based on when the applicant or recipient become institutionalized for a continuous period. The CSRA remains constant even if it was calculated prior to submission of a formal MAP application. If institutionalization began:

**A.** Between September 30, 1989 and December 31, 1989, the state maximum CSRA is \$30,000 and the federal maximum CSRA is \$60,000.

**B.** On or after January 1, 1990, the state minimum is \$31,290 and the federal maximum CSRA is \$62,580.

**C.** On or after January 1, 1991, the state minimum is \$31,290 and the federal maximum CSRA is \$66,480.

**D.** On or before January 1, 1992, the state minimum is \$31,290 and the federal maximum CSRA is \$68,700.

**E.** On or after January 1, 1993, the state minimum is \$31,290 and the federal maximum CSRA is \$70,740.

**F.** On or after January 1, 1994, the state minimum is \$31,290 and the federal maximum CSRA is \$72,660.

**G.** On or after January 1, 1995, the state minimum is \$31,290 and the federal maximum CSRA is \$74,820.

**H.** On or after January 1, 1996, the state minimum is \$31,290 and the federal maximum CSRA is \$76,740.

**I.** On or after January 1, 1997, the state minimum is \$31,290 and the federal maximum CSRA is \$79,020.

**J.** On or after January 1, 1998, the state minimum is \$31,290 and the federal maximum CSRA is \$80,760.

**K.** On or after January 1, 1999, the state minimum is \$31,290 and the federal maximum CSRA is \$81,960.

**L.** On or after January 1, 2000, the state minimum is \$31,290 and the federal maximum CSRA is \$84,120.

**M.** On or after January 1, 2001, the state minimum is \$31,290 and the federal maximum CSRA is \$87,000.

**N.** On or after January 1, 2002, the state minimum is \$31,290 and the federal maximum CSRA is \$89,280.

**O.** On or after January 1, 2003, the state minimum is \$31,290 and the federal maximum CSRA is \$90,660.

**P.** On or after January 1, 2004, the state minimum is \$31,290 and the federal maximum CSRA is \$92,760.

**Q.** On or after January 1, 2005, the state minimum is \$31,290 and the federal maximum CSRA is \$95,100.

**R.** On or after January 1, 2006, the state minimum is \$31,290 and the federal maximum CSRA is \$99,540.

**S.** On or after January 1, 2007, the state minimum is \$31,290 and the federal maximum CSRA is \$101,640.

**T.** On or after January 1, 2008, the state minimum is \$31,290

and the federal maximum CSRA is \$104,400.

**U.** On or after January 1, 2009, the state minimum is \$31,290 and the federal maximum CSRA is \$109,560.

**V.** On or after January 1, 2010, the state minimum is \$31,290 and the federal maximum CSRA remains \$109,560.

**W.** On or after January 1, 2011, the state minimum is \$31,290 and the federal maximum CSRA remains \$109,560.

**X.** On or after January 1, 2012, the state minimum is \$31,290 and the federal maximum CSRA is \$113,640.

**Y.** On or after January 1, 2013, the state minimum is \$31,290 and the federal maximum CSRA is \$115,920.

**Z.** On or after January 1, 2014, the state minimum is \$31,290 and the federal maximum CSRA is \$117,240.

**AA.** On or after January 1, 2015, the state minimum is \$31,290 and the federal maximum CSRA is \$119,220.

**BB.** On or after January 1, 2016, the state minimum is \$31,290 and the federal maximum CSRA is \$119,220.

**CC.** On or after January 1, 2017, the state minimum is \$31,290 and the federal maximum CSRA is \$120,900.

**DD.** On or after January 1, 2018, the state minimum is \$31,290 and the federal maximum CSRA is \$123,600.

**EE.** On or after January 1, 2019, the state minimum is \$31,290 and the federal maximum CSRA is \$126,420.

**FF.** On or after January 1, 2020, the state minimum is \$31,290 and the federal maximum CSRA is \$128,640.

**GG.** On or after January 1, 2021, the state minimum is \$31,290 and the federal maximum CSRA is \$130,380.

**HH.** On or after January 1, 2022, the state minimum is \$31,290 and the federal maximum CSRA is \$137,400.

**II.** On or after January 1, 2023, the state minimum is \$31,290 and the federal maximum CSRA is \$148,620.

**JJ.** On or after January 1, 2024, the state minimum is \$31,290 and the federal maximum CSRA is \$154,140.

**KK.** On or after January 1, 2025, the state minimum is \$31,584 and the federal maximum CSRA is \$157,920.

[8.200.510.11 NMAC - Rp, 8.200.510.11 NMAC, 7/1/2015; A/E, 1/1/2016; A/E, 3/1/2017; A/E, 8/30/2018; A/E, 4/11/2019; A, 7/30/2019; A/E, 8/11/2020; A, 12/15/2020; A/E, 4/1/2021; A, 9/1/2021; A/E, 4/1/2022; A, 8/9/2022; A/E, 4/1/2023; A/E, 4/1/2024; A, 8/1/2024; A/E, 4/1/2025]

**8.200.510.12 POST-ELIGIBILITY CALCULATION (MEDICAL CARE CREDIT):**

Apply applicable deductions in the order listed below when determining the medical care credit for an institutionalized spouse.

**DEDUCTION AMOUNT**

**A.** Personal needs allowance for institutionalized spouse:  
[July 1, 2023] \$94  
July 1, 2024 \$94

**B.** Minimum monthly maintenance needs allowance (MMMNA):  
[July 1, 2023] \$2,465  
July 1, 2024 \$2,555

**C.** The community spouse monthly income allowance (CSMIA) is calculated by subtracting the community spouse's gross income from the MMMNA:

**(I)** If allowable shelter expenses of the community spouse exceeds the minimum allowance then deduct an excess shelter allowance from community spouse's income that

includes: expenses for rent; mortgage (including interest and principal); taxes and insurance; any maintenance charge for a condominium or cooperative; and an amount for utilities (if not part of maintenance charge above); use the standard utility allowance (SUA) deduction used in the food stamp program for the utility allowance.

[July 1, 2023] \$740  
July 1, 2024 \$766.50

**(2)** Excess shelter allowance may not exceed the maximum:

Jan. 1, 2025 \$1,393 **(a)**

[**(a)**] **(b)**

Jan. 1, 2024 \$1,388.50 **(b)** **(c)**

July 1, 2023 \$1,251 **(c)** **(d)**

Jan. 1, 2023 \$1,427 **(d)** **(e)**

July 1, 2022 \$1,146 **(e)** **(f)**

Jan. 1, 2022 \$1,257 **(f)** **(g)**

July 1, 2021 \$1,082 **(g)** **(h)**

Jan. 1, 2021 \$1,105

**D.** Any extra maintenance allowance ordered by a court of jurisdiction or a state administrative hearing officer.

**E.** Dependent family member income allowance (if applicable) calculated as follows: 1/3 X MMMNA - dependent member's income).

**F.** Non-covered medical expenses.

**G.** The maximum total of the community spouse monthly income allowance and excess shelter deduction may not exceed \$3,853.50.

[8.200.510.12 NMAC - Rp, 8.200.510.12 NMAC, 7/1/2015; A/E, 3/1/2017; A/E, 8/30/2018; A/E, 4/11/2019; A, 7/30/2019; A/E, 1/16/2020; A/E, 8/11/2020; A, 12/15/2020; A/E, 4/1/2021; A, 9/1/2021; A/E, 4/1/2022; A, 8/9/2022; A/E, 4/1/2023; A/E, 4/1/2024; A, 8/1/2024; A/E, 4/1/2025]

**8.200.510.13 AVERAGE MONTHLY COST OF NURSING**

**FACILITIES FOR PRIVATE PATIENTS USED IN TRANSFER OF ASSET PROVISIONS:** Costs of care are based on the date of application registration.

DATE	AVERAGE COST PER MONTH
<b>A.</b> July 1, 1988 - Dec. 31, 1989	\$1,726 per month
<b>B.</b> Jan. 1, 1990 - Dec. 31, 1991	\$2,004 per month
<b>C.</b> Jan. 1, 1992 - Dec. 31, 1992	\$2,217 per month
<b>D.</b> Effective July 1, 1993, for application month	\$2,377 per month
Jan. 1, 1993	register on or after
<b>E.</b> Jan. 1, 1994 - Dec. 31, 1994	\$2,513 per month
<b>F.</b> Jan. 1, 1995 - Dec. 31, 1995	\$2,592 per month
<b>G.</b> Jan. 1, 1996 - Dec. 31, 1996	\$2,738 per month
<b>H.</b> Jan. 1, 1997 - Dec. 31, 1997	\$2,889 per month
<b>I.</b> Jan. 1, 1998 - Dec. 31, 1998	\$3,119 per month
<b>J.</b> Jan. 1, 1999 - Dec. 31, 1999	\$3,429 per month
<b>K.</b> Jan. 1, 2000 - Dec. 31, 2000	\$3,494 per month
<b>L.</b> Jan. 1, 2001 - Dec. 31, 2001	\$3,550 per month
<b>M.</b> Jan. 1, 2002 - Dec. 31, 2002	\$3,643 per month
<b>N.</b> Jan. 1, 2003 - Dec. 31, 2003	\$4,188 per month
<b>O.</b> Jan. 1, 2004 - Dec. 31, 2004	\$3,899 per month
<b>P.</b> Jan. 1, 2005 - Dec. 31, 2005	\$4,277 per month
<b>Q.</b> Jan. 1, 2006 - Dec. 31, 2006	\$4,541 per month
<b>R.</b> Jan. 1, 2007 - Dec. 31, 2007	\$4,551 per month
<b>S.</b> Jan. 1, 2008 - Dec. 31, 2008	\$4,821 per month
<b>T.</b> Jan. 1, 2009 - Dec. 31, 2009	\$5,037 per month
<b>U.</b> Jan. 1, 2010 - Dec. 31, 2010	\$5,269 per month
<b>V.</b> Jan. 1, 2011 - Dec. 31, 2011	\$5,774 per month
<b>W.</b> Jan. 1, 2012 - Dec. 31, 2012	\$6,015 per month
<b>X.</b> Jan. 1, 2013 - Dec. 31, 2013	\$6,291 per month

<del>Y.</del>	Jan. 1, 2014 - Dec. 31, 2014
<del>Z.</del>	Jan. 1, 2015 - Dec. 31, 2015
<del>AA.</del>	Jan. 1, 2016 - Dec. 31, 2016
<del>BB.</del>	Jan. 1, 2017 - Dec. 31, 2017
<del>CC.</del>	Jan. 1, 2018 - Dec. 31, 2018
<del>DD.</del>	Jan. 1, 2019 - Dec. 31, 2019
<del>EE.</del>	Jan. 1, 2020 - Dec. 31, 2020
<del>FF.</del>	Jan. 1, 2021 - Dec. 31, 2021
<del>GG.</del>	Jan. 1, 2022 - Dec. 31, 2021
<del>HH.</del>	Jan. 1, 2023 - Dec. 31, 2023
<del>II.</del>	Jan. 1, 2024 - Dec. 31, 2024
<del>JJ.</del>	Jan. 1, 2025 -

\$8,947 per month  
 [8.200.510.13 NMAC - Rp,  
 8.200.510.13 NMAC, 7/1/2015;  
 A/E, 1/1/2016; A/E, 3/1/2017;  
 A/E, 8/30/2018; A/E, 4/11/2019;  
 A, 7/30/2019; A/E, 8/11/2020;  
 A, 12/15/2020; A/E, 4/1/2021; A,  
 9/1/2021; A/E, 4/1/2022; A, 8/9/2022;  
 A/E, 4/1/2023; A/E, 4/1/2024; A,  
 8/1/2024; A/E, 4/1/2025]

**8.200.510.15 EXCESS HOME EQUITY AMOUNT FOR LONG-TERM CARE SERVICES:**

<del>A.</del>	Jan. 2024
<del>B.</del>	Jan. 2024
<del>C.</del>	Jan. 2023
<del>D.</del>	Jan. 2022
<del>E.</del>	Jan. 2021
<del>F.</del>	Jan. 2020
<del>G.</del>	Jan. 2019
<del>H.</del>	Jan. 2018
<del>I.</del>	Oct. 2017
<del>J.</del>	Jan. 2017
<del>K.</del>	Jan. 2016

\$828,000	<del>[K.] L.</del> Jan. 2015
\$828,000	<del>[E.] M.</del> Jan. 2014
\$814,000	<del>[M.] N.</del> Jan. 2013
\$802,000	<del>[N.] O.</del> Jan. 2012
\$786,000	<del>[O.] P.</del> Jan. 2011
\$758,000	<del>[P.] Q.</del> Jan. 2010
\$750,000	[8.200.510.15 NMAC - Rp, 8.200.510.15 NMAC, 7/1/2015; A/E, 1/1/2016; A/E, 3/1/2017; A, 3/1/18; A/E, 8/30/2018; A/E, 4/11/2019; A, 7/30/2019; A/E, 8/11/2020; A, 12/15/2020; A/E, 4/1/2021; A, 9/1/2021; A/E, 4/1/2022; A, 8/9/2022; A/E, 4/1/2023; A/E, 4/1/2024; A, 8/1/2024; A/E, 4/1/2025]

**HEALTH CARE AUTHORITY MEDICAL ASSISTANCE DIVISION**

**This is an emergency amendment to 8.200.520 NMAC, Sections 11, 12, 13, 15, 16 and 20, effective 4/1/2025.**

**8.200.520.11 FEDERAL POVERTY INCOME GUIDELINES:**

<b>A.</b> One hundred percent federal poverty limits (FPL):	
group	Size of budget
month	FPL per
	[1] _____
	\$1,255*
	2 _____
	\$1,704*
	3 _____
	\$2,152
	4 _____
	\$2,600
	5 _____
	\$3,049
	6 _____
	\$3,497
	7 _____
	\$3,945
	8 _____
	\$4,394]
	1 _____

\$1,305*
2 _____
\$1,763*
3 _____
\$2,221
4 _____
\$2,680
5 _____
\$3,138
6 _____
\$3,596
7 _____
\$4,055
8 _____
\$4,513

Add [\$449]  
 \$458 for each additional person in the budget group.

\*FPL  
 must be below one-hundred percent for an individual or couple for qualified medicare beneficiary (QMB) program.

**B.** One hundred twenty percent FPL: This income level is used only in the determination of the maximum income limit for specified low income medicare beneficiaries (SLIMB) applicants or eligible recipients.

Applicant or eligible recipient	Amount
Individual	At least [\$1,255] \$1,305 per month but no more than [\$1,506] \$1,565 per month.
Couple	At least [\$1,704] \$1,763 per month but no more than [\$2,044] \$2,115 per month.

For purposes of this eligibility calculation, "couple" means an applicant couple or an applicant with an ineligible spouse when income is deemed.

**C.** One hundred thirty-three percent FPL:

group	Size of budget
month	FPL per
	[1] _____
	\$1,670
	2 _____
	\$2,266
	3 _____
	\$2,862
	4 _____
	\$3,458
	5 _____

\$4,055
6
\$4,651
7
\$5,247
8
\$5,844]
1
\$1,735
2
\$2,345
3
\$2,954
4
\$3,564
5
\$4,173
6
\$4,783
7
\$5,393
8
\$6,002

Add [\$597] \$609

for each additional person in the budget group.

**D.** One hundred thirty-five percent FPL: This income level is used only in the determination of the maximum income limit for a qualified individual 1 (QI1) applicant or eligible recipient. For purposes of this eligibility calculation, "couple" means an applicant couple or an applicant with an ineligible spouse when income is deemed. The following income levels apply:

Applicant or eligible recipient	Amount
Individual	At least [\$1,506] \$1,565 per month but no more than [\$1,695] \$1,761 per month.
Couple	At least [\$2,044] \$2,115 per month but no more than [\$2,300] \$2,380 per month.

**E.** One hundred eighty-five percent FPL:

group	Size of budget	FPL per month
[1		
\$2,322		
2		
\$3,152		
3		
\$3,981		

4
\$4,810
5
\$5,640
6
\$6,469
7
\$7,299
8
\$8,128]
1
\$2,413
2
\$3,261
3
\$4,109
4
\$4,957
5
\$5,805
6
\$6,653
7
\$7,501
8
\$8,349

Add [\$829] \$848

for each additional person in the budget group.

**F.** Two hundred percent FPL:

group	Size of budget	FPL per month
[1		
\$2,510		
2		
\$3,407		
3		
\$4,304		
4		
\$5,200		
5		
\$6,097		
6		
\$6,994		
7		
\$7,890		
8		
\$8,787]		
1		
\$2,609		
2		
\$3,525		
3		
\$4,442		
4		
\$5,359		

5
\$6,275
6
\$7,192
7
\$8,109
8
\$9,025

Add [\$897] \$916

for each additional person in the budget group.

**G.** Two hundred thirty-five percent FPL:

group	Size of budget	FPL per month
[1		
\$2,950		
2		
\$4,003		
3		
\$5,057		
4		
\$6,110		
5		
\$7,164		
6		
\$8,218		
7		
\$9,271		
8		
\$10,325]		
1		
\$3,065		
2		
\$4,142		
3		
\$5,219		
4		
\$6,297		
5		
\$7,374		
6		
\$8,451		
7		
\$9,528		
8		
\$10,605		

Add [\$1,054] \$1,077 for each additional person in the budget group.

**H.** Two hundred fifty percent FPL:

group	Size of budget	FPL per month
[1		
\$3,138		

2	\$4,259
3	\$5,380
4	\$6,500
5	\$7,621
6	\$8,742
7	\$9,863
8	\$10,984]
1	\$3,261
2	\$4,407
3	\$5,553
4	\$6,698
5	\$7,844
6	\$8,990
7	\$10,136
8	\$11,282

Add [~~\$1,121~~] \$1,146 for each additional person in the budget group.

[8.200.520.11 NMAC - Rp, 8.200.520.11 NMAC, 8/28/2015; A/E, 4/1/2016; A/E, 9/14/2017; A, 2/1/2018; A/E, 5/17/2018; A, 9/11/2018; A/E, 4/11/2019; A, 7/30/2019, A/E, 8/11/2020; A, 12/15/2020; A/E, 4/1/2021; A, 9/1/2021; A/E, 4/1/2022; A, 8/9/2022; A/E, 4/1/2023; A/E, 4/1/2024; 8/1/2024; A/E, 4/1/2025]

**8.200.520.12 COST OF LIVING ADJUSTMENT (COLA) DISREGARD COMPUTATION:** The countable social security benefit without the COLA is calculated using the COLA increase table as follows:

- A. divide the current gross social security benefit by the COLA increase in the most current year; the result is the social security benefit before the COLA increase;
- B. divide the result from Subsection A above by the COLA increase from the previous period or year; the result is the social security benefit before the increase for that period or year; and
- C. repeat Subsection B above for each year, through the year that the applicant or eligible recipient received both social security benefits and supplemental security income (SSI); the final result is the countable social security benefit.

	Period and year	COLA increase	= benefit before
<u>1</u>	<u>2025 Jan - Dec</u>	<u>2.5</u>	<u>Jan 25</u>
<del>[1]</del> <u>2</u>	2024 Jan - Dec	3.2	Jan 24
<del>[2]</del> <u>3</u>	2023 Jan - Dec	8.7	Jan 23
<del>[3]</del> <u>4</u>	2022 Jan - Dec	5.9	Jan 22
<del>[4]</del> <u>5</u>	2021 Jan - Dec	1.3	Jan 21
<del>[5]</del> <u>6</u>	2020 Jan - Dec	1.6	Jan 20
<del>[6]</del> <u>7</u>	2019 Jan - Dec	2.8	Jan 19
<del>[7]</del> <u>8</u>	2018 Jan - Dec	2.0	Jan 18
<del>[8]</del> <u>9</u>	2017 Jan - Dec	0.3	Jan 17
<del>[9]</del> <u>10</u>	2016 Jan - Dec	0	Jan 16
<del>[10]</del> <u>11</u>	2015 Jan - Dec	1.017	Jan 15
<del>[11]</del> <u>12</u>	2014 Jan - Dec	1.015	Jan 14
<del>[12]</del> <u>13</u>	2013 Jan - Dec	1.017	Jan 13
<del>[13]</del> <u>14</u>	2012 Jan - Dec	1.037	Jan 12
<del>[14]</del> <u>15</u>	2011 Jan - Dec	0	Jan 11
<del>[15]</del> <u>16</u>	2010 Jan - Dec	1	Jan 10
<del>[16]</del> <u>17</u>	2009 Jan - Dec	1	Jan 09
<del>[17]</del> <u>18</u>	2008 Jan - Dec	1.058	Jan 08
<del>[18]</del> <u>19</u>	2007 Jan - Dec	1.023	Jan 07
<del>[19]</del> <u>20</u>	2006 Jan - Dec	1.033	Jan 06



<del>[20]</del> <u>21</u>	2005 Jan - Dec	1.041	Jan 05
<del>[21]</del> <u>22</u>	2004 Jan - Dec	1.027	Jan 04
<del>[22]</del> <u>23</u>	2003 Jan - Dec	1.021	Jan 03
<del>[23]</del> <u>24</u>	2002 Jan - Dec	1.014	Jan 02
<del>[24]</del> <u>25</u>	2001 Jan - Dec	1.026	Jan 01
<del>[25]</del> <u>26</u>	2000 Jan - Dec	1.035	Jan 00
<del>[26]</del> <u>27</u>	1999 Jan - Dec	1.025	Jan 99
<del>[27]</del> <u>28</u>	1998 Jan - Dec	1.013	Jan 98
<del>[28]</del> <u>29</u>	1997 Jan - Dec	1.021	Jan 97
<del>[29]</del> <u>30</u>	1996 Jan - Dec	1.029	Jan 96
<del>[30]</del> <u>31</u>	1995 Jan - Dec	1.026	Jan 95
<del>[31]</del> <u>32</u>	1994 Jan - Dec	1.028	Jan 94
<del>[32]</del> <u>33</u>	1993 Jan - Dec	1.026	Jan 93
<del>[33]</del> <u>34</u>	1992 Jan - Dec	1.03	Jan 92
<del>[34]</del> <u>35</u>	1991 Jan - Dec	1.037	Jan 91
<del>[35]</del> <u>36</u>	1990 Jan - Dec	1.054	Jan 90
<del>[36]</del> <u>37</u>	1989 Jan - Dec	1.047	Jan 89
<del>[37]</del> <u>38</u>	1988 Jan - Dec	1.04	Jan 88
<del>[38]</del> <u>39</u>	1987 Jan - Dec	1.042	Jan 87
<del>[39]</del> <u>40</u>	1986 Jan - Dec	1.013	Jan 86
<del>[40]</del> <u>41</u>	1985 Jan - Dec	1.031	Jan 85
<del>[41]</del> <u>42</u>	1984 Jan - Dec	1.035	Jan 84
<del>[42]</del> <u>43</u>	1982 Jul - 1983 Dec	1.035	Jul 82
<del>[43]</del> <u>44</u>	1981 Jul - 1982 Jun	1.074	Jul 81
<del>[44]</del> <u>45</u>	1980 Jul - 1981 Jun	1.112	Jul 80
<del>[45]</del> <u>46</u>	1979 Jul - 1980 Jun	1.143	Jul 79
<del>[46]</del> <u>47</u>	1978 Jul - 1979 Jun	1.099	Jul 78
<del>[47]</del> <u>48</u>	1977 Jul - 1978 Jun	1.065	Jul 77
<del>[48]</del> <u>49</u>	1977 Apr - 1977 Jun	1.059	Apr 77

[8.200.520.12 NMAC - Rp, 8.200.520.12 NMAC, 8/28/2015; A/E, 1/1/2016; A/E, 3/1/2017; A/E, 5/17/2018; A, 9/11/2018; A, 4/11/2019; A, 7/30/2019; A/E, 8/11/2020; A, 12/15/2020; A/E, 4/1/2021; A, 9/1/2021; A/E, 4/1/2022; A, 8/9/2022; A/E, 4/1/2023; A/E, 4/1/2024, 8/1/2024; A/E, 4/1/2025]

**8.200.520.13 FEDERAL BENEFIT RATES (FBR) AND VALUE OF ONE-THIRD REDUCTION (VTR):**

Year	Individual FBR	Institution FBR	Individual VTR	Couple FBR	Institution FBR	Couple VTR
1/89 to 1/90	\$368	\$30	\$122.66	\$553	\$60	\$184.33
1/90 to 1/91	\$386	\$30	\$128.66	\$579	\$60	\$193.00
1/91 to 1/92	\$407	\$30	\$135.66	\$610	\$60	\$203.33

1/92 to 1/93	\$422	\$30	\$140.66	\$633	\$60	\$211.00
1/93 to 1/94	\$434	\$30	\$144.66	\$652	\$60	\$217.33
1/94 to 1/95	\$446	\$30	\$148.66	\$669	\$60	\$223.00
1/95 to 1/96	\$458	\$30	\$152.66	\$687	\$60	\$229.00
1/96 to 1/97	\$470	\$30	\$156.66	\$705	\$60	\$235.00
1/97 to 1/98	\$484	\$30	\$161.33	\$726	\$60	\$242.00
1/98 to 1/99	\$494	\$30	\$164.66	\$741	\$60	\$247.00
1/99 to 1/00	\$500	\$30	\$166.66	\$751	\$60	\$250.33
1/00 to 1/01	\$512	\$30	\$170.66	\$769	\$60	\$256.33
1/01 to 1/02	\$530	\$30	\$176.66	\$796	\$60	\$265.33
1/02 to 1/03	\$545	\$30	\$181.66	\$817	\$60	\$272.33
1/03 to 1/04	\$552	\$30	\$184.00	\$829	\$60	\$276.33
1/04 to 1/05	\$564	\$30	\$188	\$846	\$60	\$282.00
1/05 to 1/06	\$579	\$30	\$193	\$869	\$60	\$289.66
1/06 to 1/07	\$603	\$30	\$201	\$904	\$60	\$301.33
1/07 to 1/08	\$623	\$30	\$207.66	\$934	\$60	\$311.33
1/08 to 1/09	\$637	\$30	\$212.33	\$956	\$60	\$318.66
1/09 to 1/10	\$674	\$30	\$224.66	\$1,011	\$60	\$337
1/10 to 1/11	\$674	\$30	\$224.66	\$1,011	\$60	\$337
1/11 to 1/12	\$674	\$30	\$224.66	\$1,011	\$60	\$337
1/12 to 1/13	\$698	\$30	\$232.66	\$1,048	\$60	\$349.33
1/13 to 1/14	\$710	\$30	\$237	\$1,066	\$60	\$355
1/14 to 1/15	\$721	\$30	\$240	\$1,082	\$60	\$361
1/15 to 12/15	\$733	\$30	\$244	\$1,100	\$60	\$367
1/16 to 12/16	\$733	\$30	\$244	\$1,100	\$60	\$367
1/17 to 12/17	\$735	\$30	\$245	\$1,103	\$60	\$368
1/18 to 12/18	\$750	\$30	\$250	\$1,125	\$60	\$375
1/19 to 12/19	\$771	\$30	\$257	\$1,157	\$60	\$386
1/20 to 12/20	\$783	\$30	\$261	\$1,175	\$60	\$392
1/21 to 12/21	\$794	\$30	\$264.66	\$1,191	\$60	\$397
1/22 to 12/22	\$841	\$30	\$280.33	\$1,261	\$60	\$420.50
1/23 to 12/23	\$914	\$30	\$304.66	\$1,371	\$60	\$456.99
1/24 to 12/24	\$943	\$30	\$314.33	\$1,415	\$60	\$471.66
<u>1/25 to 12/25</u>	<u>\$967</u>	<u>\$30</u>	<u>\$322.33</u>	<u>\$1,450</u>	<u>\$60</u>	<u>\$483.33</u>

- A. Ineligible child deeming allocation is [~~\$472~~] \$483.
- B. Part B premium is [~~\$174.70~~] \$185 per month.
- C. VTR (value of one third reduction) is used when an individual or a couple lives in the household of another and receives food and shelter from the household or when the individual or the couple is living on their own household but receiving support and maintenance from others.
- D. The SSI resource standard is \$2000 for an individual and \$3000 for a couple.  
 [8.200.520.13 NMAC - Rp, 8.200.520.13 NMAC, 8/28/2015; A/E, 1/1/2016; A/E, 3/1/2017; A/E, 5/17/2018; A, 9/11/2018; A/E, 4/11/2019; A, 7/30/2019; A/E, 8/11/2020; A, 12/15/2020; A/E, 4/1/2021; A, 9/1/2021; A/E, 4/1/2022; A, 8/9/2022; A/E, 4/1/2023; A/E, 4/1/2024; 8/1/2024; A/E, 4/1/2025]

**8.200.520.15 SUPPLEMENTAL SECURITY INCOME (SSI) LIVING ARRANGEMENTS:**

- A. Individual living in their own household who own or rent:  
 Payment amount:            [\$943] \$967            Individual

~~[\$1,415]~~ \$1,450 Couple  
**B.** Individual receiving support and maintenance payments: For an individual or couple living in their own household, but receiving support and maintenance from others (such as food, shelter or clothing), subtract the value of one third reduction (VTR).

Payment amount:  
~~[\$943 - \$314.33 = \$628.67]~~ \$967 - \$322.33 = \$644.67  
 Individual  
~~[\$1,415 - \$471.66 = \$943.34]~~ \$1,450 - \$483.33 = \$966.67  
 Couple

**C.** Individual or couple living household of another: For an individual or couple living in another person's household and not contributing their pro-rata share of household expenses, subtract the VTR.

Payment amount:  
~~[\$943 - \$314.33 = \$628.67]~~ \$967 - \$322.33 = \$644.67  
 Individual  
~~[\$1,415 - \$471.66 = \$943.34]~~ \$1,450 - \$483.33 = \$966.67  
 Couple

**D.** Child living in home with their parent:

Payment amount:  
~~[\$943]~~ \$967

**E.** Individual in institution:

Payment amount:  
 \$30.00

[8.200.520.15 NMAC - Rp, 8.200.520.15 NMAC, 8/28/2015; A/E, 3/1/2017; A/E, 5/17/2018; A, 9/11/2018; A/E, 4/11/2019; A, 7/30/2019; A/E, 8/11/2020; A, 12/15/2020; A/E, 4/1/2021; A, 9/1/2021; A/E, 4/1/2022; A, 8/9/2022; A/E, 4/1/2023; A/E, 4/1/2024; A, 8/1/2024; A/E, 4/1/2025]

**8.200.520.16 MAXIMUM COUNTABLE INCOME FOR INSTITUTIONAL CARE MEDICAID AND HOME AND COMMUNITY BASED WAIVER SERVICES (HCBS) CATEGORIES:** Effective January 1, 2024, the maximum countable monthly income standard for institutional care medicaid and the

home and community based waiver categories is ~~[\$2,829]~~ \$2,901.  
 [8.200.520.16 NMAC - Rp, 8.200.520.16 NMAC, 8/28/2015; A/E, 3/1/2017; A/E, 5/17/2018; A, 9/11/2018; A/E, 4/11/2019; A, 7/30/2019; A/E, 8/11/2020; A, 12/15/2020; A/E, 4/1/2021; A, 9/1/2021; A/E, 4/1/2022; A, 8/9/2022; A/E, 4/1/2023; A/E, 4/1/2024; A, 8/1/2024; A/E, 4/1/2025]

**8.200.520.20 COVERED QUARTER INCOME STANDARD:**

Amount	Date Calendar Quarter
<u>Jan. 2025 - Dec. 2025</u>	
<u>\$1,810 per calendar quarter</u>	
Jan. 2024 - Dec. 2024	\$1,730 per calendar quarter
Jan. 2023 - Dec. 2023	\$1,640 per calendar quarter
Jan. 2022 - Dec. 2022	\$1,510 per calendar quarter
Jan. 2021 - Dec. 2021	\$1,470 per calendar quarter
Jan. 2020 - Dec. 2020	\$1,410 per calendar quarter
Jan. 2019 - Dec. 2019	\$1,360 per calendar quarter
Jan. 2018 - Dec. 2018	\$1,320 per calendar quarter
Jan. 2017 - Dec. 2017	\$1,300 per calendar quarter
Jan. 2016 - Dec. 2016	\$1,260 per calendar quarter
Jan. 2015 - Dec. 2015	\$1,220 per calendar quarter
Jan. 2014 - Dec. 2014	\$1,200 per calendar quarter
Jan. 2013 - Dec. 2013	\$1,160 per calendar quarter
Jan. 2012 - Dec. 2012	

\$1,130 per calendar quarter	Jan. 2011 - Dec. 2011
\$1,120 per calendar quarter	Jan. 2010 - Dec. 2010
\$1,120 per calendar quarter	Jan. 2009 - Dec. 2009
\$1,090 per calendar quarter	Jan. 2008 - Dec. 2008
\$1,050 per calendar quarter	Jan. 2007 - Dec. 2007
\$1,000 per calendar quarter	Jan. 2006 - Dec. 2006
\$970 per calendar quarter	Jan. 2005 - Dec. 2005
\$920 per calendar quarter	Jan. 2004 - Dec. 2004
\$900 per calendar quarter	Jan. 2003 - Dec. 2003
\$890 per calendar quarter	Jan. 2002 - Dec. 2002
\$870 per calendar quarter	[8.200.520.20 NMAC - Rp, 8.200.520.20 NMAC, 8/28/2015; A/E, 1/1/2016; A/E, 03/01/2017; A/E, 5/17/2018; A, 9/11/2018; A/E, 4/11/2019; A, 7/30/2019; A/E, 8/11/2020; A, 12/15/2020; A/E, 4/1/2021; A, 9/1/2021; A/E, 4/1/2022; A, 8/9/2022; A/E, 4/1/2023; A/E, 4/1/2024; A, 8/1/2024; A/E, 4/1/2025]

**Continued Next Page**

HEALTH CARE AUTHORITY  
MEDICAL ASSISTANCE DIVISION

This is an emergency amendment to 8.291.430 NMAC, Section 10, effective 4/1/2025.

**8.291.430.10 FEDERAL POVERTY LEVEL (FPL):** This part contains the monthly federal poverty level table for use in determining monthly income standards for MAP categories of eligibility outlined in 8.291.400.10 NMAC:

HOUSEHOLD SIZE	100%	133%	138%	190%	240%	250%	300%
1	[\$1,255] \$1,305	[\$1,670] \$1,735	[\$1,732] \$1,800	[\$2,385] \$2,478	[\$3,012] \$3,130	[\$3,138] \$3,261	[\$3,765] \$3,913
2	[\$1,704] \$1,763	[\$2,266] \$2,345	[\$2,351] \$2,433	[\$3,237] \$3,349	[\$4,088] \$4,230	[\$4,259] \$4,407	[\$5,110] \$5,288
3	[\$2,152] \$2,221	[\$2,862] \$2,954	[\$2,970] \$3,065	[\$4,089] \$4,220	[\$5,164] \$5,330	[\$5,380] \$5,553	[\$6,455] \$6,663
4	[\$2,600] \$2,680	[\$3,458] \$3,564	[\$3,588] \$3,698	[\$4,940] \$5,091	[\$6,240] \$6,430	[\$6,500] \$6,698	[\$7,800] \$8,038
5	[\$3,049] \$3,138	[\$4,055] \$4,173	[\$4,207] \$4,330	[\$5,792] \$5,962	[\$7,316] \$7,530	[\$7,621] \$7,844	[\$9,145] \$9,413
6	[\$3,497] \$3,596	[\$4,651] \$4,783	[\$4,826] \$4,963	[\$6,644] \$6,833	[\$8,392] \$8,630	[\$8,742] \$8,990	[\$10,490] \$10,788
7	[\$3,945] \$4,055	[\$5,247] \$5,393	[\$5,445] \$5,595	[\$7,496] \$7,703	[\$9,468] \$9,730	[\$9,863] \$10,136	[\$11,835] \$12,163
8	[\$4,394] \$4,513	[\$5,844] \$6,002	[\$6,063] \$6,228	[\$8,348] \$8,574	[\$10,544] \$10,830	[\$10,984] \$11,282	[\$13,180] \$13,538
+1	[\$449] \$458	[\$597] \$609	[\$618] \$633	[\$852] \$871	[\$1,076] \$1,100	[\$1,121] \$1,146	[\$1,345] \$1,375

[8.291.430.10 NMAC - Rp, 8.291.430.10 NMAC, 11/16/2015; A/E, 4/1/2016; A/E, 9/14/2017; A, 2/1/2018; A/E, 5/17/2018; A, 9/11/2018; A/E, 4/11/2019; A, 7/30/2019; A, 12/1/2020; A/E, 4/1/2021; A, 9/1/2021; A/E, 4/1/2022; A, 8/9/2022; A/E, 4/1/2023; A/E, 4/1/2024; A, 8/1/2024; A/E, 4/1/2025]

**RACING COMMISSION**

This is an amendment to 15.2.1 NMAC Sections 7 and 9, effective 04/08/2025.

Explanatory paragraph: This is a short-form amendment to 15.2.1 NMAC, Sections 7 and 9, effective April 8, 2025. For Section 7 of 15.2.1 NMAC, Subsections A through C, F through H, J through L, N through Q, and T through Z were not published as there were no changes. For Section 9 of 15.2.1 NMAC, Subsection A, Paragraphs 3-7 and 9-10. Subsection B, Paragraphs 2-4, 6-10, and 12-21 were not published as there were no changes.

15.2.1.7 DEFINITIONS:  
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**D. Definitions beginning with the letter “d”:**

(1) “Day” is a 24-hour period ending at midnight.

(a) Dark day - a day during a live [~~or a simulcast~~] race [~~meeting~~] meet when [~~no pari-mutuel wagering is conducted~~] there is no live racing being conducted on the premises of the association.

(b) Race day - a day during a race [~~meeting~~] meet when pari-mutuel wagering is conducted on live racing.

(c) Simulcast race day - a day [~~during a race meeting~~] when pari-mutuel wagering is conducted on simulcast racing on the grounds of an association.

(2) “Dead heat” is the finish of a race in which

the noses of two or more horses reach the finish line at the same time.

(3) “Declaration” is the act of withdrawing an entered horse from a race prior to the closing of entries.

(4) “Designated race” shall mean any stakes race or associated trial as designated by the stewards.

(5) “Draw” is the process of assigning postpositions and the process of selecting contestants in a manner to ensure compliance with the conditions of the rules of racing.

**E. Definitions beginning with the letter “e”:**

(1) “Entry” is a horse eligible for and entered in a race; two or more horses entered in the same race, which have common ties of ownership, lease or training [(see “coupled entry”)].

(2)

**“Equipment”** as applied to a horse, means riding crop, blinkers, tongue strap, muzzle, hood, nose band, bit, shadow roll, martingale, breast plate, bandage, boot, plates, flipping halter and all other paraphernalia common or otherwise which might be used on or attached to a horse while racing.

(3)

**“Exhibition race”** is a race for which a purse is offered but no wagering is permitted.

(4)

**“Exotic wagering”** means all wagering other than on win, place or show, through pari-mutuel wagering;

(5)

**“Expired ticket”** is an outstanding ticket, which was not presented for redemption within the required time period for which it was issued.

(6)

**“Export”** means to send a live audiovisual broadcast of a horse race in the process of being run at a horse racetrack from the originating horse racetrack to another location.

\*\*\*

#### I. Definitions

**beginning with the letter “i”:**

(1)

**“Import”** means to receive a live audiovisual broadcast of a horse race.

(2)

**“Industry representative”** is one or more individuals, none of whom shall be attorneys, selected by a licensee to appear with them at a proceeding before the stewards or proceedings before the commission. They shall not act as an attorney in any proceeding pursuant to Section 36-2-27 NMSA 1978.

(3)

**“Inquiry”** is an investigation by the stewards of potential interference in a contest prior to declaring the result of said contest official.

[(3)] (4)

**“Interstate common pool”** means a pari-mutuel pool that combines comparable pari-mutuel pools from one or more locations that accept wagers on a horse race run at a sending track for purposes of establishing payoff prices at the pool members’ locations, including

pools in which pool members from more than one state simultaneously combine pari-mutuel pools to form an interstate common pool.

[(4)] (5)

**“Invitational handicap”** is a handicap for which the racing secretary or handicapper has selected the contestants and assigned the weights.

\*\*\*

#### M. Definitions

**beginning with the letter “m”:**

(1)

**“Maiden”** is a horse, which shows in the *Equibase* and *RTO Incompass* system as never having won a race at a recognized meeting. A maiden, which has been disqualified after finishing first in a race, is still a maiden.

(2)

**“Maiden race”** is a race restricted to maidens.

(3)

**“Match race”** is a race between two horses under conditions agreed to by their owners.

(4)

~~“Meeting” is the specified period and dates each year during which an association is authorized to conduct racing by approval of the commission. For purposes of this rule, the meeting begins on the first date prior to actual racing that entries are accepted by the racing secretary. Entries shall be accepted no sooner than seven days before racing commences.]~~

[(5)]

**“Minus pool”** occurs when the payout is in excess of the net pool.

[(6)] (5)

**“Month”** is a calendar month.

[(7)] (6)

**“Mutuel field”** refers to two or more contestants in a contest that are treated as a single betting interest for pari-mutuel wagering purposes because the number of betting interests exceeds the number that can be handled individually by the pari-mutuel system.

\*\*\*

#### R. Definitions

**beginning with the letter “r”:**

(1)

**“Race”** is a contest between contestants at a licensed meeting.

(2)

**“Race**

**“Meet”** means a period of time within dates specified and authorized by the commission in which an association is authorized to conduct live racing and may include “dark days,” “race days,” and “simulcast days.”

[(2)] (3)

**“Restricted area”** is an enclosed portion of the association grounds to which access is limited to licensees whose occupation or participation requires access.

[(3)] (4)

**“Result”** is that part of the official order of finish to determine the pari-mutuel payout of pools for each individual contest.

#### S. Definitions

**beginning with the letter “s”:**

(1)

**“Scratch”** is the act of withdrawing an entered horse from a contest after the closing of entries.

(2)

**“Scratch time”** is the deadline set by the association for withdrawal of entries from a scheduled performance.

(3)

**“Simulcast”** refers to the live audio and visual transmission of a contest to another location for pari-mutuel wagering purposes.

(4)

**“Single price pool”** is an equal distribution of profit to winning betting interests or winning betting combinations through a single payout price.

(5)

**“Sponsor added money”** is added to a race in return for name and/or advertising recognition and is not added money.

(6)

**“Stable name”** is a name used other than the actual legal name of an owner or lessee and registered with the commission.

(7)

**“Stakes race”** is a contest in which nomination, entry and/or starting fees contribute to the purse. No overnight race shall be considered a stakes race.

(8)

**“Starter”** refers to a horse, which becomes an actual contestant in a race by virtue of the starting gate opening in front of it upon dispatch by the official starter.

(9)

**“Starter allowance”** is a race in which a horse

establishes eligibility by starting for a claimed price pursuant to the conditions of the race.

(10)

“Steeplechase race” is a contest in which horses mounted by jockeys run over a course on which jumps or other obstacles are placed.

(11) “Steward”

is a duly appointed racing official with powers and duties specified by the act and these rules.

(12)

“Substitute steward” is a licensed or certified racing official pursuant to 60-1A-12, duly approved by the commission and appointed by the executive director or the presiding steward, with the powers and duties specified by the ct and these rules.

(13)

“Substitute trainer” is a licensed trainer or assistant trainer approved by the stewards to act on behalf of the licensed trainer, as listed on the official program on a race day.

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[15.2.1.7 NMAC - Rp, 15 NMAC 2.1.7, 3/15/2001; A, 2/14/2002; A, 8/30/2007; A, 12/1/2010; A, 1/1/2013; A, 5/1/2013; A, 8/15/2014; A, 7/1/2017; A, 3/14/2018; A, 9/26/2018; A, 12/19/2019; A, 4/9/2024; A, 4/8/2025]

**15.2.1.9 DUE PROCESS AND DISCIPLINARY ACTION:**

**A. Proceedings before the stewards:**

(1) Rights of

the licensee. [A person who is the subject of the disciplinary hearing conducted by the stewards is entitled to: proper notice of all charges; confront the evidence presented including: the right to counsel at the person’s expense; the right to examine all evidence to be presented against them; the right to present a defense; the right to call witnesses; the right to cross-examine witnesses; and waive any of the above rights.] A person who is subject of a disciplinary hearing conducted by the stewards is entitled to proper notice of all charges; the right to confront and examine all the evidence presented against them; the right to present a

defense; the right to call witnesses; the right to cross-examine witnesses; the right to counsel, at the persons’s expense; and the right to waive any of the above-listed rights.

(a)

All attorneys representing a licensee must be licensed to practice law in New Mexico and shall submit an entry of appearance no later than five days prior to the scheduled hearing.

(b)

Any attorney not licensed to practice law in New Mexico, shall request permission from the commission, show proof they are associated with an attorney licensed to practice law in New Mexico and adhere to the State of New Mexico’s pro hac vice process prior to representing a licensee.

(2)

[Complaints:] Initiation of disciplinary action

(a)

On their own [motion or on] initiative or upon receipt of a complaint from a racing commission state investigator or an association official or [other person] another licensee regarding the alleged actions of [a] another licensee, the stewards may conduct an inquiry and disciplinary hearing regarding the licensee’s alleged actions.

(b)

A complaint made by someone other than a racing official must be in writing and filed with the stewards not later than 72 hours after the action that is the subject of the complaint.

(c)

In case of a notice from the state of New Mexico human services department that a licensee is in non-compliance with the Parental Responsibility Act, the licensee shall be notified by the board of stewards. Thereafter the licensee shall have 30 days to provide documentation of compliance to the board of stewards and failure to do so will result in the suspension of the licensee’s license.]

\*\*\*

(8) Effect of

(a)

Rulings against a licensee apply to another person if continued participation in an activity by the

other person would circumvent the intent of a ruling by permitting the person to serve, in essence, as a substitute for the ineligible licensee.

(b)

The transfer of a horse to a different owner or trainer to avoid application of a commission or other recognized regulatory organization’s rule or ruling is prohibited unless permitted by the stewards.

(c)

The stewards shall honor the rulings issued by other pari-mutuel racing commissions or other recognized regulatory organizations.

\*\*\*

**B. Proceedings by the commission:**

(1) Party

designations.

(a)

A person who is the subject of a disciplinary hearing, who filed an appeal from a stewards’ ruling or who otherwise seeks relief from the commission is a party to that proceeding.

(b)

A party to a proceeding has the right to present a direct case, cross-examine each witness, submit legal arguments and otherwise participate fully in the proceeding.

(c)

A party summoned to appear at a hearing [must] shall appear unless the party is excused by the commission presiding officer. Parties may appear with counsel or [other representatives] an industry representative of their choice. [Counsel must be an attorney licensed to practice law in this state or with the permission of the commission is associated with an attorney licensed to practice law in this state and must submit an entry of appearance no later than 10 days prior to the hearing date.]

(d)

All attorneys representing a licensee must be licensed to practice law in New Mexico and shall submit an entry of appearance no later than 10 days prior to the scheduled hearing.

(e)

Any attorney not licensed to practice law in New Mexico, shall request

permission from the commission, show proof they are associated with an attorney licensed to practice law in New Mexico and adhere to the state of New Mexico's pro hac vice process prior to representing a licensee.

**(f)**

A non-party to a proceeding who wishes to appear in a contested case pending before the commission must prove that they have an effected interest sufficient to create standing in the case. The burden of proof is on the party asserting standing in such a contested case.

\*\*\*

**(5) Filing**

pleadings.

**(a)**

Except as otherwise provided by this section, an original of each pleading must be filed with the commission. An original of each pleading relating to discovery must be filed with the commission. A pleading is considered filed only when actually received by the commission. Each pleading must include a certification that a copy has been mailed or delivered on each party of record, stating the name of each party served and the date and manner of service.

**(b) If**

a pleading is sent to the commission by first-class United States mail in an envelope or wrapper properly addressed and stamped and is deposited in the mail one day or more before the last day for filing the pleading, the pleading is considered received and filed in time if the pleading is actually received not more than 10 days after the deadline. A legible postmark affixed by the United States postal service is prima facie evidence of the date of mailing. For purposes of responsive pleadings for which the deadline for filing is set by the filing of another pleading, the pleading to be filed first is considered filed when actually received by the commission.

**(c)**

Unless otherwise provided by statute, the presiding officer for a proceeding may extend the time for filing a pleading on a motion made by a party before the filing deadline if the

presiding officer determines that there is good cause for the extension and that the need for the extension is not caused by the neglect, indifference, or lack of diligence of the party making the motion. A copy of a motion made under this section must be served on all parties of record contemporaneously with the filing of the motion.

~~**(d)**~~

~~A pleading may be filed by facsimile, provided an original and the required number of copies are received in the commission's office not later than 5:00 p.m. of the third day after the date the document was filed by facsimile. The inability to transmit a document due to equipment malfunction or any other cause does not relieve the person attempting to file the document of the filing deadline.]~~

~~**(e)**~~ **(d)**

If the deadline for filing a pleading falls on a Saturday, Sunday, or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday, or legal holiday.

~~**(f)**~~ **(e)**

The failure to file a pleading in accordance with this section may result in the pleading being struck.

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**(11) Behavior.**

**(a)**

Each party, witness, attorney, or other representative shall behave in all commission proceedings with dignity, courtesy and respect for the commission, the presiding officer and all other parties and participants. Attorneys ~~[shall observe and practice the standards of ethical behavior prescribed for the profession by the code of professional responsibility]~~ appearing in this jurisdiction must comply with the rules of professional conduct as established by the New Mexico Supreme Court. If the attorney does not abide by the rules of professional conduct as established by the New Mexico Supreme Court, the attorney may be suspended or banned from practicing in front of the commission or may be reported to that practicing attorney's state bar.

**(b)**

~~[An]~~ Any individual who violates this section may be excluded from a hearing by the presiding officer for a period and on conditions that are just, or may be subject to other just, reasonable and lawful disciplinary action prescribed by the presiding officer.

\*\*\*

**(22) [Rulings in other jurisdictions] (Reciprocity).**

**(a)**

~~[Reciprocity:]~~ The stewards shall honor rulings from recognized regulatory organizations or other parimutuel jurisdictions regarding license suspensions, revocation or eligibility of horses.

~~**(b)**~~

~~Appeals of reciprocal rulings. Persons subject to rulings in other jurisdictions shall have the right to request a hearing before the commission to show cause why such ruling should not be enforced in this jurisdiction. Any request for such hearing must clearly set forth in writing the reasons for the appeal.]~~

[15.2.1.9 NMAC - Rp, 15 NMAC 2.1.9, 3/15/2001; A, 3/31/2003; A, 5/30/2003; A, 6/15/2004; A, 6/30/2009; A, 9/15/2009; A, 12/1/2010; A, 5/1/2013; A, 1/1/2014; A, 3/16/2015; A, 5/1/2015; A, 9/16/2015; A, 3/15/2016; A/E, 6/28/2016; A, 9/16/2016; A, 12/16/2016; A, 7/1/2017; A, 3/14/2018; A, 9/26/2018; A, 4/9/2019; A, 5/24/2022; A, 4/9/2024; A, 4/8/2025]

**RACING COMMISSION**

**This is an amendment to 15.2.2 NMAC Section 8, effective 04/08/2025.**

**Explanatory paragraph: This is a short-form amendment to 15.2.2 NMAC, Section 8, effective April 8, 2025. For Section 8 of 15.2.2 NMAC, Subsections A - D were not published as there were no changes and Subsections F - X were not published as there were no changes.**

**15.2.2.8 ASSOCIATIONS:**  
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**E. Facilities and equipment: facilities for patrons and licensees:**

(1) An association shall ensure that the public areas of the association grounds are designed and maintained for the comfort and safety of the patrons and licensees and are accessible to all persons with disabilities as required by federal law.

(2) An association shall provide and maintain adequate restroom facilities for the patrons and licensees.

(3) An association shall provide an adequate supply of free drinking water.

(4) An association shall maintain all facilities on association grounds to ensure the safety and cleanliness of the facilities at all times.

(5) During a race performance, the association shall provide a first aid room equipped with at least two beds and other appropriate equipment; the services of at least one physician, nurse practitioner or certified emergency medical technician.

(6) An association shall provide two properly equipped ambulances, ready for immediate duty and equipped for transport at any time the racetrack is open [for racing or training hours] during live racing. Each ambulance shall be staffed with one certified paramedic or an intermediate emergency medical technician, nurse practitioner or physician assistant. The other staff will be certified EMTs. If the ambulance is being used to transport an individual, the association may not conduct a race until a properly equipped and staffed ambulance is in place, or a physician is on duty.

(7) An association shall provide one properly equipped ambulance ready for immediate duty and equipped for transport at any time the racetrack is open for training hours. The ambulance shall be staffed with one

certified paramedic or an intermediate emergency medical technician, nurse practitioner or physician assistant. The other staff will be certified EMTs. If the ambulance is being used to transport an individual, the association may not conduct training until a properly equipped and staffed ambulance is in place, or a physician is on duty.

(8) Unless otherwise approved by the commission or the stewards, an ambulance shall follow the field at a safe distance during the running of races.

~~(8)~~ (9) The ambulance must be parked at an entrance to the racing strip except when the ambulance is being used to transport an individual or when it is following the field during the running of a race.

~~(9)~~ (10) An association shall provide adequate office space for the use of the stewards and other commission personnel as required by the commission. The location and size of the office space, furnishings and equipment required under this section must be approved by the commission. An association shall provide the board of stewards, state investigator and official veterinarian access to the *RTO Incompass* system as prescribed by the racing office as well as e-mail notification for all entry clerk overrides for horses on stewards', veterinarian's, paddock judge's, bleeders' and starter's lists.

~~(10)~~ (11) An association shall promptly post commission notices in places that can be easily viewed by patrons and licensees.

~~(11)~~ (12) An association shall ensure that all concessions provide prompt and efficient service to the public at all race meets or simulcast performances. The associations shall specifically ensure that concessions have adequate staff and inventory to provide prompt and efficient service to the public.

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[15.2.2.8 NMAC - Rp, 15 NMAC 2.2.8, 3/15/2001; A, 8/30/2001;

A, 11/14/2002; A, 8/30/2007; A, 1/1/2013; A, 6/1/2016; A, 12/16/2016; A, 9/26/2018; A, 4/20/2021; A, 5/24/2022; A, 4/9/2024; A, 4/8/2025]

**RACING COMMISSION**

This is an amendment to 15.2.3 NMAC Section 8, effective 04/08/2025.

**Explanatory paragraph: This is a short-form amendment to 15.2.3 NMAC, Section 8, effective April 8, 2025. For Section 8 of 15.2.3 NMAC, Subsections C, E, G - M, and O - P were not published as there were no changes.**

**15.2.3.8 FLAT RACING OFFICIALS GENERAL PROVISIONS:**

**A. Racing Officials:**  
Officials at a race meeting include the following: assistant racing secretary; assistant starters; chief of security; director of racing, or similar position; claims clerk; clerk of scales; clocker; digital or lip tattoo technician; general manager; handicapper; horse identifier; horsemen's bookkeeper; state investigators; special agents of the commission; jockey room custodian; official veterinarian; outrider; paddock judge; pari-mutuel manager; patrol judge, absent video replay equipment; placing judge, if duty not performed by stewards; racing secretary; racing veterinarian; stable superintendent; starter; stewards; timer; track superintendent; any other person designated by the commission.

(1) **Eligibility:**  
To qualify as a racing official, the applicant shall be of good character and reputation; demonstrate experience in flat racing; be familiar with the duties of the position and with the commission's rules of flat racing and show an ability to fulfill the requirements of the position. Stewards must be [accredited] licensed or certified by [the] a nationally recognized horse racing [officials accreditation program and be current with continuing education requirements] organization.



(2) **Approval and licensing:** The commission, in its sole discretion, may determine the eligibility of a racing official and, in its sole discretion, may approve or disapprove any such official for licensing. An association shall submit to the commission its request for approval of racing officials 60 days prior to the first day of the race meet.

(3) **Prohibited practices:** While serving in an official capacity, racing officials and their assistants shall not: participate in the sale or purchase, or ownership of any horse racing at the meeting; sell or solicit horse insurance on any horse racing at the meeting; be licensed in any other capacity without permission of the commission, or in case of an emergency, the permission of the stewards; wager on the outcome of any race under the jurisdiction of the commission; consume or be under the influence of alcohol or any prohibited substances while performing official duties.

(4) **Report of violations:** Racing officials and their assistants shall report immediately to the stewards every observed violation of these rules and of the laws of this state governing racing.

(5) **Complaints against officials:** Complaints against any steward shall be made in writing to the commission and signed by the complainant.

(a) Any complaint against a racing official other than a steward shall be made to the stewards in writing and signed by the complainant. All such complaints shall be reported to the commission by the stewards, together with a report of the action taken or the recommendation of the stewards.

(b) A racing official may be held responsible by the stewards or the commission for their actions, and the actions of their assistants and employees.

(6) **Appointment:** (a) A person shall not be appointed to more than one racing official position at a

meeting unless specifically approved by the commission.

(b) The commission shall appoint or approve the stewards at each race meeting.

(7) **Appointment of substitute officials:** Where an emergency or prolonged vacancy exists among the association's employed racing officials, the stewards or the association, with the stewards' approval, shall make reasonable efforts to fill the vacancy immediately. Such appointment shall be reported to the commission and shall be effective until the vacancy is filled in accordance with these rules.

(8) **Appointment of substitute steward:** Should any steward be absent due to an emergency or prolonged vacancy the executive director or the presiding steward may appoint a substitute steward. If a substitute steward is appointed, the commission and the association shall be notified by the stewards. The director or any racing commissioner are prohibited from serving as a substitute steward.

**B. Stewards:**  
(1) **General authority:** The stewards for each meeting shall be responsible to the commission for the conduct of the race meeting in accordance with the laws of this state and these rules.

(a) The stewards shall enforce these rules and the racing laws of this state.

(b) The stewards' authority includes supervision of all racing officials, track management, licensed personnel, other persons responsible for the conduct of racing, and patrons, as necessary to ensure compliance with the act and these rules.

(c) The stewards shall have authority to resolve conflicts or disputes related to racing and to discipline violators in accordance with the provisions of these rules.

(d) The stewards have the authority to interpret the rules and to decide all

questions of racing not specifically covered by the rules. Whenever the stewards find any person culpable for any act or omission in violation of these regulations or any violation of the Horse Racing Act, the person shall be subject to disciplinary action, which could include a fine, suspension, or revocation/denial of license or any combination of these penalties.

(e) The stewards shall have the authority to amend, revoke, rescind or modify any ruling that they issued in error in accordance with the laws of this state and these rules.

(2) **Period of authority:** The stewards' period of authority shall commence up to ten days prior to the beginning of each meeting and shall terminate with the completion of their business pertaining to the meeting.

(3) **Disciplinary action:** The stewards shall take notice of alleged misconduct or rule violations and initiate investigations into the matters.

(a) The stewards shall have authority to charge any licensee for a violation of these rules, to conduct hearings and to impose disciplinary action in accordance with these rules.

(b) The stewards may compel the attendance of witnesses and the submission of documents or potential evidence related to any investigation or hearing.

(c) The stewards may at any time inspect license documents, registration papers, and other documents related to racing.

(d) The stewards have the power to administer oaths and examine witnesses.

(e) The stewards may impose any of the following penalties on a licensee for a violation of the act or these rules: issue a reprimand; assess a fine; require forfeiture or redistribution of purse or award, when specified by applicable rules and at

their discretion; place a licensee on probation; suspend a license or racing privileges; revoke a license; exclude from grounds under the jurisdiction of the commission.

(f)

The stewards may order that a person be ineligible for licensing; or they may deny a license to an applicant on grounds set forth in the act or these rules.

(g)

The stewards shall submit a written report to the commission of every inquiry and hearing.

(h) A

stewards' ruling shall not prevent the commission from imposing a more severe penalty.

(i)

The stewards may refer any matter to the commission and may include recommendations for disposition. The absence of a steward's referral shall not preclude commission action in any matter.

(j)

Purses, prizes, awards, and trophies shall be redistributed if the stewards or commission order a change in the official order of finish.

(k)

All fines imposed by the stewards shall be paid to the commission within [30] 14 days after the ruling is issued, unless otherwise ordered.

(4) **Protests,**

**objections, and complaints:** The stewards shall investigate promptly and render a decision in every protest, objection and complaint made to them. They shall maintain a record of all protests, objections and complaints. The stewards shall file daily with the commission a copy of each protest, objection or complaint and any related ruling.

(5) **Stewards'**

**presence:** Three stewards shall be present in the stewards' stand either physically or through any other electronic means during the running of each race subject to the discretion and approval of the executive director.

(6) **Order of**

**finish for pari-mutuel wagering:**

(a)

The stewards shall determine the

official order of finish for each race in accordance with 15.2.5 NMAC.

(b)

The decision of the stewards as to the official order of finish, including the disqualification of a horse or horses as a result of any event occurring during the running of the race, shall be final for purposes of distribution of the pari-mutuel wagering pool.

(7) **Cancel**

**wagering:** The stewards have the authority to cancel wagering on an individual betting interest or on an entire race and also have the authority to cancel a pari-mutuel pool for a race or races, if such action is necessary to protect the integrity of pari-mutuel wagering.

(8) **Records**

**and reports:**

(a)

The stewards shall prepare a daily report, on a form approved by the commission, detailing their actions and observations made during each day's race program. The report shall contain the name of the racetrack, the date, the weather and track conditions, claims, inquiries, and objections and any unusual circumstances or conditions. The report shall be signed by each steward and be filed with the commission not later than 24 hours after the end of each race day.

(b)

The stewards shall maintain a detailed log of the stewards' official activities. The log shall describe all questions, disputes, protests, complaints, or objections brought to the attention of the stewards and all interviews, investigations and rulings made by the stewards. The log shall be available at all times for inspection by the commission or its designee.

(c)

Not later than seven days after the last day of a race meeting, the stewards shall submit to the commission a written report regarding the race meeting. The report shall contain the stewards' observations and comments regarding the conduct of the race meeting and the overall conditions of the association grounds during the race meeting; any recommendations for improvement by the association or action by the commission.

(9) **Stewards'**

**list:**

(a)

The stewards shall maintain a stewards' list of the horses which are ineligible to be entered in a race because of poor or inconsistent performance behavior on the racetrack that endangers the health or safety of other participants in racing or for positive tests pursuant to Subsection C of 15.2.6.9 NMAC.

(b)

The stewards may place a horse on the stewards' list when there exists a question as to the exact identification or ownership of said horse.

(c)

A horse which has been placed on the stewards' list because of inconsistent performance or behavior, may be removed from the stewards' list when, in the opinion of the stewards, the horse can satisfactorily perform competitively in a race without endangering the health or safety of other participants in racing.

(d)

A horse which has been placed on the stewards' list because of questions as to the exact identification or ownership of said horse, may be removed from the stewards' list when, in the opinion of the stewards, proof of exact identification or ownership has been established.

(e)

A horse that has been placed on the steward's list for a positive test pursuant to Subsection C of 15.2.6.9 NMAC may only be removed if the criteria set forth in that subsection are met or in the event of a split sample result which does not confirm the official laboratory's original finding of a positive test.

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**D. Horsemen's**

**bookkeeper:**

(1) **General**

**authority:** The horsemen's bookkeeper shall maintain the records and accounts and perform the duties described herein and maintain such other records and accounts and perform such other duties as the association and commission may prescribe.

**(2) Records:  
(a)**

The records shall include the name, mailing address, social security number or federal tax identification number, and the state or country of residence of each horse owner, trainer or jockey participating at the race meeting who has funds due or on deposit in the horsemen’s account.

**(b)**

The records shall include a file of all required statements of partnerships, syndicates, corporations, assignments of interest, lease agreements and registrations of authorized agents.

**(c)**

All records of the horsemen’s bookkeeper shall be kept separate and apart from the records of the association.

**(d)**

All records of the horsemen’s bookkeeper including records of accounts and monies and funds kept on deposit are subject to inspection by the commission at any time.

**(e)**

The association licensee is subject to disciplinary action by the commission for any violations of or non-compliance with the provisions of this rule.

**(3) Monies  
and funds on account:**

**(a)**

All monies and funds on account with the horsemen’s bookkeeper shall be maintained: separate and apart from monies and funds of the association; in a trust account designated as “horsemen’s trust account”; in an account insured by the federal deposit and insurance corporation or the federal savings and loan insurance corporation.

**(b)**

The horsemen’s bookkeeper shall be bonded in accordance with commission stipulations.

**(c)**

The amount of purse money earned is credited in the currency of the jurisdiction in which the race was run. There shall be no appeal for any exchange rate loss at the time of transfer of funds from another jurisdiction.

**(4) Payment  
of purses:**

**(a)**

Upon approval of the commission the horsemen’s bookkeeper shall receive, maintain and disburse only the following from the purse accounts: the purses earned for each race; fees associated with post-mortem examinations, drug testing fees for the equine testing fund, entry, nomination, supplemental and starter fees in stakes races; jockey fees; lasix fees; win picture fees; and purchase money in claiming races, along with all applicable taxes that properly come into their possession in accordance with the provision of commission rules.

**(b)**

The fact that purse money has been distributed prior to the issuance of a laboratory report shall not be deemed a finding that no chemical substance has been administered, in violation of these rules, to the horse earning such purse money.

**(c)**

The horsemen’s bookkeeper shall disburse only the purse earned for each race, entry, nomination, supplemental and starter fees in stakes races, jockey fees, lasix fees, win picture fees and purchase money in claiming races, along with all applicable taxes, upon request, within 48 hours of the completion of the race with respect to all horses not tested and when no timely appeal has been filed, and where a horse has been tested within 48 hours of receipt of notification that all tests with respect to such races have cleared the drug testing laboratory(ies) as reported by the stewards or the commission, except that minimum jockey mount fees may be disbursed prior to notification that the tests have cleared the testing laboratory(ies).

**(d)**

Absent a prior request, the horsemen’s bookkeeper shall disburse monies to the persons entitled to receive same within 15 days after the last race day of the race meeting, including purses for official races, provided that all tests with respect to such races have cleared the drug testing

laboratory(ies) as reported by the stewards, and provided further that no protest or appeal has been filed with the stewards or the commission.

**(e)**

In the event a protest or appeal has been filed with the stewards or the commission, the horsemen’s bookkeeper shall disburse the purse within 48 hours of receipt of dismissal or a final non-appealable order disposing of such protest or appeal.

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**F. Horse identifier:  
(1) General**

**authority:** The horse identifier shall [~~when required,~~] ensure the safekeeping of digital or paper registration certificates and racing permits for horses stabled or racing on association grounds; inspect documents of ownership, eligibility, registration or breeding necessary to ensure the proper identification of each horse scheduled to compete at a race meeting; examine every starter in the paddock for sex, color, markings lip tattoo [or] microchip [(ISO11784) (ISO11784/11785)], freeze brand or other approved method of positive identification, for comparison with its registration certificate to verify the horse’s identity; supervise the tattooing, micro chipping, freeze branding or other approved method of positive identification, for identification of any horse located on association grounds. Positive identification may include verification that the breed registration certificate has been submitted for correction or verification that the tattooing process has been initiated.

**(2) Report**

**violations:** The horse identifier shall report to the stewards any horse not properly identified or whose registration certificate is not in conformity with these rules.

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**N. Official**

**veterinarian:** The official veterinarian shall:

**(1) be**

employed and licensed by the commission;

(2) be a graduate veterinarian [~~and be licensed to practice in the state~~];

(3) recommend to the stewards any horse deemed unsafe to be raced, or a horse that it would be inhumane to allow to race;

(4) supervise the taking of all specimens for testing according to procedures approved by the commission;

(5) provide proper safeguards in the handling of all laboratory specimens to prevent tampering, confusion or contamination;

(6) have the authority and jurisdiction to supervise the practicing licensed veterinarians within the enclosure;

(7) report to the commission the names of all horses humanely destroyed or which otherwise expire at the meeting and the reasons therefore;

(8) refuse employment or payment, directly or indirectly, from any horse owner or trainer of a horse racing or intending to race in this jurisdiction while employed as the official veterinarian for the commission;

(9) place horses on the bleeder list and remove horses from the bleeder list;

(10) place horses on the veterinarian's list that have been treated for a therapeutic purpose for any medication pursuant to Paragraph (9) of Subsection C of 15.2.6.9 NMAC and remove horses from the veterinarian's list when the criteria for removal pursuant to that subsection have been met; and

(11) be authorized to humanely destroy any horse deemed to be so seriously injured that it is in the best interests of racing the horse to so act.

[15.2.3.8 NMAC - Rp, 15 NMAC 2.3.8, 4/13/2001; A, 11/15/2001; A, 8/30/2007; A, 6/15/2009; A, 6/30/2009; A, 12/1/2010; A, 5/1/2015; A/E, 6/28/2016; A, 9/15/2016; A, 12/16/2016; A, 7/1/2017; A, 9/26/2018; A, 5/1/2019;

A, 12/19/2019; A, 12/28/2021; A, 5/24/2022; A, 4/9/2024; A, 4/8/2025]

**History of 15.2.3 NMAC:**  
[RESERVED]

## RACING COMMISSION

**This is an amendment to 15.2.5 NMAC Sections 12 and 13, effective 04/08/2025.**

**Explanatory paragraph: This is a short-form amendment to 15.2.5 NMAC, Sections 12 and 13, effective April 8, 2025. For Section 13 of 15.2.5 NMAC, Subsections A - D were not published as there were no changes.**

### 15.2.5.12 HORSES INELIGIBLE:

A. A horse shall be ineligible to enter in a race when:

(1) it is wholly or partially owned by a disqualified person or a horse is under the direct or indirect training or management of a disqualified person;

(2) it is wholly or partially owned by the spouse of a disqualified person or a horse is under the direct or indirect management of the spouse of a disqualified person, in such cases, it being presumed that the disqualified person and spouse constitute a single financial entity with respect to the horse, which presumption may be rebutted;

(3) its name appears on [the] starter's list, stewards' list, [or] veterinarian's list or paddock judge's list of any recognized regulatory organization;

(4) it is a first-time starter and has not been approved to start by the starter;

(5) it is owned in whole or in part by an undisclosed person or interest;

(6) it lacks sufficient official published workouts or race past performance(s);

(7) it is subject to a lien which has not been approved by the stewards and filed with the horsemen's bookkeeper;

(8) it is subject to a lease not filed with the stewards;

(9) it is not in sound racing condition;

(10) it has had a surgical neurectomy performed on a heel nerve, which has not been approved by the official veterinarian;

(11) it has been trachea tubed to artificially assist breathing;

(12) it has been blocked with alcohol or otherwise drugged or surgically denerved to desensitize the nerves above the ankle;

(13) it has impaired eyesight in both eyes;

(14) it is barred or suspended in any recognized jurisdiction;

(15) it does not meet the eligibility conditions of the race;

(16) its owner or lessor is in arrears for any stakes fees, except with approval of the racing secretary;

(17) it is by an unknown sire or out of an unknown mare.

B. A horse shall be ineligible to [be] start when:

(1) it is the subject of a positive test for a prohibited substance in an official sample based on a final certificate of analysis received from the official laboratory during the period in which the adjudication process involving the violation is ongoing.

(a) In the event the horse is claimed in the race in which the horse allegedly ran with the prohibited substance, the new owner may enter the horse, unless the horse is ordered to go on the stewards' list pursuant to Subsection C of 15.2.6.9 (8)(a-e) NMAC.

(b) Should the horse be claimed thereafter by the owner of the horse in the race in which there was a positive test for a prohibited substance, the horse shall not be allowed to enter unless the adjudication process involving the prior violation is complete.

(2) It is not stabled on the grounds of the association or present by the time established by the commission;

(3) its breed registration certificate is not on file with the racing secretary or horse identifier; unless the racing secretary has submitted the certificate to the appropriate breed registry for correction or in the case of thoroughbred horses foaled in 2018 or thereafter or quarter horses foaled in 2022 or thereafter, the horse does not have a digital tattoo; the stewards may waive this requirement if the information contained on the registration certificate is otherwise available; and the horse is otherwise correctly identified to the [stewards<sup>2</sup>] horse identifier's satisfaction;

(4) [if] a quarter horse foaled before 2022 or a thoroughbred foaled before 2018, is not fully identified and tattooed on the inside of the upper lip, freeze brand or identified by any other method approved by the breed registry and commission; however, there may be extenuating circumstances where a horse will be eligible to start in a race without the tattoo as referenced above, as long as the horse identifier has written verification that the tattooing process has been initiated; if a thoroughbred foaled in 2018 or thereafter or a quarter horse foaled in 2022 or thereafter, is not microchipped with a unique microchip [(HSH784)] (ISO 11784/11785), freeze brand or identified by any other method approved by the breed registry and commission;

(5) it has been fraudulently entered or raced in any jurisdiction under a different name, with an altered registration certificate, no lip tattoo, altered lip tattoo, altered or manipulated microchip [(HSH784)] (ISO 11784/11785), or freeze brand;

(6) the stakes or entrance money for the horse has not been paid, in accordance with the conditions of the race;

(7) it has been entered in a stakes race and has

subsequently been transferred with its engagements, unless the racing secretary has been notified of such prior to the start;

(8) it is not in sound racing condition;

(9) it has been blocked with alcohol or otherwise drugged or surgically denerved to desensitize the nerves above the ankle;

(10) it does not meet the eligibility conditions of the race;

(11) its owner(s), lessor(s) or trainer have not completed the licensing procedures required by the commission; or

(12) there is no current negative test certificate for equine infectious anemia on file with the racing office, as required by the commission.

[15.2.5.12 NMAC - Rp, 15 NMAC 2.5.12, 3/15/2001; A, 7/15/2002; A; 8/30/2007; A, 6/15/2009; A, 1/1/2014; A, 9/15/2016; A, 12/19/2019; A, 4/9/2024; A, 4/8/2025]

#### 15.2.5.13 RUNNING OF THE RACE:

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##### E. Post to finish:

(1) The start.

(a)

The starter is responsible for assuring that each participant receives a fair start.

(b) If,

when the starter dispatches the field, any door at the front of the starting gate stalls should not open properly due to a mechanical failure or malfunction or should any action by any starting personnel directly cause a horse to receive an unfair start, the stewards may declare such a horse a non-starter.

(c)

Should a horse, not scratched prior to the start, not be in the starting gate stall thereby causing it to be left when the field is dispatched by the starter, the horse shall be declared a non-starter by the stewards.

(d)

Should an accident or malfunction of the starting gate, or other

unforeseeable event compromise the fairness of the race or the safety of race participants, the stewards may declare individual horses to be non-starters, excluding individual horses from all pari-mutuel pools or declare a "no contest" and refund all wagers except as otherwise provided in the rules involving multi-race wagers.

(2)

Interference, jostling or striking.

(a)

A jockey shall not ride carelessly or willfully so as to permit their mount to interfere with, impede or intimidate any other horse in the race.

(b)

No jockey shall carelessly or willfully jostle, strike or touch another jockey or another jockey's horse or equipment. It shall be the discretion of the stewards to determine if the jostle, strike or touch had an effect on the outcome of the race and warrants a disqualification.

(c)

No jockey shall unnecessarily cause their horse to shorten its stride so as to give the appearance of having suffered a foul.

(3)

Maintaining a straight course.

(a)

When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede or intimidate any other horse, it is a foul.

(b)

The offending horse may be disqualified, if in the opinion of the stewards, the foul altered the finish of the race, regardless of whether the foul was accidental, willful or the result of careless riding.

(c)

If the stewards determine the foul was intentional, or due to careless riding, they may fine or suspend the guilty jockey.

(d)

In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it starts. If a horse is ridden, drifts or swerves out of its lane in such a manner that it interferes with, impedes or intimidates

another horse, it is a foul and may result in the disqualification of the offending horse.

(4)

Disqualification.

(a)

When the stewards determine that a horse shall be disqualified for interference, they may place the offending horse behind such horse as in their judgment it interfered with, or they may place it last.

(b)

If a horse is disqualified for a foul, any horse or horses with which it is coupled as an entry may also be disqualified.

(c)

When a horse is disqualified for interference in a time trial race, it shall receive the time of the horse it is placed behind plus one-hundredth of a second penalty or more exact measurement if photo finish equipment permits, and shall be eligible to qualify for the finals or consolations of the race on the basis of the assigned time.

(d)

The stewards may determine that a horse shall be unplaced for the purpose of purse distribution and trial qualification.

(e)

In determining the extent of disqualification, the stewards in their discretion may: declare null and void a track record set or equaled by a disqualified horse, or any horses coupled with it as an entry; affirm the placing judges' order of finish and suspend or fine a jockey if, in the stewards' opinion, the foul riding did not affect the order of finish; disqualify the offending horse and not penalize a jockey if in the stewards' opinion the interference to another horse in a race was not the result of an intentional foul or careless riding on the part of a jockey.

(5) Horses

shall be ridden out: All horses shall be ridden out in every race. A jockey shall not ease up or coast to the finish, without adequate cause, even if the horse has no apparent chance to win prize money.

(6) No

electrical, mechanical or other expedient object or device utilized to increase or retard the speed of a horse, other than the riding crop approved by the stewards, shall be possessed by anyone or applied by anyone to the horse at any time on the grounds of the association during the meet, whether in a race or otherwise.

(7) Use of

riding crops.

(a)

Although the use of a riding crop is not required, any jockey who uses a riding crop during a race shall do so only in a manner consistent with exerting his or her best efforts to win.

(b)

In all races where a jockey will ride without a riding crop, an announcement of such fact shall be made over the public address system.

(c)

Riding crops shall not be used on two-year-old horses before March 1 of each year.

(d)

The position of the riding crop should always be at or below helmet level of the jockey.

(e)

The riding crop shall only be used for safety, correction and encouragement.

(8)

Indiscriminate use of the whip is prohibited including whipping a horse: on the head, flanks or on any other part of its body other than the shoulders or hind quarters except when necessary to control a horse; during the post parade or after the finish of the race except when necessary to control the horse; excessively or brutally causing welts or breaks in the skin; when the horse is clearly out of the race or has obtained its maximum placing; persistently even though the horse is showing no response under the riding crop; or striking another rider or horse.

(a)

After the race, the horses will be subject to inspection by a racing or official veterinarian looking for cuts, welts or bruises in the skin. Any adverse findings shall be reported to the stewards.

(9) Excessive

use of the crop includes:

(a)

Riders cannot use the riding crop more than three times in succession during a race, excluding showing or waiving the crop.

(b)

Riders cannot use the crop more than three times in succession without giving the horse a chance to respond before using the crop again.

(c)

The horse has cuts, welts or breaks in the skin.

(d)

The giving of instructions by any licensee that if obeyed would lead to a violation of this rule may result in disciplinary action also being taken against the licensee who gave such instructions.

(10) Returning

after the finish.

(a)

After a race has been run, the jockey shall ride promptly to the finish line, dismount and report to the clerk of scales to be weighed in. Jockeys shall weigh in with all pieces of equipment with which they weighed out.

(b)

If a jockey is prevented from riding to the finish line because of an accident or illness to the jockey or the horse, the jockey may walk or be transported to the scales, or may be excused from weighing in by the stewards.

(11)

Unsaddling. No person shall assist a jockey with unsaddling except with permission of the stewards and no one shall place a covering over a horse before it is unsaddled.

(12) Weighing

in.

(a)

A jockey shall weigh in at no less than the same weight at which he or she weighed out, and if under that weight by more than two pounds and after consideration of mitigating circumstances by the board of stewards, his or her mount may be disqualified from any portion of the purse money.

(b)

In the event of such disqualification,

all monies wagered on the horse shall be refunded unless the race has been declared official.

(c)

If any jockey weighs in at more than three pounds over the proper or declared weight, the jockey may be fined, suspended or ruled off by the stewards, having due regard for any excess weight caused by rain or mud. The case shall be reported to the commission for such action, as it may deem proper.

(d)

Upon approval of the stewards, the jockeys may be allowed up to three pounds more than published and announced weights to account for inclement weather clothing and equipment when weighing in.

(e)

The post-race weight of jockeys includes any sweat, dirt and mud that have accumulated on the jockey, jockey's clothing and jockey's safety equipment. This accounts for additional weight, depending on specific equipment, as well as weather, track and racing conditions.

(13) Dead

heats.

(a)

When a race results in a dead heat, the dead heat shall not be run off, owners shall divide except where division would conflict with the conditions of the races.

(b)

When two horses run a dead heat for first place, all purses or prizes to which first and second horses would have been entitled shall be divided equally between them; and this applies in dividing all purses or prizes whatever the number of horses running a dead heat and whatever places for which the dead heat is run.

(c) In

a dead heat for first place, each horse involved shall be deemed a winner and liable to penalty for the amount it shall receive.

(d)

When a dead heat is run for second place and an objection is made to the winner of the race, and sustained, the horses, which ran a dead heat, shall

be deemed to have run a dead heat for first place.

(e)

If the dividing owners cannot agree as to which of them is to have a cup or other prize, which cannot be divided, the question shall be determined by lot by the stewards.

(f)

On a dead heat for a match, the match is off for pari-mutuel payoffs and mutuels are refunded.

[15.2.5.13 NMAC - Rp, 15 NMAC 2.5.13, 3/15/2001; A, 8/30/2007; A, 12/1/2008; A, 6/30/2009; A, 9/15/2009; A, 8/16/2010; A, 9/1/2010; A, 10/15/2014; A, 6/1/2016; A, 12/16/2016; A, 12/19/2019; A, 4/9/2024; A, 4/8/2025]

## RACING COMMISSION

**This is an amendment to 15.2.6 NMAC Sections 9 and 12, effective 04/08/2025.**

**Explanatory paragraph: This is a short-form amendment to 15.2.6 NMAC, Sections 9 and 12, effective April 8, 2025. For Section 9 of 15.2.6 NMAC, Subsections C - O were not published as there were no changes.**

### 15.2.6.9 MEDICATIONS AND PROHIBITED

**SUBSTANCES:** The classification guidelines contained within the "Uniform Classification Guidelines for Foreign Substances and Recommended Penalties and Model Rule", December [2023] 2024 version [17-0] 18.1 and "Association of Racing Commissioners International Controlled Therapeutic Medication Schedule for Horses", version 4.2.1, - December, 2020 update are incorporated by reference. Any threshold herein incorporated by reference by inclusion in one of the documents above shall not supersede any threshold or restriction adopted by the commission as specified by this section.

#### A. Penalties:

(1) In issuing penalties against individuals found

guilty of medication and drug violations, a regulatory distinction shall be made between the detection of therapeutic medications used routinely to treat racehorses and those drugs that have no reason to be found at any concentration in the test sample on race day.

(2) The

stewards or the commission will use the association of racing commissioner's international recommended penalty as a starting place in the penalty stage of the deliberations for a rule violation for any drug listed in the association of racing commissioners international uniform classification guidelines for foreign substances.

(3) If a

licensed veterinarian is administering or prescribing a drug not listed in the association of racing commissioners international uniform classification guidelines for foreign substances, the identity of the drug shall be forwarded to the New Mexico racing commission designee to be forwarded to the racing medication and testing consortium for classification.

(4) Any

drug or metabolite thereof found to be present in a pre- or post-race sample which is not classified in the association of racing commissioners international uniform classification guidelines for foreign substances shall be assumed to be an association of racing commissioners international class 1 drug and the trainer and owner shall be subject to those penalties as set forth in penalty category A unless satisfactorily demonstrated otherwise by the racing medication and testing consortium, with a penalty category assigned.

(5) The

penalty categories and their related schedules, if applicable, shall be based on the following criteria:

(a)

whether the drug is approved by the United States food and drug administration for use in the horse;

(b)

whether the drug is approved by the United States food and drug administration for use in any species;

(c) whether the drug as approved has any legitimate therapeutic application in the equine athlete;

(d) whether the drug was identified as “necessary” by the racing medication and testing consortium veterinary advisory committee;

(e) whether legitimate, recognized therapeutic alternatives exist; and

(f) the association of racing commissioner’s international classification of the drug.

(6) The recommended penalty for a violation involving a drug that carries a category “D” penalty is a written warning to the trainer and owner. Multiple violations may result in fines or suspensions.

(7) If a positive test arises in a trial race, the horse subject to the positive test is to be placed on the stewards’ list. The purse for both the trial and the race for which the trial was conducted will be held until the case has been fully adjudicated.

(8) When the penalty assessed against a licensee for a medication or drug violation in a trial race results in a disqualification and loss of purse, the licensee is subject to the same penalties for any race for which the trial race was conducted.

(9) Any licensee of the commission, including veterinarians, found responsible for the improper or intentional administration of any drug resulting in a positive test may, after proper notice and hearing, be subject to the same penalties set forth for the licensed trainer.

(10) The licensed owner, veterinarian or any other licensed party involved in a positive laboratory finding shall be notified in writing of the hearing and any resulting action. In addition their presence may be required at any and all hearings relative to the case.

(11) Any veterinarian found to be involved

in the administration of any drug carrying the penalty category of “A” shall be referred to the state licensing board of veterinary medicine for consideration of further disciplinary action or license revocation. This is in addition to any penalties issued by the stewards or the commission.

(12) Any person who the stewards or the commission believe may have committed acts in violation of criminal statutes may be referred to the appropriate law enforcement agency. Administrative action taken by the stewards or the commission does not prohibit a prosecution for a criminal act, nor does a potential criminal prosecution stall administrative action by the stewards or the commission.

(13) Procedures shall be established to ensure that a licensed trainer is not able to benefit financially during the period for which the individual has been suspended. This includes, but is not limited to, ensuring that horses are not transferred to or entered on behalf of a licensed person within the first degree of affinity (marriage relationship) or first degree of consanguinity (blood relationship):

(a) first degree of affinity shall mean the licensee’s spouse or spouse’s mother, father, brother, sister, son or daughter;

(b) first degree of consanguinity shall mean the licensee’s mother, father, brother, sister, son or daughter.

(c) No entry in any race shall be accepted for a horse owned wholly or in part by, or trained by, a person whose husband or wife is under license suspension by any racing jurisdiction or regulatory racing organization at time of such entry; except that, if the license of a jockey has been suspended for a routine riding offense, the stewards may waive this rule.

(d) The spouse or domestic partner of any licensee that has had their license suspended, revoked or summarily suspended by the commission, or any other recognized regulatory organization may be suspended as

well to assure that the suspended licensee does not benefit from horse racing in any way during their suspension. If the license of a jockey has been suspended for a routine riding offense and given a suspension of less than 15 days, the spouse or domestic partner may continue to participate in racing at the discretion of the stewards. The assistant trainer of a trainer that has had their license suspended, revoked or summarily suspended by the commission, or any other recognized regulatory organization may be suspended as well to assure that the suspended licensee does not benefit from horse racing in any way during their suspension.

(14) Aggravating and Mitigating Factors:

(a) In reaching a decision on a penalty for a violation for the New Mexico horse racing act or New Mexico racing commission rules and regulations, the commission, the board of stewards, the hearing officer or the administrative law judge shall consider the penalties set forth in Paragraph (2) of this subsection and any aggravating and mitigating circumstances. Deviation from these penalties is appropriate where the facts of the particular case warrant such a deviation, for example: there may be mitigating circumstances for which a lesser or no penalty is appropriate, and aggravating factors for which a greater penalty is appropriate.

(b) Mitigating circumstances and aggravating factors, which must be considered, include but are not limited to:

- (i) The past record of the licensee regarding violations of the New Mexico horse racing act or New Mexico racing commission rules;
- (ii) the potential of the drug(s) to influence a horse’s racing performance and the amount of the drug present;
- (iii) the legal availability of the drug and



whether the drug was prescribed to the horse by a New Mexico racing commission licensed veterinarian;

- (iv) whether there is reason to believe the responsible party knew of the administration of the drug or intentionally administered the drug;
- (v) the steps taken by the trainer to safeguard the horse;
- (vi) the steps taken by an owner to safeguard against subsequent medication violations including, but not limited to, the transfer of the horse(s) to an unaffiliated trainer. An “unaffiliated trainer” means a trainer or an assistant trainer who is not related by blood, marriage or domestic partnership, or who is not or was never employed to the trainer from whose case such horse(s) were transferred;
- (vii) the probability of environmental contamination or inadvertent exposure due to human drug use or other facts;
- (viii) the purse of the race;
- (viii) whether the drug found to be present in the official test sample was one for which the horse was receiving treatment as determined and documented by an New Mexico racing commission licensed veterinarian;
- (x) whether there was any suspicious wagering pattern on the race; or
- (xi) whether the licensed trainer was acting under the advice of an New Mexico racing commission veterinarian.

(c) The stewards shall consider the classification of a drug substance and the “uniform classification guidelines for foreign substances” if a determination is made that an official test sample from a horse contained;

- (i) Any drug substance, medication, metabolites or analogues thereof foreign to the horse, whose use is not expressly authorized in this section, or
- (ii) any drug substance, medication or chemical authorized by this section in excess of the authorized level or other restrictions as set forth in this section.

(d) Penalties for violation of each classification level are listed in Subsection B of 15.2.6.9 NMAC.

**B. Penalty recommendations:**

<p><b>(I)</b> Category A penalties will be assessed for violations due to the presence of a drug carrying a category A penalty. Recommended penalties for category A violations are as follows:</p>
<p><b>Licensed trainer:</b></p>
<p><b>1st offense:</b></p> <p>A minimum one-year suspension absent mitigating circumstances or the presence of aggravating factors could be used to impose a maximum three-year suspension. A minimum fine of \$10,000 or ten percent of the total purse (greater of the two) absent mitigating circumstances or the presence of aggravating factors could be used to impose a maximum fine of \$25,000 or twenty-five percent of the total purse (greater of the two) and may be referred to the commission for any further action deemed necessary by the commission.</p>
<p><b>2nd lifetime offense in any jurisdiction:</b></p> <p>A minimum three-year suspension absent mitigating circumstances or the presence of aggravating factors could be used to impose a maximum of license revocation with no reapplication for a three-year period. A minimum fine of \$25,000 or twenty-five percent of the total purse (greater of the two) absent mitigating circumstances or the presence of aggravating factors could be used to impose a maximum fine of \$50,000 or fifty percent of the total purse (greater of the two), and may be referred to the commission for further action deemed necessary by the commission.</p>
<p><b>3rd lifetime offense in any jurisdiction:</b></p> <p>A minimum five-year suspension absent mitigating circumstances or the presence of aggravating factors could be used to impose a maximum of license revocation with no reapplication for a five-year period. A minimum fine of \$50,000 or fifty percent of the total purse (greater of the two) absent mitigating circumstances or the presence of aggravating factors could be used to impose a maximum fine of \$100,000 or one hundred percent of the total purse (greater of the two), and may be referred to the commission for any further action deemed necessary by the commission.</p>
<p><b>Licensed owner:</b></p>
<p><b>1st offense:</b></p> <p>Disqualification and loss of purse. Horse shall be placed on the veterinarian’s list for 180 days and must pass a commission-approved examination before becoming eligible to be entered.</p>

<b>2nd lifetime offense in owner’s stable in any jurisdiction:</b>
Disqualification and loss of purse. Horse shall be placed on the veterinarian’s list for 180 days and must pass a commission-approved examination before becoming eligible to be entered.
<b>3rd lifetime offense in owner’s stable in any jurisdiction:</b>
Disqualification, loss of purse, \$50,000 fine. Horse shall be placed on the veterinarian’s list for 180 days and must pass a commission-approved examination before becoming eligible to be entered and referral to the commission with a recommendation of a suspension for a minimum of 90 days.

<p><b>(2)</b> Category B penalties will be assessed for violations due to the presence of a drug carrying a category B penalty and for the presence of more than one NSAID in a plasma or serum sample in accordance with Paragraph (5) of Subsection N of 15.2.6.9 NMAC. Recommended penalties for category B violations are as follows:</p>
<b>Licensed trainer:</b>
<b>1st offense:</b>
A minimum 15-day suspension absent mitigating circumstances or the presence of aggravating factors could be used to impose a maximum 60-day suspension. A minimum fine of \$500 absent mitigating circumstances or the presence of aggravating factors could be used to impose a \$1,000 fine.
<b>2nd offense (365-day period) in any jurisdiction:</b>
A minimum 30-day suspension absent mitigating circumstances or the presence of aggravating factors could be used to impose a maximum 180-day suspension. A minimum fine of \$1,000 absent mitigating circumstances or the presence of aggravating factors could be used to impose a maximum fine of \$2,500.
<b>3rd offense (365-day period) in any jurisdiction:</b>
A minimum 60-day suspension absent mitigating circumstances or the presence of aggravating factors could be used to impose a maximum of a one year suspension. A minimum fine of \$2,500 absent mitigating circumstances or the presence of aggravating factors could be used to impose a maximum \$5,000 fine or five percent of the total purse (greater of the two) and may be referred to the commission for any further action deemed necessary by the commission.
<b>Licensed owner:</b>
<b>1st offense:</b>
Disqualification, loss of purse (in the absence of mitigating circumstances)* and horse must pass a commission-approved examination before becoming eligible to be entered.
<b>2nd offense (365-day period) in owner’s stable in any jurisdiction:</b>
Disqualification, loss of purse (in the absence of mitigating circumstances)* and horse must pass a commission-approved examination before becoming eligible to be entered.
<b>3rd offense (365-day period) in owner’s stable in any jurisdiction:</b>
Disqualification, loss of purse, and in the absence of mitigating circumstances a \$5,000 fine* and horse must be placed on the veterinarian’s list for 45 days and must pass a commission-approved examination before becoming eligible to be entered.

<p><b>(3)</b> Category C penalties will be assessed for violations due to the presence of a drug carrying a category C penalty.</p> <ul style="list-style-type: none"> <li><b>(a)</b> phenylbutazone &gt; 0.3 mcg/ml or</li> <li><b>(b)</b> flunixin &gt; 5.0 ng/ml or</li> <li><b>(c)</b> ketoprofen &gt; 2.0 ng/ml or</li> <li><b>(d)</b> penalty class C drugs.</li> </ul> <p>Recommended penalties for category C violations are as follows:</p>
<b>Licensed trainer:</b>
1st offense (365-day period) in any jurisdiction, the penalty is a minimum fine of \$1,000 absent mitigating circumstances.

2nd offense (365-day period) in any jurisdiction, the penalty is a minimum fine of \$1,500 and 15 day suspension absent mitigating circumstances.
3rd offense (365-day period) in any jurisdiction, the penalty is a minimum fine of \$2,500 and a 30 day suspension absent mitigating circumstances.
<b>Licensed owner:</b>
1st offense (365-day period) in any jurisdiction, the penalty is disqualification, loss of purse in the absence of mitigating circumstances and the horse must pass a commission-approved examination before being eligible to run.
2nd offense (365-day period) in any jurisdiction, the penalty is disqualification, and loss of purse in the absence of mitigating circumstances. If same horse, that horse shall be placed on veterinarian's list for 45 days and must pass a commission-approved examination before being eligible to run.
3rd offense (365-day period) in any jurisdiction, the penalty is disqualification, loss of purse, and in the absence of mitigating circumstances a \$5,000 fine and if same horse that horse shall be placed on veterinarian's list for 60 days and must pass a commission-approved examination before being eligible to run.

<p>(4) Category C penalties will be assessed for violations due to the presence of:</p> <p>(a) furosemide &gt;100 ng/ml; or</p> <p>(b) no detectable furosemide concentration when identified as administered.</p> <p>Recommended penalties for category C violations are as follows:</p>
<b>Licensed trainer:</b>
1st offense (365-day period) in any jurisdiction, the penalty is a minimum of a written warning to maximum fine of \$500.
2nd offense (365-day period) in any jurisdiction, the penalty is a minimum of a written warning to maximum fine of \$750.
3rd offense (365-day period) in any jurisdiction, the penalty is a minimum fine of \$500 to a maximum fine of \$1,000.
<b>Licensed owner:</b>
1st offense (365-day period) in any jurisdiction, the horse may be required to pass a commission-approved examination before being eligible to run.
2nd offense (365-day period) in any jurisdiction, the horse may be required to pass a commission-approved examination before being eligible to run.
3rd offense (365-day period) in any jurisdiction, the penalty is disqualification, loss of purse, and the horse must pass a commission-approved examination before being eligible to run.

<p>(5) <b>Out-of-competition</b> penalties will be assessed for violations in any official sample other than blood and urine due to the presence of:</p> <p>(a) penalty class A drugs as listed above and with the association of racing commissioners international "uniform classification guidelines for foreign substances and recommended penalties and model rules" and incorporated by reference under 15.2.6.9 NMAC.</p> <p>(b) blood doping agents including, but not limited to, erythropoietin (EP), darbepoetin, oxylglobin, hemopure, aranasep or any substance that abnormally enhances the oxygenation of body tissues;</p> <p>(c) gene doping agents or the non-therapeutic use of genes, genetic elements, or cells that have the capacity to enhance athletic performance or produce analgesia;</p> <p>(d) clenbuterol or albuterol present in any official sample in a horse not previously placed on the veterinarian's list pursuant to Paragraph (1) of Subsection C of 15.2.6.9 NMAC; and</p> <p>(e) androgenic-anabolic steroids present in any official sample in a horse not previously placed on the veterinarian's list pursuant to Paragraph (10) of Subsection C of 15.2.6.9 NMAC.</p>
<b>Licensed trainer:</b>
1st offense (365-day period) in any jurisdiction, the penalty is a minimum 30-day suspension.
2nd offense (365-day period) in any jurisdiction, the penalty is a minimum 60-day suspension.
3rd offense (365-day period) in any jurisdiction, the penalty is a minimum 180-day suspension.

~~(5)~~ (6) Any violation subsequent to a third violation will carry the same terms as imposed for a third violation. Penalties will run consecutively for a trainer or owner.

~~(6)~~ (7) If the trainer has not had more than one violation involving a drug that carries a category C penalty within the previous two years, the stewards are encouraged to issue a warning in lieu of a fine provided the reported level in phenylbutazone is below 3.0 micrograms per milliliter absent of aggravating factors.

~~(7)~~ (8) After a two-year period, if a licensee has had no further violations involving a drug that carries a category C penalty, any penalty due to an overage in the 2.0-5.0 micrograms per milliliter range for phenylbutazone will be expunged from the licensee’s record for penalty purposes.

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[15.2.6.9 NMAC - Rp, 15 NMAC 2.6.9, 4/13/2001; A, 8/30/2001; A, 7/15/2002; A, 8/15/2002; A, 9/29/2006; A, 10/31/2006; A, 8/30/2007; A, 1/31/2008; A, 3/01/2009; A, 6/15/2009; A, 6/30/2009; A, 9/15/2009; A, 12/15/2009; A, 3/16/2010; A, 7/05/2010; A, 9/1/2010; A, 12/1/2010; A, 11/1/2011; A, 2/15/2012; A, 4/30/2012; A, 7/31/2012; A, 12/14/2012; A, 5/1/2013; A/E, 5/2/2013; A, 9/30/2013; A, 4/1/2014; A, 5/16/2014; A, 8/15/2014; A, 9/15/2014; A, 3/16/2015; A, 9/16/15; A, 3/15/2016; A, 6/15/2016; A/E, 6/28/2016; A, 9/15/2016; A, 12/16/2016; A, 7/1/2017; A, 10/31/17; A, 3/14/2018; A, 9/26/2018; A, 5/1/2019; A, 12/19/2019; A, 4/20/2021; A, 12/28/2021; A, 4/9/2024; A, 8/13/2024; A, 4/8/2025]

**15.2.6.12 PHYSICAL INSPECTION OF HORSES:**

**A. Assessment of racing condition:**

(1) Every horse entered to participate in an official race may be subjected to a veterinary inspection prior to starting in a race for which it is entered.

(2) The identification and inspection of every horse entered to participate in an official race shall be conducted by the official veterinarian or the racing veterinarian.

(3) The agency or the association employing the examining veterinarian(s) should provide a staffing level of not less than two veterinarians.

(4) The trainer of each horse or a representative of the trainer must present the horse for inspection as required by the examining veterinarian. Horses presented for examination must have bandages removed and the legs must be clean. Prior to examination horses may not be placed in ice nor shall any device or substance be applied that impedes veterinary clinical assessment.

(5) The assessment of a horse’s racing condition shall be based on the recommendations of the American association of equine practitioners and shall include: proper identification of each horse inspected; observation of each horse in motion; manual palpation and passive flexion of both forelimbs;

clinical observation in the paddock and saddling area, during the parade to post and at the starting gate; any other inspection deemed necessary by the official veterinarian and the racing veterinarian or the stewards.

(6) Every horse shall be observed by the racing veterinarian during and after the race.

(7) The official veterinarian or the racing veterinarian shall maintain a permanent continuing health and racing soundness record of each horse inspected.

(8) The official veterinarian or the racing veterinarian are authorized access to any and all horses housed on association grounds regardless of entry status.

(9) If, prior to starting, a horse is determined to be unfit for competition, or if the veterinarian is unable to make a determination of racing soundness, the veterinarian will recommend to the stewards the horse be scratched.

(10) Horses scratched upon the recommendation of the official veterinarian or the racing veterinarian, are to be placed on the veterinarian’s list.

(11) All pre-race examination reports on each horse selected for a pre-race examination will be submitted to the commission on a monthly basis. In addition, these reports will be made available to the commission upon request within a 48-hour period.

**B. Veterinarian’s list:**

(1) The official veterinarian or racing

veterinarian shall maintain the veterinarian list of all horses which are determined to be unfit to compete in a race due to illness, physical distress, medical compromise, heat exhaustion, unsoundness, injury, infirmity, voluntary administration of a medication invoking a mandatory stand down time, administration of shock-wave therapy or any other assessment or determination by the official veterinarian or racing veterinarian that the horse is unfit to race.

(2) Horses listed pursuant to this rule and on HISA’s veterinarians’ list are ineligible to enter to race in any jurisdiction until released by the official veterinarian or racing veterinarian except when there is an administrative issue in releasing the horse from a veterinarian’s list of another racing jurisdiction.

(3) A horse placed on the veterinarian’s list due to illness, injury or infirmity unrelated to the racing soundness of the horse may be released from the list when a minimum of seven calendar days has passed from the time the horse was placed on the list.

(4) A horse placed on the veterinarian’s list for unsoundness or lameness shall be released from the list only after the following has been met:

(a) A minimum of seven calendar days has elapsed;

(b) the horse demonstrates to the

satisfaction of the official veterinarian or racing veterinarian that the horse is serviceably sound and in fit physical condition to exert its best effort in a race;

(c)

the horse completes a published work after the seven calendar days has elapsed of four furlongs at 0:52 seconds or better for thoroughbreds; or 220 yards at 13.3 seconds or better for quarter horses while being observed the official veterinarian or racing veterinarian, and;

(d)

the horse submits to a post work official sample collection for laboratory confirmation for compliance with 15.2.6.9 NMAC at the expense of the current owner. Samples shall be subjected to the same testing as conducted for post race official samples. The presence of a prohibited substance in the post work sample shall result in the horse remaining on the veterinarian's list.

(5) A horse

placed on the veterinarian's list for voluntary administration of a medication invoking a mandatory stand down time shall be released from the list subject to the provisions and restrictions set forth in Paragraph (1) of C of 15.2.6.9 NMAC.

(6) A horse

placed on the veterinarian's list for administration of shock-wave therapy shall be released from the list subject to the provisions and restrictions set forth in Subsection C. of 15.2.6.8.

### C. Postmortem examination:

(1)

[The] A commission designee or official veterinarian may require a postmortem examination of any horse that dies or is euthanized on association grounds.

(2)

[The] A commission designee or official veterinarian may require a postmortem examination of any horse that dies or is euthanized at recognized training facilities within this jurisdiction.

(3) If a

postmortem examination is to be conducted, the commission shall take

possession of the horse upon death for a postmortem examination. All shoes and equipment on the horse's legs shall be left on the horse.

(4) If a

postmortem examination is to be conducted, the commission [~~or its representative~~] designee or official veterinarian shall collect blood, urine, bodily fluids, or other biologic specimens immediately, if possible before euthanization. The commission may submit blood, urine, bodily fluid, or other biologic specimens collected during a postmortem examination for testing analysis. The presence of a prohibited substance in a specimen collected during the postmortem examination may constitute a violation.

(5) [Requests]

Any requests by an owner's or trainer's veterinarian for each postmortem examination shall be filed with the official veterinarian by the owner's or trainer's veterinarian within one hour of the death and shall be submitted on a necropsy submission form entitled New Mexico racing commission necropsy submission form, hereby incorporated by reference and which is available at all official veterinarian offices and all stable gates. The trainer or their designee is responsible to supply all information to complete this form.

(6) All

licensees shall be required to comply with postmortem examination requirements as a condition of licensure. In proceeding with a postmortem examination the commission or its designee shall coordinate with the owner or the owner's authorized agent to determine and address any insurance requirements.

(7)

Postmortem examinations shall be conducted according to the most recent edition of the American association of equine practitioners' guidelines for the necropsy of racehorses.

(8) Upon

completion of the postmortem examination the diagnostic laboratory shall file a written report with the

racing commission's agency director and official veterinarian.

(9) The owner

or the owner's authorized agent or trainer will be responsible for all costs of a postmortem examination, i.e., testing fees, transportation of the horse and disposal [etc., when the results of a postmortem examination constitute a violation of the New Mexico racing commission rules] of the horse.

[15.2.6.12 NMAC - Rp, 15 NMAC 2.6.12, 4/13/2001; A, 9/1/2010; A, 12/1/2010; A, 11/1/2011; A, 2/15/2012; A, 7/31/2012; A, 12/19/2019; A, 4/9/2024; A, 8/13/2024; A, 4/8/2025]

### History of 15.2.6 NMAC:

**Pre-NMAC History:** Material in this part was derived from that previously filed with the commission of public records - state records center and archives as:

NMSRC 67-1, Amendment No. 1., Rule Revisions Adopted by the New Mexico State Racing Commission April 21, 1967 Rules 352 & 380, filed 4/26/1967;  
NMSRC 69-1, New Mexico Laws and Rules and Regulations Governing Horse Racing, filed 6/9/1969;  
NMSRC 81-1, Rules Governing Horse Racing in New Mexico, filed 12/4/1981;

### History of Repealed Material:

15 NMAC 2.6, Horse Racing - Veterinary Practices, Equine Health, Medication, and Trainer Responsibility, filed 9/29/1995 repealed in its entirety; renumbered, reformatted and replaced by 15.2.6 NMAC, Horse Racing - Veterinary Practices, Equine Health, Medication, and Trainer Responsibility, to conform to the new NMAC requirements effective 4/13/2001.

### Other History:

NMSRC 81-1, Rules Governing Horse Racing in New Mexico, filed 12/4/1981 - that applicable

portion renumbered, reformatted and amended to 15 NMAC 2.6, Horse Racing - Veterinary Practices, Equine Health, Medication, and Trainer Responsibility, filed 9/29/1995.

**RACING COMMISSION**

**This is an amendment to 16.47.1 NMAC Sections 8 and 10, effective 04/08/2025.**

**Explanatory paragraph: This is a short-form amendment to 16.47.1 NMAC, Sections 8 and 10, effective April 8, 2025. For Section 8 of 16.47.1 NMAC, Subsections A - K and M - V were not published as there were no changes. For Section 10 of 16.47.1 NMAC, Subsection A, Paragraphs (3) - (7) and (9) - (10); and Subsections A and B were not published as there were no changes.**

**16.47.1.8 GENERAL PROVISIONS:**

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**L. Grounds for disciplinary measures for a licensee, and refusal, denial, suspension, or revocation of a license:**

(1) The commission may refuse to issue a license to an applicant, or may suspend or revoke a license issued, or order disciplinary measures, if the applicant:

- (a) has been convicted of a felony;
- (b) has been convicted of violating any law regarding gambling or a controlled dangerous substance;
- (c) who is unqualified, by experience or otherwise, to perform the activities for which a license is required, or who fails to pass an examination prescribed by the commission;
- (d) has failed to disclose or falsely states any information required in the application;
- (e) has been found in violation of rules governing racing in ~~[this state, or]~~ New Mexico and of other

~~[jurisdictions]~~ racing commissions or of any recognized regulatory organization;

- (f) has been found to have made false or misleading statements to the commission, stewards, or any racing official;
- (g) has been or is currently excluded from association grounds by ~~[a recognized]~~ any racing commission, racetrack management or a recognized regulatory organization;
- (h) has had privileges or a license denied, suspended, or revoked by any racing ~~[jurisdiction]~~ commission or a recognized regulatory organization;
- (i) is a person whose conduct or reputation may adversely reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meeting; interfering with the orderly conduct of a race meeting shall include, but is not limited to, disruptive or intemperate behavior or behavior which exposes others to danger anywhere on the racetrack grounds; the fact that the race meet was not actually interrupted is not a defense to the imposition of discipline under this rule;
- (j) demonstrates a lack of financial responsibility by accumulating unpaid obligations, defaulting on obligations or issuing drafts or checks that are dishonored, or payment refused; for the purpose of this subsection, non-compliance with the Parental Responsibility Act shall be considered grounds for refusal, denial, suspension, or revocation of a license; the application, or license as applicable, shall be reinstated if within 30 days of the date of the notice, the applicant provides the commission with a certified statement from the department that they are in compliance with a judgment and order for support;
- (k) is ineligible for employment pursuant to federal or state law concerning age or citizenship;

- (l) is disrespectful or intimidates any official, commissioner, or commission staff or any other licensee;
- (m) attempts to influence any racing official or commission staff member;
- (n) has knowingly filed a false complaint against another licensee or a racing official where the racing commission or the stewards determine that the complaint was made without reasonable or probable cause and for the purpose of the harassment or abuse of the complaint process;
- (o) has engaged in conduct becoming or detrimental to the best interests of racing;
- (p) in case of a notice from the state of New Mexico human services department that a licensee is in non-compliance with the Parental Responsibility Act, the licensee shall be notified by the board of stewards. Thereafter, the licensee shall have 30 days to provide documentation of compliance to the board of stewards and failure to do so will result in the suspension or revocation of all licenses issued by the New Mexico racing commission to said licensee.
- (2) A license suspension or revocation shall be reported in writing to the applicant and the association of racing commissioners international, incorporated, whereby other racing jurisdictions shall be advised.
- (3) Any license denied, suspended or revoked by the commission pursuant to these rules shall state the time period for the effect of its ruling. When the action is taken for a misdemeanor or felony conviction, the time period shall be the period of the licensee's or applicant's imprisonment; or if not imprisoned, the period of probation, deferral, unless the person can satisfy the commission of sufficient rehabilitation. This rule shall also apply to licensees who voluntarily turn in their license because of, or in anticipation of, a conviction.

(4) If a license is suspended or revoked by the commission or stewards pursuant to these rules the commission or stewards may probate all or any portion of the suspension.

(a) The order or ruling entered placing a licensee on probation shall state the specific probationary period and the terms and conditions of the probation.

(b) The terms and conditions of the probation must have a reasonable relationship to the violation and may include:

(i) passing a prescribed examination in a specific area;

(ii) periodic reporting to the commission, stewards or other designated person on any matter that is the basis of the probation;

(iii) a medical evaluation and completion of a prescribed treatment program; and

(iv) other terms and condition as specified in the order or ruling that are reasonable and appropriate.

(c) If the commission or stewards determine the licensee has failed to comply with the terms of the probation, the probation may be revoked on three days' notice to the licensee and the licensee may be required to appear before the New Mexico racing commission. Failure to comply with the terms of the probation may subject the licensee to additional disciplinary action.

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[16.47.1.8 NMAC - Rp, 16 NMAC 47.1.8, 3/15/2001, A, 08/30/2001; A, 11/15/2001; A, 12/14/2001; A, 2/14/2002; A, 11/14/2002; A, 3/31/2003; A, 7/15/2003; A, 9/29/2006; A, 3/30/2007; A, 8/14/2008; A, 6/15/2009; A, 9/15/2009; A, 1/1/2014; A, 4/1/2014; A, 6/1/2016; A, 12/16/2016; A, 7/1/2017; A, 3/14/2018; A, 2/25/2020; A, 4/9/2024; A, 8/13/2024; A, 4/8/2025]

**16.47.1.10 TRAINERS:**  
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**C. Other responsibility:** A trainer is responsible for:

(1) the condition and contents of stalls, tack rooms, feed rooms, sleeping rooms and other areas which have been assigned by the association;

(2) maintaining the assigned stable area in a clean, neat, and sanitary condition at all times;

(3) ensuring that fire prevention rules are strictly observed in the assigned stable area;

(4) providing a list to the chief of security of the trainer's employees on association grounds and any other area under the jurisdiction of the commission; the list shall include each employee's name, occupation, social security number, and occupational license number; the chief of security shall be notified by the trainer, in writing, within 24 hours of any change;

(5) the proper identity, custody, care, health, condition, and safety of horses in their charge;

(6) disclosure of the true and entire ownership of each horse in their care, custody or control; any change in ownership must be reported immediately to, and approved by, the stewards and recorded by the racing secretary;

(7) training all horses owned wholly or in part by them which are participating at the race meeting; registering with the racing secretary each horse in their charge within 24 hours of the horse's arrival on association grounds;

(8) immediately notify the stewards and commission veterinarian of all out-of-state certified horses on furosemide;

(9) having each horse in their care that is racing, or is stabled on association grounds, tested for equine infectious anemia (EIA) and for filing evidence of such negative test results with the racing secretary as required by the commission;

(10) using the services of those veterinarians licensed by the commission to attend horses that are on association grounds;

(11) immediately reporting the alteration in the sex of a horse in their care to the horse identifier and the racing secretary, whose office shall note such alteration on the certificate of registration;

(12) promptly reporting to the racing secretary and the official veterinarian any horse on which a posterior digital neurectomy (heel nerving) is performed and ensuring that such fact is designated on its certificate of registration;

(13) promptly notifying the official veterinarian of any reportable disease and any unusual incidence of a communicable illness in any horse in their charge;

(14) promptly reporting the death of any horse in their care on association grounds to the stewards and the official veterinarian and compliance with the rules in Subsection C of 15.2.6.12 NMAC governing post-mortem examinations;

(15) maintaining a knowledge of the medication record and status of all horses in their care;

(16) immediately reporting to the stewards and the official veterinarian if they know, or has cause to believe, that a horse in their custody, care or control has received any prohibited drugs or medication;

(17) representing an owner in making entries and scratches and in all other matters pertaining to racing; horses entered as to eligibility and weight or other allowances claimed;

(18) horses entered as to eligibility and weight or other allowances claimed;

(19) ensuring the fitness of a horse to perform creditably at the distance entered;

(20) ensuring that their horses are properly shod, bandaged, and equipped; toe grabs

with a height greater than two millimeters worn on the front shoes of thoroughbred horses while racing are prohibited; the horse shall be scratched and the trainer may be subject to fine;

(21) ensuring that horses are properly bandaged, and equipped; and no jockey, apprentice jockey, exercise person or any person mounted on a horse shall ride, breeze, exercise, gallop or workout a horse on the grounds of a facility under the jurisdiction of the commission unless the horse is equipped with a nylon rein or a safety rein; a safety rein is a rein with a wire or nylon cord stitched into the traditional leather rein during the manufacturing process and the safety cord is attached to the bit with a metal clasp;

(22) presenting horse in the paddock at least 20 minutes before post time or at a time otherwise appointed before the race in which the horse is entered;

(23) personally attending to their horses in the paddock and supervising the saddling [thereof, unless excused by the stewards; if the trainer is excused, the trainer must secure another trainer or assistant trainer who is licensed by the commission to assume those duties].

(24) Any licensed trainer that is listed on the race day's official program and does not receive approval from the stewards to have an assistant trainer or substitute trainer to saddle the absent trainer's horses in the paddock will be fined \$1,500.00 for the first offense and \$3,000.00 for the second and each subsequent offenses.

(25) Any licensed trainer that continues to be non-compliant by not receiving stewards' prior approval to have an assistant or substitute trainer to act in the place of the listed trainer on the official program, the stewards may summarily suspend the non-compliant trainer and their horses may be placed on the stewards' list pending a disciplinary hearing.

(26) instructing the jockey to give their best effort during a race and that each horse shall be ridden to win;

(27) attending the collection of urine or blood sample from the horse in their charge or delegating a licensed employee or the owner of the horse to do so; and

(28) notifying horse owners upon the revocation or suspension of their trainer's license; upon application by the owner, the stewards may approve the transfer of such horses to the care of another licensed trainer, and upon such approved transfer, such horses may be entered to race.

**D. Assistant trainers:**

(1) A trainer may employ an assistant trainer, who shall be equally responsible with the employing trainer for the condition of the horses in their care. The name of the assistant trainer shall be shown on the official program along with that of the employing trainer.

(2) Qualifications for obtaining an assistant trainer's license shall be prescribed by the stewards and the commission may include those requirements prescribed in Paragraph (1) of Subsection A of 16.47.1.10 NMAC.

(3) An assistant trainer must be licensed for a minimum of two years as an assistant trainer before being eligible to obtain a trainer's license.

(4) If an assistant trainer passed the written examination with a minimum score of 80 percent in each category within the previous 48 months, the licensee is not required to retake the test in order to obtain their trainer's license.

(5) An assistant trainer shall assume the same duties and responsibilities as imposed on the licensed trainer.

(6) The trainer shall be jointly responsible for the assistant trainer's compliance with the rules governing racing.

(7) A trainer that is involved in, or notified of, or under suspension for 30 days or more of a drug or rule violation, shall not transfer their horses to his or her assistant trainer or an employee of the trainer.

**E. Substitute trainers:**

(1) If any licensed trainer is prevented from performing [his] their duties or is absent from the track where [he-is] they are participating, the [stewards] absent trainer shall [be] immediately [notified, and at the same time, a] notify the stewards. The absent trainer, substitute trainer or assistant trainer, [acceptable to the stewards, shall be appointed] if approved, shall thoroughly fill out the "substitute trainer form" provided by the stewards. [The stewards shall be advised when the regular trainer resumes his duties.]

(2) If the stewards do not excuse the absent trainer from their duties for the day, their horses may be scratched, at the stewards' discretion.

(3) A substitute trainer must accept responsibility for the horses in writing and be approved by the stewards.

(4) A substitute trainer and the absent trainer shall be jointly responsible as absolute insurers of the condition of their horses entered in an official workout or race pursuant to Paragraphs (1), (2) and (3) of Subsection B of 16.47.1.10 NMAC.

(5) Any unauthorized person found to be acting as a substitute trainer in the paddock without thoroughly filling out the "substitute trainer form" and being approved by the stewards, will be sanctioned with a fine no less than \$500.00.

**F. Program trainers:**

(1) A program trainer, as defined in 15.2.1 NMAC, is a licensed trainer who, solely for the purposes of the official race program, is identified as the trainer of a horse that is actually under the control of, and trained by another person who may or may not hold a current trainer's license in any jurisdiction. Any trainer shall be deemed a program trainer if they:

(a) enter into an agreement on behalf of an unlicensed, ineligible or suspended



trainer for the sole purpose of completing an entry form for a race;

(b)

pay an entry, nomination or starter fee on behalf of an unlicensed, ineligible or suspended trainer;

(c)

receive a financial or beneficial interest from an unlicensed, ineligible or suspended trainer for the sole purpose of being listed as the trainer on the official race program; or

(d)

obtain official works within New Mexico's jurisdiction on behalf of an unlicensed, ineligible or suspended trainer; or

(e)

solicit or accepts a loan of anything of value from the unlicensed, ineligible or suspended trainer; or

(f)

use the firm or individual name of the unlicensed, ineligible or suspended trainer when billing customers; or

(g)

pay any compensation to the unlicensed, ineligible, or suspended trainer.

(2) A licensed

trainer who violates Paragraph (1) of this subsection will be subject to the following penalties:

(a)

First offense – six-month suspension and a \$5,000 fine.

(b)

Second offense - one year suspension and a \$10,000 fine.

(c)

Third offense - license revocation with a three-year ban on re-application and \$20,000 fine.

(d)

A fourth or subsequent offense shall carry the same penalty as that imposed for a third offense, and the penalties will run consecutively.

(3) On

request by the commission or any of its agents, a person who assumes the care, custody or control of the horses of the unlicensed, ineligible or suspended trainer, shall permit the commission or its agents to examine all financial or business records to ensure compliance with this section.

[16.47.1.10 NMAC - Rp, 16 NMAC

47.1.10, 3/15/2001; A, 11/15/2001; A, 3/30/2007; A, 8/30/2007; A, 6/30/2009; A, 9/15/2009; A, 7/5/2010; A, 5/16/2014; A, 9/15/2014; A, 3/15/2016; A, 6/1/2016; A, 12/16/16; A, 3/14/2018; A, 2/25/2020; A, 12/28/2021; A, 4/9/2024; A, 4/8/2025]

## End of Adopted Rules

# 2025 New Mexico Register

## Submittal Deadlines and Publication Dates

### Volume XXXVI, Issues 1-24

<b>Issue</b>	<b>Submittal Deadline</b>	<b>Publication Date</b>
<b>Issue 1</b>	<b>January 3</b>	<b>January 14</b>
<b>Issue 2</b>	<b>January 16</b>	<b>January 28</b>
<b>Issue 3</b>	<b>January 30</b>	<b>February 11</b>
<b>Issue 4</b>	<b>February 13</b>	<b>February 25</b>
<b>Issue 5</b>	<b>February 27</b>	<b>March 11</b>
<b>Issue 6</b>	<b>March 13</b>	<b>March 25</b>
<b>Issue 7</b>	<b>March 27</b>	<b>April 8</b>
<b>Issue 8</b>	<b>April 10</b>	<b>April 22</b>
<b>Issue 9</b>	<b>April 24</b>	<b>May 6</b>
<b>Issue 10</b>	<b>May 8</b>	<b>May 20</b>
<b>Issue 11</b>	<b>May 23</b>	<b>June 11</b>
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<b>Issue 14</b>	<b>July 17</b>	<b>July 29</b>
<b>Issue 15</b>	<b>July 31</b>	<b>August 12</b>
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<b>Issue 17</b>	<b>August 28</b>	<b>September 9</b>
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<b>Issue 22</b>	<b>November 6</b>	<b>November 18</b>
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<b>Issue 24</b>	<b>December 11</b>	<b>December 23</b>

The *New Mexico Register* is the official publication for all material relating to administrative law, such as notices of rulemaking, proposed rules, adopted rules, emergency rules, and other similar material. The Commission of Public Records, Administrative Law Division, publishes the *New Mexico Register* twice a month pursuant to Section 14-4-7.1 NMSA 1978. The *New Mexico Register* is available free online at: <http://www.srca.nm.gov/new-mexico-register/>. For further information, call 505-476-7941