

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:

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 sub-section, 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.

[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:

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.
- ~~[(24)]~~ (26) instructing the jockey to give their best effort during a race and that each horse shall be ridden to win;
- ~~[(25)]~~ (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
- ~~[(26)]~~ (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.

~~[(3)]~~ (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 farm 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]