

HOUSE BILL 284

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

INTRODUCED BY

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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 CONTROL THE POPULATION OF FREE-  
ROAMING HORSES 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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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;

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

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

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

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

23 F. "brand" means a symbol or device in a form  
24 approved by and recorded with the board as may be sufficient to  
25 readily distinguish livestock should they become intermixed

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1 with other livestock;

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

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

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

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

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

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

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

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

20 O. "estrays" means livestock found running at large  
21 upon public or private lands, either fenced or unfenced, whose  
22 owner is unknown, or that is branded with a brand that is not  
23 on record in the office of the board or is a freshly branded or  
24 marked offspring not with its branded or marked mother, unless  
25 other proof of ownership is produced;

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1           P. "free-roaming horse expert" means an individual,  
2 a corporation or an organization, including a corporation's or  
3 organization's contractors, determined by the board to possess  
4 qualifications, including demonstrated expertise in:

5                   (1) conducting free-roaming horse herd  
6 surveys;

7                   (2) analyzing the ownership status and animal  
8 carrying capacity of land in conjunction with environmental  
9 health; and

10                   (3) understanding free-roaming horse habitat,  
11 biology, behavior, management strategies and population  
12 dynamics;

13           [P-] Q. "inspector" means a livestock or brand  
14 inspector;

15           [Q-] R. "livestock inspector" means a certified  
16 inspector who is granted full law enforcement powers for  
17 enforcement of The Livestock Code and other criminal laws  
18 relating to livestock;

19           [R-] S. "mark" means an ear tag or ownership mark  
20 that is not a brand;

21           [S-] T. "meat" means the edible flesh of poultry,  
22 birds or animals sold for human consumption and includes  
23 livestock, poultry and livestock and poultry products;

24           [F-] U. "mule" means a hybrid resulting from the  
25 cross of a horse and [~~an ass~~] a donkey; and

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1                   [~~U-~~] V. "person" means an individual, firm,  
2 partnership, association, corporation or similar legal entity."

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

5                   "77-2-30. EQUINE RESCUE OR RETIREMENT FACILITY--  
6 REGISTRATION--BOARD POWERS AND DUTIES--FEES.--

7                   A. As used in this section, "facility" means an  
8 equine rescue or retirement facility, including a public or  
9 private reserve or [~~private~~] preserve, that [~~advertises or~~  
10 ~~solicits for equines and provides lifelong care or finds new~~  
11 ~~owners for equines that are unwanted or have been neglected or~~  
12 ~~abused or captured wild equines that cannot be returned to~~  
13 ~~their range~~] provides lifelong care or finds new owners for  
14 unwanted, abused or neglected equines or captured free-roaming  
15 horses, but does not include a federal facility.

16                   B. A facility shall not operate in New Mexico  
17 unless registered by the board.

18                   C. The board shall:

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

22                                 (2) annually consult with representatives from  
23 the equine industry, equine rescue organizations and  
24 veterinarians on facility standards; and

25                                 (3) after consideration of recommendations by

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1 national organizations for the care of unwanted equines and  
2 equine rescue and retirement facilities, promulgate rules for  
3 facilities, including:

- 4 (a) health and sanitary requirements;  
5 (b) standards for barns, paddocks,  
6 pastures and ranges;  
7 (c) qualifications of the facility  
8 staff;  
9 (d) provision of veterinary care;  
10 (e) feeding and watering requirements;  
11 (f) transportation;  
12 (g) a process to issue a temporary  
13 capacity waiver to a facility for the purpose of transferring  
14 equines in the custody of the board to a facility; and  
15 (h) other requirements necessary to  
16 ensure the humane care of equines.

17 D. The board may establish fines and penalties not  
18 exceeding one thousand dollars (\$1,000) per violation for  
19 violations of this section.

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

- 21 (1) an initial inspection and registration fee  
22 of not more than two hundred fifty dollars (\$250);  
23 (2) an annual inspection and registration fee  
24 of not more than one hundred dollars (\$100); and  
25 (3) reinspection fees of not more than one

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1 hundred dollars (\$100).

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

6 SECTION 3. A new section of Chapter 77, Article 2 NMSA  
7 1978 is enacted to read:

8 "[NEW MATERIAL] FREE-ROAMING HORSE EXPERT--APPROVAL OF  
9 QUALIFICATIONS--RULES.--

10 A. An individual, a corporation or an organization  
11 that provides free-roaming horse or herd management services,  
12 administers free-roaming horse fertility control or captures a  
13 free-roaming horse for relocation in New Mexico shall be  
14 registered by the board; provided that this subsection shall  
15 not apply to the federal bureau of land management or the  
16 United States forest service acting in accordance with  
17 applicable federal law, regulations and policy.

18 B. The board shall:

19 (1) promulgate rules regarding the  
20 determination and approval of qualifications and registration  
21 of free-roaming horse experts;

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

25 (3) revoke the registration of a free-roaming

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1 horse expert that fails to comply with Section 77-18-5 NMSA  
2 1978, or related rules, and apply other penalties that the  
3 board deems appropriate.

4 C. The board may charge the following fees:

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

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

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

12 SECTION 4. Section 77-18-5 NMSA 1978 (being Laws 2007,  
13 Chapter 216, Section 1) is amended to read:

14 "77-18-5. [~~WILD HORSES--CONFORMATION, HISTORY AND~~  
15 ~~DEOXYRIBONUCLEIC ACID TESTING--SPANISH COLONIAL HORSES--BIRTH]~~  
16 FREE-ROAMING HORSES--HUMANE MANAGEMENT--FERTILITY CONTROL--  
17 PROHIBITIONS.--

18 [~~A. As used in this section:~~

19 (1) ~~"public land" does not include federal~~  
20 ~~land controlled by the bureau of land management, the forest~~  
21 ~~service or state trust land controlled by the state land~~  
22 ~~office;~~

23 (2) ~~"range" means the amount of land necessary~~  
24 ~~to sustain a herd of wild horses, which does not exceed its~~  
25 ~~known territorial limits;~~

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1                   ~~(3) "Spanish colonial horse" means a wild~~  
2 ~~horse that is descended from horses of the Spanish colonial~~  
3 ~~period; and~~

4                   ~~(4) "wild horse" means an unclaimed horse on~~  
5 ~~public land that is not an estray.~~

6                   ~~B. A wild horse that is captured on public land~~  
7 ~~shall have its conformation, history and deoxyribonucleic acid~~  
8 ~~tested to determine if it is a Spanish colonial horse. If it~~  
9 ~~is a Spanish colonial horse, the wild horse shall be relocated~~  
10 ~~to a state or private wild horse preserve created and~~  
11 ~~maintained for the purpose of protecting Spanish colonial~~  
12 ~~horses. If it is not a Spanish colonial horse, it shall be~~  
13 ~~returned to the public land, relocated to a public or private~~  
14 ~~wild horse preserve or put up for adoption by the agency on~~  
15 ~~whose land the wild horse was captured.~~

16                   ~~C. If the mammal division of the museum of~~  
17 ~~southwestern biology at the university of New Mexico determines~~  
18 ~~that a wild horse herd exceeds the number of horses that is~~  
19 ~~necessary for preserving the genetic stock of the herd and for~~  
20 ~~preserving and maintaining the range, it may cause control of~~  
21 ~~the wild horse population through the use of birth control and~~  
22 ~~may cause excess horses to be:~~

23                   ~~(1) humanely captured and relocated to other~~  
24 ~~public land or to a public or private wild horse preserve;~~

25                   ~~(2) adopted by a qualified person for private~~

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1 maintenance; or

2 ~~(3) euthanized; provided that this option~~  
3 ~~applies only to wild horses that are determined by a~~  
4 ~~veterinarian to be crippled or otherwise unhealthy.]~~

5 A. A state, county or municipal government or  
6 governmental subdivision may enter into an agreement with a  
7 registered free-roaming horse expert to conduct free-roaming  
8 horse surveys and management and determine land carrying  
9 capacity. If a qualified free-roaming horse expert determines  
10 as part of such an agreement that the free-roaming horse or  
11 herd exceeds the carrying capacity of the land inhabited, as  
12 determined using the best available science, the expert, and  
13 that expert's employees, contractors and volunteers, may cause  
14 control of a free-roaming horse or herd upon the approval of  
15 the appropriate landowner through:

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

18 (2) humane capture and relocation to an equine  
19 rescue or retirement facility, with permission of the facility,  
20 having the capacity to accept free-roaming horses that is  
21 registered with the board pursuant to Section 77-2-30 NMSA 1978  
22 or an equivalent out-of-state facility that meets the board's  
23 facility standards for lifelong sanctuary care or for the  
24 purposes of adoption of the free-roaming horse or horses;

25 (3) humane capture and relocation to land,

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1 with the permission of the landowner, that has the capacity to  
2 sustain free-roaming horse herds or family bands; or

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

7 B. A free-roaming horse captured pursuant to this  
8 section and relocated to an equine rescue or retirement  
9 facility shall be microchipped or freeze branded for individual  
10 and ownership identification purposes.

11 C. Nothing in this section shall authorize a  
12 qualified free-roaming horse expert to engage in herd  
13 management activities on federal or tribal land.

14 D. Nothing in this section shall affect the federal  
15 bureau of land management's or the United States forest  
16 service's authority to manage free-roaming horses that are not  
17 subject to the federal Wild Free-Roaming Horses and Burros Act  
18 and found on lands administered by the federal bureau of land  
19 management or the United States forest service, including the  
20 federal bureau of land management's or the United States forest  
21 service's authority to gather, remove and sell free-roaming  
22 horses in accordance with applicable law, regulations and  
23 policy.

24 E. A person shall not slaughter, allow to be  
25 slaughtered, export for slaughter or release from a facility or

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1 adoptive home into the wild a free-roaming horse. A person who  
2 violates this subsection is guilty of a misdemeanor and upon  
3 conviction shall be sentenced in accordance with the provisions  
4 of Section 31-19-1 NMSA 1978. Each free-roaming horse that a  
5 person slaughters, allows to be slaughtered, exports for  
6 slaughter or releases constitutes a separate offense.

7 F. As used in this section:

8 (1) "adoption" means the taking of custody and  
9 ownership of a free-roaming horse by a qualified individual who  
10 has demonstrated to the equine rescue or retirement facility in  
11 possession of that horse the capacity and intent to provide  
12 humane treatment and care of the animal, including proper  
13 feeding, sheltering, husbandry, handling and care;

14 (2) "carrying capacity" means the number of  
15 free-roaming horses that a given amount of land can support  
16 long-term while maintaining or improving healthy vegetation,  
17 soil, water and free-roaming horse herds inhabiting that land,  
18 taking into account human uses and wildlife populations;

19 (3) "free-roaming horse" means an unclaimed  
20 horse found at large that is not an estray due to lack of  
21 evidence of private ownership or domestication and does not  
22 include horses subject to the jurisdiction of the federal  
23 government pursuant to the federal Wild Free-Roaming Horses and  
24 Burros Act;

25 (4) "humane capture" means to gather or move

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1 free-roaming horses to a holding location using baited corrals  
2 or other low-stress methods whenever feasible, but does not  
3 include use of aircraft or motorized vehicles;

4 (5) "humane euthanasia" means to produce a  
5 humane death of an animal by standards deemed acceptable by the  
6 board of veterinary medicine as set forth in the board's rules;  
7 and

8 (6) "qualified free-roaming horse expert"  
9 means an individual who has been approved by the board."