

**AMENDED NOTICE OF PUBLIC MEETING AND RULE HEARING**

The New Mexico Racing Commission (Commission) will hold a Public Meeting and Rule Hearing on November 21, 2019. The Rule hearing will be held during the Commission's regular business meeting with the public session beginning at 9:00 a.m. The Commission will re-convene a regular meeting to adopt the rules and take care of regular business. The Rule Hearing and Commission meeting will be held in the Boardroom located at the New Mexico Racing Commission, 4900 Alameda Blvd., NE, Albuquerque, NM.

The Commission is proposing the following amendments listed below to the Rules Governing Horse Racing in New Mexico to include digital tattooing requirements, distinguish when a horse is eligible to enter or to start in a race, include verbiage regarding mitigating and aggravating circumstances, add language in which it allows the Commission and the Board of Stewards another avenue to assess additional penalties for repeat medication violators, update the definition for "Breeder", add a "unique payout" option, remove language from rules that do allow the rule to read clearly and to lower the limit of overweight a horse can carry.

15.2.1 NMAC - General Provisions

15.2.3 NMAC - Flat Racing Officials

15.2.5 NMAC - Rules of the Race

15.2.6 NMAC - Veterinary Practices, Equine Health, Medication & Trainer Responsibility

15.2.7 NMAC - Pari Mutuel Wagering

A copy of the proposed rule may be found on the Commission's website @ <http://nmrc.state.nm.us/rules-regulations.aspx>. You may also contact Rosemary Garley at (505) 222-0704 to request to receive a copy of the proposed rules by regular mail.

Interested persons may submit their written comments on the proposed rules to the Commission at the address below and/or may appear at the scheduled meeting and make a brief verbal presentation of their view. All written comments must be received by the Commission by 5:00 PM on November 21, 2019. Please submit comments to:

Rosemary Garley, Manager  
New Mexico Racing Commission  
4900 Alameda Blvd. NE  
Albuquerque, NM 87113  
Telephone: 505.222.0704  
Fax: 505.222.0713  
Email: [rosemary.garley@state.nm.us](mailto:rosemary.garley@state.nm.us)

The **final** agenda for the Commission meeting will be available seventy-two (72) hours prior to the meeting. A copy of the **final** agenda may be obtained from Rosemary Garley or from the Commission's website.

No technical information served as the basis for the proposed rule.

Anyone who requires special accommodations is requested to notify the Commission of such needs at least five days prior to the meeting.

**Statutory Authority:** Legal authority for this rulemaking can be found in the New Mexico Horse Racing Act, NMSA 1978, Sections 60-1A-1 through 60-1A-30 (2007, as amended through 2017), which, among other provisions, specifically authorizes the Commission to promulgate rules and regulations and carry out the duties of the Act to regulate horse racing in the State.

**The Commission proposes the following rule amendments:**

**Subsection B of 15.2.1.7 NMAC:** The purpose of the proposed amendment is to allow the New Mexico Racing

Commission's definition of a "Breeder" to correspond with the state statutes.

**Subsection C of 15.2.3.8 NMAC:** The purpose of the proposed amendment is to clarify that the racing secretary or their designee will be responsible for receiving, inspecting and safeguarding the digital or paper foal documents. It will also give an effective date of January 1, 2020 for thoroughbred horses entered to race that were foaled in 2018 to have a digital tattoo.

**Subsection E of 15.2.3.8 NMAC:** The purpose of this proposed amendment is to clarify that the horse identifier, when necessary, will ensure the safekeeping of digital or paper registration certificates. It will also allow a micro chip or freeze brand as a method to verify a horse's identity.

**Subsection O of 15.2.3.8 NMAC:** The purpose of the proposed amendment is to correspond with ARCI's model rules and to be more in depth on how long a horse will be on the veterinarian's list.

**Subsection B of 15.2.5.11 NMAC:** The purpose of the proposed amendment is to include digital tattooing as a form of identification for a race horse in New Mexico.

**15.2.5.12 NMAC:** The purpose of the proposed amendment distinguishes conditions by which horses are eligible to start in a race versus ineligible to be entered into a race. It also establishes that horses that are the subject of a positive test for a prohibited substance are ineligible to be entered into a race until the adjudication process is complete.

**Subsection C of 15.2.5.13 NMAC:** The purpose of the proposed amendment is to lower the limit of overweight any horse can carry.

**Subsection A of 15.2.6.9 NMAC:** The purpose of the proposed amendment is to include verbiage regarding mitigating and aggravating circumstances when assessing a penalty on a licensee.

**Subsection C of 15.2.6.9 NMAC:** The purpose of the proposed amendments is to reflect the correct Subsection when referencing the drug "colbalt".

**Subsection L of 15.2.6.9 NMAC:** The purpose of the proposed amendment is to delete the language "and for concentrations of 50 parts per billion of blood plasma or serum):"

**Subsection O of 15.2.6.9 NMAC:** The purpose of the proposed new subsection is to give the Racing Commission and Boards of Stewards another tool in which to assess additional penalties for repeat medication violators.

**Subsection B of 15.2.6.12 NMAC:** The purpose of the proposed amendment is to correspond with ARCI's model rules and to be more in depth on how long a horse will be on the veterinarian's list.

**Subsection P of 15.2.7.12 NMAC:** The purpose of the proposed amendment would add a "unique payout" option under the current rule for the Pentafecta (also known as the "Super Hi-5).