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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

1 divided into two or more equal samples, and:

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

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

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

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

25 E. The commission shall contract with an

1 independent laboratory to maintain a quality assurance
2 program. The laboratory shall meet or exceed the current
3 national laboratory standards for the testing of drugs or
4 other foreign substances in a horse, as established by the
5 association of racing commissioners international,
6 incorporated, or of a successor organization or, if none, of
7 another nationally recognized organization that has published
8 substantially similar guidelines that are generally accepted
9 in the horse racing industry."

10 SECTION 2. Section 60-1A-14.1 NMSA 1978 (being Laws
11 2013, Chapter 102, Section 1) is amended to read:

12 "60-1A-14.1. RACEHORSE TESTING FUND--CREATED--
13 PURPOSE.--The "racehorse testing fund" is created in the
14 state treasury. The purpose of the fund is to ensure the
15 testing of racehorses at a laboratory that meets or exceeds
16 the current national laboratory standards for the testing of
17 drugs or other foreign substances not naturally occurring in
18 a horse, as established by the association of racing
19 commissioners international, incorporated. The fund consists
20 of one-half of the daily capital outlay tax appropriated and
21 transferred pursuant to Paragraph (4) of Subsection A of
22 Section 60-1A-20 NMSA 1978 and appropriations, gifts, grants
23 and donations made to the fund. Income from investment of
24 the fund shall be credited to the fund. The commission shall
25 administer the racehorse testing fund, and money in the fund

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

19 SECTION 3. REPEAL.--Laws 2013, Chapter 102, Section 2
20 is repealed. _____