

NOTICE OF PUBLIC MEETING AND RULES HEARING

The NM Racing Commission will hold a Public Meeting and Rules Hearing on November 30, 2023. Rules hearing will be held during the Commission’s regular business meeting with public session beginning at 9:00 a.m. Meetings will be held in person in the Boardroom, at 4900 Alameda Blvd., NE, Albuquerque, NM and virtually via Zoom.

Topic: Regular Commission Meeting and Rules Hearing
Time: November 30, 2023, 09:00 AM Mountain Time (US & Canada)

Join Zoom Meeting
<https://us02web.zoom.us/j/81880561116?pwd=Yko1bk1DckZPMmpHN3pSQzJqbmFnUT09>

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The Commission is proposing the following amendments to Rules Governing Horse Racing in NM:

- 15.2.1 NMAC – Gaming
- 15.2.2 NMAC – Associations
- 15.2.3 NMAC – Flat Racing Officials
- 15.2.4 NMAC – Types of Races
- 15.2.5 NMAC – Horse Race – Rules of the Race
- 15.2.6 NMAC – Veterinary Practices, Equine Health, Medication, and Trainer Responsibility
- 15.2.7 NMAC – Pari-Mutuel Wagering
- 16.47.1 NMAC – General Provisions

A copy of proposed rules may be found at: <https://www.nmrc.state.nm.us/rules-regulations/>.

Written comments on proposed rules may be submitted to address below and/or you may appear at the meeting and provide brief, verbal comments. All written comments must be submitted to DeniseM.Chavez@rc.nm.gov and received by 12:00 p.m. November 29, 2023.

The final meeting agenda will be available 120 hours prior to meeting. The final agenda may be obtained from Denise Chavez or from NMRC’s website.

No technical information served as the basis for proposed rules.

Anyone requiring special accommodations should notify NMRC of such needs at least 5 days prior to meeting.

Statutory Authority: Legal authority for NMRC rulemaking can be found at NMSA Section 60-1A-4(B)(1).

The following rule amendments are proposed:

Subsections C, M, P and S of 15.2.1.7 NMAC: The rule defines horseracing terms. The purpose of the proposed amendment is to define “catastrophic injury.” The purpose of proposed amendments is to clarify the existing definitions of “maiden” and “purse” recognizing industry-standard resources and add “substitute steward” and its definition as means of ensuring race meets can proceed in the event a third steward is not available.

Subsections C and J of 15.2.1.8 NMAC: The rule details Commission authority and structure. The purposes of proposed amendments are to provide flexibility for Commissioner meeting attendance and to edit typographical errors and correct the citation to a referenced rule.

Subsections A and B of 15.2.1.9 NMAC: The rule deals with due process and disciplinary actions. The purposes of proposed amendments are to abridge the rule, expand and define reasons for summary suspension furthering goals of disciplinary processes, provide stewards direction and options when conducting hearings and providing notice of hearings and copy of rulings, modify time frame for payment of fines, and relocate a portion to a more applicable rule section.

Subsections E, G, H, L and R of 15.2.2.8 NMAC: The rule details association requirements. The purposes of proposed amendments are to ensure presence of sufficient medical personnel consistent with HISA requirements, ensure photo finish pictures are not destroyed but saved if later review is required, hold associations accountable for surface conditions, fix typographical errors, and improve public confidence in industry by displaying race replays being reviewed by stewards in response to inquiry or objection.

Subsections A, B, C, E and O of 15.2.3.8 NMAC: The rule details general provisions of racing officials. The purposes of proposed amendments are to properly identify and list all positions deemed racing officials, provide both reasons for and flexibility in appointment of substitute stewards, clarify stall allocation being subject to association screening and preference processes, ensure the associations provide sufficient number of veterinarians, and correct typographical errors.

Subsections A, C, F and G of 15.2.4.8 NMAC: The rule details mechanics of claiming races. The purposes of proposed amendments are to eliminate and correct rule conflicts regarding condition of claimed horses and provide clearer understanding of claiming processes, procedures and stewards' voiding of a claim.

Subsection B of 15.2.5.8 NMAC: The rule details entries and nominations for races. The purpose of the proposed amendments is to provide more detail regarding the process of entering a horse into a race and the responsibilities of the entry clerk.

Subsection B of 15.2.5.9 NMAC: The rule details declarations and scratches. The purposes of proposed amendments are to clarify when and who has authority to request a scratch of a horse following the closing of entries and that stewards have sole authority to approve such request and scratch a horse.

Subsections A and B of 15.2.5.12 NMAC: The rule details when horses are ineligible to enter and start in races. The purpose of proposed amendments is to clarify and expand specifics of ineligibility to enter and to start.

Subsections C, D and E of 15.2.5.13 NMAC: The rule details running of a race. The purposes of proposed amendments are to clarify jockey fees, correct typographical errors and clarify rules for zero tolerance of electrical devices and proper and improper use of riding crops.

Subsection C of 15.2.5.14 NMAC: The rule details protests, objections and inquiries. The purpose of proposed amendments is to clarify timing of an objection and expand the reasons for a prior objection.

Subsection B of 15.2.6.8 NMAC: The rule details veterinary practices. The purpose of the proposed amendment is to clarify veterinary treatment restrictions prior to a race to protect the health and welfare of the equine athletes.

Subsections of A and C of 15.2.6.9 NMAC: The rule details medications and prohibited substances. The purpose of proposed amendments is to include "Uniform Classification Guidelines for Foreign Substances and Recommended Penalties Model Rule," April, 2023, version 16.0 and "Association of Racing Commissioners International Controlled Therapeutic Medication Schedule for Horses", version 4.2.1. The purposes of other proposed amendments are to further protection of horses and advise licensees by clarifying impacts resulting from positive medication test results, clarify that both post-race and out-of-competition positive test sample results are prima facie evidence a prohibited substance was administered, correct a typographical error, and clarify medication restrictions.

Subsections A and B of 15.2.6.10 NMAC: The rule details testing of horses. The purposes of proposed amendments are to clarify and ensure a security guard escorts horses to the test barn is provided by an employee of the association, not the Commission and eliminate a repetitive subsection.

Subsection B of 15.2.6.12 NMAC: The rule details physical inspection of horses. The purpose of proposed amendment is to expand the reasons a horse is placed on the veterinarian's list for protection of the horse.

Subsection A of 15.2.7.10 NMAC: The rule details simulcast wagering. The purpose of proposed amendment is to ensure associations' processes in obtaining approval of their simulcast agreements prior to commencement of the race meet are in compliance with both text and spirit of applicable federal law.

Subsections A, N and P of 16.47.1.8 NMAC: The rule details provisions related to licensing in general. The purposes of proposed amendments are to clarify requirements to apply for a license, require applicants apply for and obtain a license for every capacity applicants are working in within the industry, require licensees report to changes of information to Commission, and correct typographical error.

Subsections A and B of 16.47.1.10 NMAC: The rule details provisions on trainers and their responsibilities. The purpose of proposed amendments is to strengthen requirements for becoming a trainer to better ensure and improve health, safety and welfare of horses, empower Commission to hold trainers accountable for condition of horses in their care, custody and control, require trainers exercise due diligence in ensuring newly acquired horses are free of prohibited substances, and detail consequences of catastrophic injuries.

Subsections A, B, and C of 16.47.1.17 NMAC: This rule details processes for human drug and alcohol testing of licensees. The purpose of proposed amendments is to expand reasons under which licensees may be subject to drug and/or alcohol testing to include impacts use of those substances has on public's confidence in the industry and to specify the impacts of the presence of alcohol on the licensee.

Subsections A, B, C and D of 16.47.1.18 NMAC: This rule details human drug testing procedures of licensees. The purposes of proposed amendments are to provide for random or episodic testing without notice, provide for licensee's ability to get confirmation test, define what constitutes a refusal to submit to drug or alcohol testing and create progressive penalty system for licensees whose test results show presence of alcohol.