The Legislature
of the
State of New Mexico

52nd Legislature, 1st Session

LAWS 2015

CHAPTER 140

SENATE BILL 489, as amended

Introduced by

SENATOR MARY KAY PAPEN
SENATOR GEORGE K. MUÑOZ
CHAPTER 140

AN ACT

RELATING TO HORSE RACING; REQUIRING THE TESTING FOR DRUGS AND
OTHER FOREIGN SUBSTANCES IN RACEHORSES TO FOLLOW OR EXCEED
STANDARDS IN INTERNATIONALLY RECOGNIZED MODEL RULES;
RECONCILING CONFLICTING AMENDMENTS TO THE SAME SECTION OF LAW
BY REPEALING LAWS 2013, CHAPTER 102, SECTION 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 60-1A-14 NMSA 1978 (being Laws 2007,
Chapter 39, Section 14, as amended by Laws 2013, Chapter 102,
Section 2 and by Laws 2013, Chapter 103, Section 3) is
amended to read:

"60-1A-14. TESTING SPECIMENS.--

A. The commission shall adopt rules applying to
the handling of pre- and post-race, out-of-competition and
necropsy testing of blood serum plasma, urine or other
appropriate test samples identified by the commission to be
taken from racehorses, following guidelines that meet or
exceed the standards established in model rules published by
the association of racing commissioners international,
incorporated, or a successor organization or, if none, by
another nationally recognized organization that has published
substantially similar guidelines that are generally accepted
in the horse racing industry as determined by the commission.

B. Each specimen taken from a racehorse shall be
divided into two or more equal samples, and:

(1) one sample shall be tested by the
commission or its designated laboratory in order to detect
the presence of unauthorized drugs, chemicals, stimulants,
depressants or other performance-altering substance as
defined by the association of racing commissioners
international, incorporated, or a successor organization or,
if none, by another nationally recognized organization that
has published substantially similar guidelines that are
generally accepted in the horse racing industry as determined
by the commission; and

(2) the second sample shall be forwarded by
the commission to the scientific laboratory division of the
department of health.

C. After a positive test result on the sample
tested by the commission or its designated laboratory and
upon a written request from the president, executive director
or manager of the New Mexico horsemen's association on forms
designated by the commission, the scientific laboratory
division shall transmit the corresponding second sample to
the New Mexico horsemen's association.

D. The scientific laboratory division shall keep
all samples in a controlled environment for a period of at
least three months.

E. The commission shall contract with an
independent laboratory to maintain a quality assurance
program. The laboratory shall meet or exceed the current
national laboratory standards for the testing of drugs or
other foreign substances in a horse, as established by the
association of racing commissioners international,
incorporated, or of a successor organization or, if none, of
another nationally recognized organization that has published
substantially similar guidelines that are generally accepted
in the horse racing industry."

SECTION 2. Section 60-1A-14.1 NMSA 1978 (being Laws
2013, Chapter 102, Section 1) is amended to read:

"60-1A-14.1. RACEHORSE TESTING FUND--CREATED--
PURPOSE.--The "racehorse testing fund" is created in the
state treasury. The purpose of the fund is to ensure the
testing of racehorses at a laboratory that meets or exceeds
the current national laboratory standards for the testing of
drugs or other foreign substances not naturally occurring in
a horse, as established by the association of racing
commissioners international, incorporated. The fund consists
of one-half of the daily capital outlay tax appropriated and
transferred pursuant to Paragraph (4) of Subsection A of
Section 60-1A-20 NMSA 1978 and appropriations, gifts, grants
and donations made to the fund. Income from investment of
the fund shall be credited to the fund. The commission shall
administer the racehorse testing fund, and money in the fund

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is appropriated to the commission for the handling of
pre- and post-race, out-of-competition and necropsy testing
of blood serum plasma, urine or other appropriate test
samples taken from racehorses pursuant to Section 60-1A-14
NMSA 1978, following guidelines that meet or exceed the
standards established in model rules published by the
association of racing commissioners international,
incorporated, or a successor organization or, if none, by
another nationally recognized organization that has published
substantially similar guidelines that are generally accepted
in the horse racing industry as determined by the commission.
Any unexpended or unencumbered balance remaining in the
racehorse testing fund at the end of a fiscal year in excess
of six hundred thousand dollars ($600,000) shall revert to
the general fund. Expenditures from the fund shall be made
on warrant of the secretary of finance and administration
pursuant to vouchers signed by the executive director of the
commission."

SECTION 3. REPEAL.--Laws 2013, Chapter 102, Section 2
is repealed.
Approved by me this 10th day of April, 2015

Governor Susana Martinez
State of New Mexico