

TITLE 21 AGRICULTURE AND RANCHING
CHAPTER 30 ANIMALS AND ANIMAL INDUSTRY GENERAL PROVISIONS
PART 5 HORSE RESCUE OR RETIREMENT FACILITIES

21.30.5.1 ISSUING AGENCY: New Mexico Livestock Board.
[21.30.5.1 NMAC - N, 7-15-05; A, 07/15/14]

21.30.5.2 SCOPE: All premises that promote themselves as a horse rescue or retirement facility, including a private preserve or private reserve, and that advertises or solicits for horses and provides lifelong care or finds new owners for horses that are unwanted or have been neglected or abused or captured wild horses that cannot be returned to their range.
[21.30.5.2 NMAC - N, 7-15-05]

21.30.5.3 STATUTORY AUTHORITY: Section 77-2-7, A. 6, 7, 8, 9 and 12, NMSA 1978.
[21.30.5.3 NMAC - N, 7-15-05]

21.30.5.4 DURATION: Permanent.
[21.30.5.4 NMAC - N, 7-15-05]

21.30.5.5 EFFECTIVE DATE: July 15, 2005, unless a later date is cited at the end of a section.
[21.30.5.5 NMAC - N, 7-15-05]

21.30.5.6 OBJECTIVE: To establish rules governing the registration, operation, licensing and collection of fees of facilities operating as horse rescue or retirement facilities.
[21.30.5.6 NMAC - N, 7-15-05]

21.30.5.7 DEFINITIONS:

- A.** "Agent" means the executive director, deputy director, veterinarian, livestock inspectors or employee of the board.
 - B.** "American association of equine practitioners" or AAEP, is an internationally recognized authority on equine care composed of equine veterinarians.
 - C.** "Board" means the New Mexico livestock board.
 - D.** "Facility" means a horse rescue or retirement facility, including a private preserve or private reserve, that advertises or solicits for horses and provides lifelong care or finds new owners for horses that are unwanted or have been neglected or abused or captured wild horses that cannot be returned to their range.
 - E.** "Person" means an individual, partnership, association or operation.
 - F.** "Wild horses" means feral horses. Feral horses are horses existing in an untamed state having returned to a wild state from domestication.
- [21.30.5.7 NMAC - N, 7-15-05]

21.30.5.8 HORSE RESCUE OR RETIREMENT FACILITY REGISTRATION:

A. The board shall register facilities that meet the requirements of 21.30.5 NMAC. The board will follow the guidelines as established by the American association of equine practitioners (AAEP), an internationally recognized authority on equine care. Prior to registration, agents of the board will inspect said premise for adherence to the AAEP prescribed standards of care guidelines for equine rescue and retirement facilities, with the exception of wild horse facilities. Wild horse facilities will be inspected using the requirements set out in Subsection C of 21.30.5.10 NMAC.

(1) Any person desiring to operate a horse rescue or retirement facility in New Mexico shall file an application for registration with the board on such form(s) as the board shall prescribe, which application shall be signed by the applicant. The form(s) will contain at the very minimum the information as listed in the AAEP veterinary checklist for equine rescue and retirement facilities and any other information the board shall prescribe. The form(s) will be available at the board's office or may be downloaded from the board's website (www.newmexicolivestockboard.com).

(2) Every registration issued by the board to a horse rescue or retirement facility shall expire one year from the date of issuance. Renewal of such registration shall be made on renewal forms as prescribed by the board.

(3) The board shall provide an official registration document to registered facilities, and each facility owner shall display that registration document in a prominent place visible to the public.

(4) The board may extend registrations for a portion of a calendar year, in order to synchronize the periods of all registrations, so that the one year period of issue coincides with the calendar year.

(5) A facility shall use only humane horsemanship training methods.

(6) A facility shall not exceed the number of horses allowed by any applicable state, county, municipal, or zoning ordinances.

(7) A facility shall notify the board within fourteen (14) days of the introduction of any new horse to the facility.

(8) Foals born to horses owned by the facility shall be considered owned by the facility. Upon the birth of a foal from a horse not owned by the facility, the facility shall notify the board within fourteen (14) days, so the board can establish ownership.

B. The board shall annually consult with representatives from the equine industry, equine rescue organizations and veterinarians on facility standards.

[21.30.5.8 NMAC - N, 7-15-05; A, 07/15/14]

21.30.5.9 HORSE RESCUE OR RETIREMENT FACILITY REGISTRATION FEES:

A. The initial inspection and registration fee is two hundred fifty dollars (\$250.00) per facility.

B. The annual inspection and registration fee is one hundred dollars (\$100.00) per facility.

C. The re-inspection fee is one hundred dollars (\$100.00) per facility.

[21.30.5.9 NMAC - N, 7-15-05; A, 07/15/14]

21.30.5.10 HORSE RESCUE OR RETIREMENT FACILITIES, INSPECTIONS, RE-INSPECTION:

A. Prior to annual registration conducted in January of each year, each facility will be inspected by agents of the board.

B. The board or its agents may enter the premises of a facility to conduct unannounced inspections.

(1) The board or its agents may request, and the registrant must provide, all records pertaining to ownership, transportation, feed and care for all horses in the facility.

(2) Any violations of Chapters 30 or 77, NMSA 1978, or NMLB rule violations, may be reason to revoke the facility's registration.

C. Prior to annual registration of wild horse facilities, each facility will be inspected by agents of the board for adherence to standard of care guidelines in the following areas:

(1) Environment, including access to water, forage, salt and supplemental feeding with hay in winter;

(2) Veterinary care, including at least one annual visual check per horse and all other care as needed in consultation with an experienced veterinarian;

(3) Sanctuary maintenance, including proper fencing in accordance with Sections 77-16-4 through 77-16-8, NMSA 1978.

(4) Policies regarding quarantine, euthanasia, reproduction and emergencies specific to wild horses.

D. If, following an inspection, the board's agent determines that the facility does not meet the requirements as established by the American association of equine practitioners or the requirements for wild horse facilities established in Subsection C of 21.30.5.10 NMAC, the board's agent shall give the registrant written notice of the deficiencies on site. Within ten (10) days, the registrant must submit to the agent performing the inspection a written plan to remedy the deficiencies. The registrant and agent will then determine a mutually agreeable timeframe for the registrant to correct the deficiencies and schedule a re-inspection, which must occur no later than one hundred twenty (120) days after the initial inspection.

E. If the board determines that the health or safety of the horses is at risk because of the deficiencies, the board may authorize the removal of the horses.

F. The registrant shall remedy the deficiencies and submit written evidence to the board demonstrating compliance with board rules for the facility.

G. If on re-inspection the board determines that the facility is still deficient in those areas for which it has been given written notice, the horses may be impounded in accordance with the provisions of Section 77-18-2 NMSA 1978, and the board shall hold a hearing as provided in the Uniform Licensing Act to determine if the registration should be suspended or revoked.

[21.30.5.10 NMAC - N, 7-15-05; A, 07/15/14]

HISTORY OF 21.30.5 NMAC: [RESERVED]