

1 SENATE BILL 292

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 George K. Munoz

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10 AN ACT

11 RELATING TO HORSE RACING; PROVIDING FOR THE DENIAL OR
12 REVOCATION OF A LICENSE IF CERTAIN SUBSTANCES ARE FOUND IN A
13 RACEHORSE IN CERTAIN CASES EVEN IF THE SUBSTANCES MAY HAVE A
14 BENEFICIAL PURPOSE.

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

17 SECTION 1. Section 60-1A-11 NMSA 1978 (being Laws 2007,
18 Chapter 39, Section 11) is amended to read:

19 "60-1A-11. GRANTING A LICENSE--STANDARDS.--

20 A. A license shall not be issued or renewed unless
21 the applicant has satisfied the commission that the applicant:

22 (1) is of good moral character, honesty and
23 integrity;

24 (2) does not have prior activities, a criminal
25 record, a reputation, habits or associations that:

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underscored material = new
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1 (a) pose a threat to the public
2 interest;

3 (b) pose a threat to the effective
4 regulation and control of horse racing; or

5 (c) create or enhance the dangers of
6 unsuitable, unfair or illegal practices, methods and activities
7 in the conduct of horse racing, the business of operating a
8 horse racetrack or the financial activities incidental to
9 operating a horse racetrack;

10 (3) is qualified to be licensed consistent
11 with the Horse Racing Act;

12 (4) has sufficient business probity,
13 competence and experience in horse racing as determined by the
14 commission;

15 (5) has proposed financing that is sufficient
16 for the nature of the license and from a suitable source that
17 meets the criteria set forth in this subsection; and

18 (6) is sufficiently capitalized pursuant to
19 standards set by the commission to conduct the business covered
20 by the license.

21 B. The commission shall establish by rule
22 additional qualifications for a licensee as it deems in the
23 public interest.

24 C. A person issued or applying for an occupational
25 license who has positive test results for a controlled

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1 substance or who has been convicted of a violation of a federal
2 or state controlled substance law shall be denied a license or
3 shall be subject to revocation of an existing license unless
4 sufficient evidence of rehabilitation is presented to the
5 commission.

6 D. If the commission finds that an applicant for an
7 occupational license or an occupational licensee has been
8 convicted of any of the provisions of Subsection E of this
9 section, the applicant shall be denied the occupational license
10 or the occupational licensee shall have the occupational
11 license revoked. An occupational license shall not be issued
12 by the commission to an applicant or occupational licensee for
13 a period of five years from the date of denial or revocation
14 pursuant to this subsection.

15 E. An occupational license shall be denied or
16 revoked if the applicant or occupational licensee [~~for the~~
17 ~~purpose of stimulating or depressing a racehorse or affecting~~
18 ~~its speed or stamina during a race or workout]~~ is found to
19 have:

20 (1) administered, attempted to administer or
21 conspired to administer to a racehorse, internally, externally
22 or by injection, a drug, chemical, stimulant or depressant, or
23 other foreign substances not naturally occurring in a racehorse
24 [~~unless the applicant or occupational licensee has been~~
25 ~~specifically permitted to do so by the commission or a steward]~~

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underscoring material = new
~~[bracketed material] = delete~~

1 and known to the official chemist to stimulate or depress a
2 racehorse or to affect its speed or stamina during a race or
3 workout, notwithstanding a claim that the injection, drug,
4 chemical, stimulant or depressant or other foreign substance
5 has a use that is otherwise beneficial to a racehorse; or

6 (2) attempted to use, used or conspired with
7 others to use an electrical or mechanical device, implement or
8 instrument, except an ordinary whip, to stimulate or depress a
9 racehorse or to affect its speed or stamina during a race or
10 workout, unless the applicant or occupational licensee has been
11 specifically permitted by the commission or a steward to use
12 the device, implement or instrument.

13 F. The burden of proving the qualifications of an
14 applicant or licensee to be issued or have a license renewed
15 shall be on the applicant or licensee.

16 G. A determination by the commission of a matter
17 pursuant to this section shall be final and conclusive and not
18 subject to appeal."

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