

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 284

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

AN ACT

RELATING TO ANIMALS; AMENDING DEFINITIONS IN THE LIVESTOCK
CODE; ALLOWING FERTILITY CONTROL, RELOCATION AND ADOPTION OF
FREE-ROAMING HORSES UNDER CERTAIN CIRCUMSTANCES; ALLOWING A
FREE-ROAMING HORSE EXPERT TO IMPLEMENT FREE-ROAMING HORSE HERD
MANAGEMENT ACTIVITIES ON CERTAIN LAND THROUGH CERTAIN METHODS;
REQUIRING THE NEW MEXICO LIVESTOCK BOARD TO APPROVE THE
QUALIFICATIONS OF A FREE-ROAMING HORSE EXPERT; ALLOWING THE NEW
MEXICO LIVESTOCK BOARD TO MAKE RULES REGARDING THE APPROVAL OF
THE QUALIFICATIONS OF A FREE-ROAMING HORSE EXPERT; PROHIBITING
THE SLAUGHTER OR EXPORT FOR SLAUGHTER OF FREE-ROAMING HORSES;
PROVIDING A PENALTY.

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

SECTION 1. Section 77-2-1.1 NMSA 1978 (being Laws 1993,
Chapter 248, Section 2, as amended) is amended to read:

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underscored material = new
[bracketed material] = delete

1 "77-2-1.1. DEFINITIONS.--As used in The Livestock Code:

2 A. "animals" or "livestock" means all domestic or
3 domesticated animals that are used or raised on a farm or
4 ranch, including the carcasses thereof, and exotic animals in
5 captivity and includes equines, cattle, sheep, goats, swine,
6 bison, poultry, ostriches, emus, rheas, camelids and farmed
7 cervidae upon any land in New Mexico. "Animals" or "livestock"
8 does not include canine or feline animals or free-roaming
9 horses;

10 B. "bill of sale" means an instrument in
11 substantially the form specified in The Livestock Code by which
12 the owner or the owner's authorized agent transfers to the
13 buyer the title to animals described in the bill of sale;

14 C. "bison" or "buffalo" means a bovine animal of
15 the species bison;

16 D. "board" means the New Mexico livestock board;

17 E. "bond" means cash or an insurance agreement from
18 a New Mexico licensed surety or insurance corporation pledging
19 surety for financial loss caused to another, including
20 certificate of deposit, letter of credit or other surety as may
21 be approved by the grain inspection, packers and stockyards
22 administration of the United States department of agriculture
23 or the board;

24 F. "brand" means a symbol or device in a form
25 approved by and recorded with the board as may be sufficient to

1 readily distinguish livestock should they become intermixed
2 with other livestock;

3 G. "brand inspector" means an inspector who is not
4 certified as a peace officer;

5 H. "carcasses" means dead or dressed bodies of
6 livestock or parts thereof;

7 I. "cattle" means animals of the genus bos,
8 including dairy cattle, and does not include any other kind of
9 livestock;

10 J. "dairy cattle" means animals of the genus bos
11 raised not for consumption but for dairy products and
12 distinguished from meat breed cattle;

13 K. "director" means the executive director of the
14 board;

15 L. "disease" means a communicable, infectious or
16 contagious disease;

17 M. "district" means a livestock inspection
18 district;

19 N. "equine" means a horse, pony, mule, donkey or
20 hinny;

21 O. "equine rescue or retirement facility" means a
22 facility, including a public or private reserve or preserve,
23 that provides lifelong care or finds new owners for unwanted,
24 abused or neglected equines or captured free-roaming horses,
25 but does not include a federal facility;

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1 [~~Θ~~] P. "estray" means livestock found running at
2 large upon public or private lands, either fenced or unfenced,
3 whose owner is unknown, or that is branded with a brand that is
4 not on record in the office of the board or is a freshly
5 branded or marked offspring not with its branded or marked
6 mother, unless other proof of ownership is produced;

7 Q. "fertility control" means the reduction or
8 maintenance of the reproduction rate of animals or free-roaming
9 horses using castration or non-surgical contraceptives;

10 R. "free-roaming horse" means an unclaimed horse
11 found at large that is not an estray due to lack of evidence of
12 private ownership or domestication and does not include horses
13 subject to the jurisdiction of the federal government pursuant
14 to the federal Wild Free-Roaming Horses and Burros Act;

15 S. "free-roaming horse expert" means a person
16 registered and authorized by the board as qualified to perform
17 free-roaming horse or herd management services;

18 [~~P~~] T. "inspector" means a livestock or brand
19 inspector;

20 [~~Q~~] U. "livestock inspector" means a certified
21 inspector who is granted full law enforcement powers for
22 enforcement of The Livestock Code and other criminal laws
23 relating to livestock;

24 [~~R~~] V. "mark" means an ear tag or ownership mark
25 that is not a brand;

1 [~~S.~~] W. "meat" means the edible flesh of poultry,
2 birds or animals sold for human consumption and includes
3 livestock, poultry and livestock and poultry products;

4 [~~F.~~] X. "mule" means a hybrid resulting from the
5 cross of a horse and [~~an ass~~] a donkey; and

6 [~~U.~~] Y. "person" means an individual, firm,
7 partnership, association, corporation or similar legal entity."

8 SECTION 2. Section 77-2-30 NMSA 1978 (being Laws 2005,
9 Chapter 236, Section 1, as amended) is amended to read:

10 "77-2-30. EQUINE RESCUE OR RETIREMENT FACILITY--
11 REGISTRATION--BOARD POWERS AND DUTIES--FEES.--

12 A. As used in this section, "facility" means an
13 equine rescue or retirement facility. [~~including a private~~
14 ~~reserve or private preserve, that advertises or solicits for~~
15 ~~equines and provides lifelong care or finds new owners for~~
16 ~~equines that are unwanted or have been neglected or abused or~~
17 ~~captured wild equines that cannot be returned to their range]~~

18 B. A facility shall not operate in New Mexico
19 unless registered by the board.

20 C. The board shall:

21 (1) register facilities that meet the
22 requirements of this section and rules promulgated by the
23 board;

24 (2) [~~annually~~] consult with representatives
25 from the equine industry, equine rescue organizations and

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1 veterinarians on facility standards; and

2 (3) after consideration of recommendations by
3 national organizations for the care of unwanted equines and
4 equine rescue and retirement facilities, promulgate rules for
5 facilities, including:

6 (a) health and sanitary requirements;

7 (b) standards for barns, paddocks,
8 pastures and ranges;

9 (c) qualifications of the facility
10 staff;

11 (d) provision of veterinary care;

12 (e) feeding and watering requirements;

13 (f) transportation;

14 (g) a process to issue a temporary
15 capacity waiver to a facility for the purpose of transferring
16 equines in the custody of the board to a facility; and

17 (h) other requirements necessary to
18 ensure the humane care of equines.

19 D. The board may establish civil fines not
20 exceeding one thousand dollars (\$1,000) per violation for
21 violations of this section and rules related to equine rescue
22 and retirement facilities promulgated by the board.

23 [~~D.~~] E. The board may charge the following fees:

24 (1) an initial inspection and registration fee
25 of not more than two hundred fifty dollars (\$250);

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1 (2) an annual inspection and registration fee
2 of not more than one hundred dollars (\$100); and

3 (3) reinspection fees of not more than one
4 hundred dollars (\$100).

5 [~~E.~~] F. Fees collected pursuant to this section
6 shall be deposited in the New Mexico livestock board general
7 fund and may be used to carry out the provisions of this
8 section and Section 77-2-31 NMSA 1978."

9 SECTION 3. A new section of Chapter 77, Article 2 NMSA
10 1978 is enacted to read:

11 "[NEW MATERIAL] FREE-ROAMING HORSE EXPERT--APPROVAL OF
12 QUALIFICATIONS--RULES.--

13 A. A person shall not provide free-roaming horse or
14 herd management services, administer free-roaming horse
15 fertility control or capture a free-roaming horse for
16 relocation unless registered by the board as a free-roaming
17 horse expert; provided that this section shall not apply to:

18 (1) persons providing free-roaming horse or
19 herd management services prior to the effective date of this
20 2025 act who apply for registration as a free-roaming horse
21 expert within three months after the board promulgates rules
22 related to registration and subsequently become registered, or
23 who cease such free-roaming horse or herd management services;
24 or

25 (2) the federal bureau of land management or

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1 the federal forest service acting in accordance with applicable
2 federal law, regulations and policy.

3 B. A free-roaming horse expert shall meet or exceed
4 minimum qualifications to be registered by the board to perform
5 free-roaming horse or herd management services pursuant to
6 Section 77-18-5 NMSA 1978, including demonstrated expertise in:

- 7 (1) conducting free-roaming horse herd
8 surveys;
- 9 (2) determining the ownership status of land;
- 10 (3) analyzing the carrying capacity of land in
11 conjunction with environmental health; and
- 12 (4) understanding free-roaming horse habitat,
13 biology, behavior, management strategies and population
14 dynamics.

15 C. The board shall:

16 (1) promulgate rules regarding the
17 determination and approval of qualifications and registration
18 of free-roaming horse experts and may establish civil fines not
19 exceeding one thousand dollars (\$1,000) per violation for
20 violations of Subsection A of this section;

21 (2) register free-roaming horse experts that
22 meet the requirements of this section and the rules promulgated
23 by the board; and

24 (3) revoke the registration of a free-roaming
25 horse expert that fails to comply with Section 77-18-5 NMSA

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1 1978, or related rules, and apply other penalties that the
2 board deems appropriate.

3 D. The board may charge the following fees:

4 (1) an initial approval fee of not more than
5 five hundred dollars (\$500); and

6 (2) an annual registration fee of not more
7 than two hundred fifty dollars (\$250).

8 E. Fees collected pursuant to this section shall be
9 deposited in the New Mexico livestock board general fund and
10 may be used to carry out the provisions of this section."

11 SECTION 4. Section 77-18-5 NMSA 1978 (being Laws 2007,
12 Chapter 216, Section 1) is repealed and a new Section 77-18-5
13 NMSA 1978 is enacted to read:

14 "77-18-5. [NEW MATERIAL] FREE-ROAMING HORSES--HUMANE
15 MANAGEMENT--FERTILITY CONTROL--PROHIBITIONS.--

16 A. A state, county or municipal government or
17 governmental subdivision may enter into an agreement with a
18 registered free-roaming horse expert to conduct free-roaming
19 horse surveys and management and determine land carrying
20 capacity. If a registered free-roaming horse expert determines
21 as part of the agreement that the free-roaming horse or herd
22 exceeds the carrying capacity of the land inhabited, the expert
23 or the expert's agents may cause control of a free-roaming
24 horse or herd upon the approval of the appropriate landowner
25 through:

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1 (1) the use of fertility control via
2 immunocontraception or castration;

3 (2) humane capture and relocation to an equine
4 rescue or retirement facility, with permission of the facility,
5 having the capacity to accept free-roaming horses that is
6 registered with the board pursuant to Section 77-2-30 NMSA 1978
7 or an equivalent out-of-state facility that meets the board's
8 facility standards for lifelong sanctuary care or for the
9 purposes of adoption of the free-roaming horse or horses;

10 (3) humane capture and relocation to land,
11 with the permission of the landowner, that has the capacity to
12 sustain free-roaming horse herds or family bands; or

13 (4) for a horse determined by a veterinarian
14 licensed to practice in New Mexico to suffer from a medical
15 condition that significantly impacts the horse's quality of
16 life and cannot be reasonably treated, humane euthanasia.

17 B. A free-roaming horse captured and relocated to
18 an equine rescue or retirement facility pursuant to this
19 section shall be microchipped or freeze branded for individual
20 and ownership identification purposes.

21 C. A free-roaming horse expert shall not enter
22 private land or state land without the permission of the owner
23 or lessee of that land.

24 D. A free-roaming horse expert shall not engage in
25 herd management activities on federal land without the

1 appropriate federal entity's permission or on tribal land
2 without the appropriate tribal entity's permission.

3 E. Nothing in this section shall affect the federal
4 bureau of land management's or the United States forest
5 service's authority to manage free-roaming horses that are not
6 subject to the federal Wild Free-Roaming Horses and Burros Act
7 and found on lands administered by the federal bureau of land
8 management or the United States forest service, including the
9 federal bureau of land management's or the United States forest
10 service's authority to gather, remove and sell free-roaming
11 horses in accordance with applicable law, regulations and
12 policy.

13 F. A person shall not knowingly slaughter, sell for
14 slaughter, cause or allow to be slaughtered, transport for
15 slaughter or release from an equine rescue or retirement
16 facility or adoptive home into the wild a free-roaming horse.

17 A person who violates this subsection is guilty of a
18 misdemeanor and upon conviction shall be sentenced in
19 accordance with the provisions of Section 31-19-1 NMSA 1978.
20 Each free-roaming horse that is slaughtered, sold for
21 slaughter, caused or allowed to be slaughtered, transported for
22 slaughter or released in violation of this subsection
23 constitutes a separate offense.

24 G. As used in this section:

25 (1) "adoption" means the taking of custody and

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1 ownership of a free-roaming horse by a qualified individual who
2 has demonstrated to the equine rescue or retirement facility in
3 possession of that horse the capacity and intent to provide
4 humane treatment and care of the animal, including proper
5 feeding, sheltering, husbandry, handling and care;

6 (2) "carrying capacity" means the number of
7 free-roaming horses that a given amount of land can support
8 long-term while maintaining or improving healthy vegetation,
9 soil, water and free-roaming horse herds inhabiting that land,
10 taking into account human uses, including livestock grazing and
11 other agricultural uses, and wildlife populations;

12 (3) "humane capture" means to gather or move
13 free-roaming horses to a holding location using baited corrals
14 or other low-stress methods whenever feasible, but does not
15 include use of aircraft or motorized vehicles; and

16 (4) "humane euthanasia" means to produce a
17 humane death of an animal by standards deemed acceptable by the
18 board of veterinary medicine as set forth in the board's
19 rules."