

This is an amendment to 15.2.3 NMAC Section 8, effective 12/28/2021.

Explanatory paragraph: This is a short-form amendment to 15.2.3 NMAC, Section 8, effective 12/28/2021. Subsections A through B; Subsection C, Paragraphs (1) through (3) and (5) through (9); Subsection D, Paragraphs (1) through (3); and Subsections E through P were not published as there were no changes.

15.2.3.8 FLAT RACING OFFICIALS GENERAL PROVISIONS:

C. Racing secretary:

(4) Conditions:

(a) The racing secretary shall establish the conditions and eligibility for entering races and cause them to be published to owners, trainers and the commission and be posted in the racing secretary's office.

(b) Any conditions that are based on a participating horse's use or non-use of a drug substance or medication, or the presence or lack of presence of a drug substance or medication in a biological test sample taken from a participating horse, shall be ~~[agreed to in advance in writing by the acknowledged horsemen's organization, and]~~ approved by the commission before entries are taken for the race. If such conditions are based on the results of a biological test sample other than an official test sample collected by the commission, a description of the testing methods and procedures the racing association will use to collect and analyze the biological test samples shall be submitted to the commission for approval. For purposes of this section, "biological test sample" refers to any biological sample, including, but not limited to, blood, urine, hair, tissue, or saliva that is taken from a horse.

(c) For the purpose of establishing conditions, winnings shall be considered to include all monies won up to the time of the start of a race.

(d) Winnings during the year shall be calculated by the racing secretary from the preceding January 1.

(e) A minimum of three races restricted to registered New Mexico bred horses shall be offered daily in the condition book excluding trials.

D. Horsemen's bookkeeper:

(4) Payment of purses:

(a) ~~[The]~~ Upon approval of the commission the horsemen's bookkeeper shall receive, maintain and disburse only the following from the purse accounts: the purses ~~earned [of] for~~ each race; ~~[and all stakes, entrance money,]~~ 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 ~~[and other monies]~~ that properly come into their possession in accordance with the provision of commission rules.

~~[(b)]~~ ~~The horsemen's bookkeeper may accept monies due belonging to other organizations or recognized meetings, provided prompt return is made to the organization to which the money is due.]~~

~~[(e)]~~ (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.

~~[(d)]~~ (c) The horsemen's bookkeeper shall disburse only the purse [of] earned for each race, entry, nomination, supplemental and starter fees in stakes races, ~~[and all stakes, entrance money,]~~ 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).

~~[(e)]~~ (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.

~~[(f)]~~ (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.

[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]