

TITLE 15 GAMBLING AND LIQUOR CONTROL
CHAPTER 2 HORSE RACING
PART 6 VETERINARY PRACTICES, EQUINE HEALTH, MEDICATION, AND TRAINER
RESPONSIBILITY

15.2.6.1 ISSUING AGENCY: New Mexico Racing Commission
[15.2.6.1 NMAC - Rp, 15 NMAC 2.6.1, 04/13/2001]

15.2.6.2 SCOPE: All persons participating in horse racing in New Mexico. Additional regulations may be cross-referenced in 15 NMAC 2.1, 15 NMAC 2.2, 15 NMAC 2.3, 15 NMAC 2.4, 15 NMAC 2.5, 15 NMAC 2.7 and 16.47.1 NMAC.
[15.2.6.2 NMAC - Rp, 15 NMAC 2.6.2, 04/13/2001]

15.2.6.3 STATUTORY AUTHORITY: Sections 60-1A-1 through 60-1A-30, NMSA 1978 provides the authority for the state racing commission to promulgate rules and regulations for enforcing Chapter 60 pertaining to horse race meetings in the state of New Mexico.
[15.2.6.3 NMAC - Rp, 15 NMAC 2.6.3, 04/13/2001; A, 09/15/09]

15.2.6.4 DURATION: Permanent.
[15.2.6.4 NMAC - Rp, 15 NMAC 2.6.4, 04/13/2001]

15.2.6.5 EFFECTIVE DATE: April 13, 2001 unless a later date is cited at the end of a section.
[15.2.6.5 NMAC - Rp, 15 NMAC 2.6.5, 04/13/2001]

15.2.6.6 OBJECTIVE: The objective of Part 6 of Chapter 2 is to describe requirements and procedures used to protect the integrity of horse racing, to ensure the health and welfare of race horses and to safeguard the interests of the public and the participants in racing.
[15.2.6.6 NMAC - Rp, 15 NMAC 2.6.6, 04/13/2001; A, 07/31/2012]

15.2.6.7 DEFINITIONS: Refer to 15.2.1.7 NMAC.
[15.2.6.7 NMAC - Rp, 15 NMAC 2.6.7, 04/13/2001]

15.2.6.8 VETERINARY PRACTICES:

A. VETERINARIANS UNDER AUTHORITY OF OFFICIAL VETERINARIAN:

Veterinarians licensed by the commission and practicing at any location under the jurisdiction of the commission are under the supervision of the official veterinarian and the stewards. The official veterinarian shall recommend to the stewards or the commission the discipline to be imposed upon a veterinarian who violates the rules.

B. TREATMENT RESTRICTIONS:

(1) Except as otherwise provided by this subsection, no person other than a veterinarian licensed to practice veterinary medicine in this jurisdiction and licensed by the commission may administer a prescription or controlled medication, drug, chemical or other substance (including any medication, drug, chemical or other substance by injection) to a horse at any location under the jurisdiction of the commission.

(2) This subsection does not apply to the administration of the following substances except in approved quantitative levels, if any, present in post-race samples or as they may interfere with post-race testing:

(a) a recognized non-injectable nutritional supplement or other substance approved by the official veterinarian;

(b) a non-injectable substance on the direction or by prescription of a licensed veterinarian;

(c) a non-injectable non-prescription medication or substance.

(3) No person shall possess on any location under the jurisdiction of the commission any of the following unless approved by the commission:

(a) any drug which is a narcotic, stimulant, or depressant, or any other substance or medication that has been prepared or packaged for injection by a hypodermic syringe, or hypodermic needle;

(b) any hypodermic syringe, hypodermic needle or any equipment associated with the aid of intravenous administration.

(4) At any location under the jurisdiction of the commission, veterinarians may use only one-time disposable needles, and shall dispose of them in a manner approved by the commission.

(5) If a person has a medical condition which makes it necessary to possess a prohibited item pursuant to Paragraph (3) of Subsection B of 15.2.6.8 NMAC, that person may:

- (a) request permission of the stewards or the commission in writing;
- (b) furnish a letter from a licensed physician explaining why it is necessary for the person to possess a prohibited item;
- (c) and must comply with any conditions and restrictions set by the stewards or the commission.

(6) If the licensee is a trainer the following requirements are to be followed: Commencing on the day of the alleged violation of Paragraph (3) of Subsection B of 15.2.6.8 NMAC, all of the trainer's horses that will be racing within 48 hours will be tested by the commission's official laboratory. Upon a finding of a violation by the board of stewards of Paragraph (3) of Subsection B of 15.2.6.8 NMAC payment of all costs for testing of the horses shall be borne by the trainer.

(7) The recommended penalty (in absence of mitigating circumstances) for violation of Paragraph (3) of Subsection B of 15.2.6.8 NMAC is a fifteen hundred dollar (\$1,500) fine and a six month suspension.

(8) Veterinarians shall not have contact with an entered horse on race day except for the administration of furosemide under the guidelines set forth in Subsection F of 15.2.6.9 NMAC unless approved by the official veterinarian or in an emergency situation. Should an emergency occur during evening hours, the veterinarian shall notify the official veterinarian as soon as possible the following morning.

C. VETERINARIAN'S REPORTS:

(1) Every veterinarian who treats a race horse at any location under the jurisdiction of the commission shall, in writing on a form approved by the commission, report to the official veterinarian the name of the horse treated, any medication, drug or substance administered or prescribed or administered, the name of the trainer of the horse, the date and time of treatment and any other information requested by the official veterinarian.

(2) The report shall be signed by the practicing veterinarian.

(3) The report will be made available to racing officials on request within a 48-hour period. Any such report is confidential and its content shall not be disclosed except in the course of an investigation of a possible violation of these rules or in a proceeding before the stewards or the commission, or to the trainer or owner of record at the time of treatment.

D. VETERINARY COMPLIANCE: The official veterinarian, racing veterinarian, and each practicing veterinarian shall comply with all federal and state statutes and applicable rules regulating veterinary practices as may be promulgated by the New Mexico board of veterinary medicine and the New Mexico board of pharmacy.

[15.2.6.8 NMAC - Rp, 15 NMAC 2.6.8, 04/13/2001; A, 07/15/2002; A, 02/15/2012; A, 07/31/2012]

15.2.6.9 MEDICATIONS AND PROHIBITED SUBSTANCES: The "uniform classification guidelines for foreign substances and recommended penalties and model rule", revised December 2011, version 3.00 as issued by the association of racing commissioners international, is incorporated by reference. Upon a finding of a violation of any medication and prohibited substances rule, which includes the possession of contraband as listed in Subsection I of 15.2.6.9 NMAC, the stewards shall consider the classification level of the violation as listed at the time of the violation by the uniform classification guidelines of foreign substances as promulgated by the association of racing commissioners international and impose penalties and disciplinary measures as determined by the New Mexico racing commission.

A. UNIFORM CLASSIFICATION GUIDELINES: The following outline describes the types of substances placed in each category. This list shall be publicly posted in the offices of the official veterinarian and the racing secretary.

(1) **Class 1** - Opiates, opium derivatives, synthetic opioids, psychoactive drugs, amphetamines and U.S. drug enforcement agency (DEA) scheduled I and II drugs. Also found in this class are drugs which are potent stimulants of the nervous system. Drugs in this class have no generally accepted medical use in the race horse and their pharmacological potential for altering the performance of a race is very high.

(2) **Class 2** - Drugs in this category has a high potential for affecting the outcome of a race. Most are not generally accepted as therapeutic agents in the race horse. Many are products intended to alter consciousness or the psychic state of humans, and have no approved or indicated use in the horse. Some, such as injectable local anesthetics, have legitimate use in equine medicine, but should not be found in a race horse. The following groups of drugs are in this class.

(a) Opiate partial agonists, or agonist-antagonists.

- (b) Non-opiate psychotropic drugs, which may have stimulant, depressant, analgesic or neuroleptic effects.
 - (c) Miscellaneous drugs which might have a stimulant effect on the central nervous system (CNS).
 - (d) Drugs with prominent CNS depressant action.
 - (e) Antidepressant and antipsychotic drugs, with or without prominent CNS stimulatory or depressant effects.
 - (f) Muscle blocking drugs, which have a direct neuromuscular blocking action.
 - (g) Local anesthetics, which have a reasonable potential for use as nerve blocking agents (except procaine).
 - (h) Snake venoms and other biologic substances, which may be used as nerve blocking agents.
- (3) **Class 3** - Drugs in this class may or may not have an accepted therapeutic use in the horse. Many are drugs that affect the cardiovascular, pulmonary and autonomic nervous systems. They all have the potential of affecting the performance of a race horse. The following groups of drugs are in this class.
- (a) Drugs affecting the autonomic nervous system which do not have prominent CNS effects, but which do have prominent cardiovascular or respiratory system effects (bronchodilators are included in this class).
 - (b) A local anesthetic, which has nerve blocking potential but also has a high potential for producing urine residue levels from a method of use not related to the anesthetic effect of the drug (procaine).
 - (c) Miscellaneous drugs with mild sedative action, such as the sleep inducing antihistamines.
 - (d) Primary vasodilating/hypotensive agents.
 - (e) Potent diuretics affecting renal function and body fluid composition.
- (4) **Class 4** - This category is comprised primarily of therapeutic medications routinely used in race horses. These may influence performance, but generally have a more limited ability to do so. Groups of drugs assigned to this category include the following.
- (a) Non-opiate drugs which have a mild central analgesic effect.
 - (b) Drugs affecting the autonomic nervous system, which do not have prominent CNS, cardiovascular, or respiratory effects.
 - (i) Drugs used solely as topical vasoconstrictors or decongestants.
 - (ii) Drugs used as gastrointestinal antispasmodics.
 - (iii) Drugs used to void the urinary bladder.
 - (iv) Drugs with a major effect on CNS vasculature or smooth muscle of visceral organs.
 - (c) Antihistamines, which do not have a significant CNS depressant effect (This does not include H1 blocking agents, which are listed in class 5).
 - (d) Mineralocorticoid drugs.
 - (e) Skeletal muscle relaxants.
 - (f) Anti-inflammatory drugs--those that may reduce pain as a consequence of their anti-inflammatory actions, which include.
 - (i) Non-steroidal anti-inflammatory drugs (NSAIDs), except for those specifically approved by the commission.
 - (ii) Corticosteroids (glucocorticoids).
 - (iii) Miscellaneous anti-inflammatory agents.
 - (g) Anabolic or androgenic steroids and other drugs.
 - (h) Less potent diuretics.
 - (i) Cardiac glycosides and antiarrhythmics including.
 - (i) Cardiac glycosides.
 - (ii) Antiarrhythmics agents (exclusive of lidocaine, bretylium and propanolol).
 - (iii) Miscellaneous cardiotoxic drugs.
 - (j) Topical anesthetics--agents not available in injectable formulations.
 - (k) Antidiarrheal agents.
 - (l) Miscellaneous drugs including:
 - (i) expectorants with little or no other pharmacologic action;
 - (ii) stomachics;
 - (iii) mucolytic agents.

(5) **Class 5** - Drugs in this category are therapeutic medications for which concentration limits have been established as well as certain miscellaneous agents. Included specifically are agents, which have very localized action only, such as anti-ulcer drugs and certain antiallergic drugs. The anticoagulant drugs are also included.

B. PENALTIES:

(1) In issuing penalties against individuals found guilty of medication and drug violations, a regulatory distinction shall be made between the detection of therapeutic medications used routinely to treat racehorses and those drugs that have no reason to be found at any concentration in the test sample on race day.

(2) The stewards or the commission will use the association of racing commissioner's international recommended penalty as a starting place in the penalty stage of the deliberations for a rule violation for any drug listed in the association of racing commissioners international uniform classification guidelines for foreign substances.

(3) If a licensed veterinarian is administering or prescribing a drug not listed in the association of racing commissioners international uniform classification guidelines for foreign substances, the identity of the drug shall be forwarded to the New Mexico racing commission designee to be forwarded to the racing medication and testing consortium for classification.

(4) Any drug or metabolite thereof found to be presenting a pre- or post-race sample which is not classified in the association of racing commissioners international uniform classification guidelines for foreign substances shall be assumed to be an association of racing commissioners international class 1 drug and the trainer and owner shall be subject to those penalties as set forth in penalty category A unless satisfactorily demonstrated otherwise by the racing medication and testing consortium, with a penalty category assigned.

(5) The penalty categories and their related schedules, if applicable, shall be on the following criteria:
(a) whether the drug is approved by the U.S. food and drug administration for use in the horse;
(b) whether the drug is approved by the U.S. food and drug administration for use in any species;

(c) whether the drug as approved has any legitimate therapeutic application in the equine athlete;

(d) whether the drug was identified as "necessary" by the racing medication and testing consortium veterinary advisory committee;

(e) whether legitimate, recognized therapeutic alternate exist, and;

(f) the association of racing commissioners international classification of the drug.

(6) The penalty categories A, B, and C and their related schedules for trainers and owners are shown in Subsection C of 15.2.6.8 NMAC.

(7) The recommended penalty for a violation involving a drug that carries a category "D" penalty is a written warning to the trainer and owner. Multiple violations may result in fines or suspensions.

(8) Any licensee of the commission, including veterinarians, found responsible for the improper or intentional administration of any drug resulting in a positive test may, after proper notice and hearing, be subject to the same penalties set forth for the licensed trainer.

(9) The licensed owner, veterinarian or any other licensed party involved in a positive laboratory finding shall be notified in writing of the hearing and any resulting action. In addition their presence may be required at any and all hearings relative to the case.

(10) Any veterinarian found to be involved in the administration of any drug carrying the penalty category of "A" shall be referred to the state licensing board of veterinary medicine for consideration of further disciplinary action or license revocation. This is in addition to any penalties issued by the stewards or the commission.

(11) Any person who the stewards or the commission believe may have committed acts in violation of criminal statutes may be referred to the appropriate law enforcement agency. Administrative action taken by the stewards or the commission does not prohibit a prosecution for a criminal act, nor does a potential criminal prosecution stall administrative action by the stewards or the commission.

(12) Procedures shall be established to ensure that a licensed trainer is not able to benefit financially during the period for which the individual has been suspended. This includes, but is not limited to, ensuring that horses are not transferred to a licensed person within the first degree of affinity (marriage relationship) or first degree of consanguinity (blood relationship):

(a) first degree of affinity shall mean license holder's spouse or spouse's mother, father brother, sister, son or daughter;

(b) first degree of consanguinity shall mean license holder's mother, father, brother, sister, son or daughter.

C. PENALTY RECOMMENDATIONS:

(1) Category A penalties will be assessed against a trainer for violations due to the presence of a drug carrying a category A penalty. Recommended penalties for category A violations for a licensed trainer are as follows.

(a) First offense shall be a minimum one-year suspension to a maximum three-year suspension, a fine of \$10,000 or 10% of total purse (greater of the two) and may be referred to the commission for any further action deemed necessary by the commission.

(b) Second lifetime offense in any jurisdiction shall be a minimum three-year suspension with a maximum license revocation with no reapplication for a three-year period, a fine of \$10,000 or 25% of total purse (greater of the two), and may be referred to the commission for further action deemed necessary by the commission.

(c) Third lifetime offense in any jurisdiction shall be a minimum five-year suspension with a maximum of license revocation with no reapplication for a five-year period, a fine of \$10,000 or 50% of the purse (whichever of the two is greater), and may be referred to the commission for any further action deemed necessary by the commission.

(2) Category A penalties will be assessed against an owner for violations due to the presence of a drug carrying a category A penalty. Recommended penalties for category A violations for a licensed owner are as follows.

(a) First offense shall be disqualification, loss of purse and horse shall be placed on the veterinarian's list for 90 days and must pass a commission-approved examination before becoming eligible to be entered.

(b) Second lifetime offense in owner's stable in any jurisdiction shall be disqualification, loss of purse and horse shall be placed on the veterinarian's list for 120 days and must pass a commission-approved examination before becoming eligible to be entered.

(c) Third lifetime offense in owner's stable in any jurisdiction shall be disqualification, loss of purse, \$10,000 fine, horse shall be placed on the veterinarian's list for 180 days and must pass a commission-approved examination before becoming eligible to be entered, and referral to the commission with a recommendation of a suspension for a minimum of 90 days.

(3) Category B penalties will be assessed against a trainer for violations due to the presence of a drug carrying a category B penalty and for the presence of more than one NSAID in a plasma/serum sample. Recommended penalties for category B violations and for the presence of more than one NSAID in a plasma/serum sample for a licensed trainer are as follows.

(a) First offense shall be a minimum 15-day suspension to a maximum 60-day suspension and \$500 to \$1,000 fine.

(b) Second offense within a 365-day period in any jurisdiction shall be a minimum 30-day suspension to a maximum 180-day suspension and a minimum \$1,000 to a maximum \$2,500 fine.

(c) Third offense within a 365-day period in any jurisdiction shall be a 60-day suspension to a maximum one year suspension, a minimum \$2,500 to a maximum \$5,000 fine or 5% of purse (greater of the two) and may be referred to the commission for any further action deemed necessary by the commission.

(4) Category B penalties will be assessed against a licensed owner for violations due to the presence of a drug carrying a category B penalty and for the presence of more than one NSAID in a plasma/serum sample. Recommended penalties for category B violations and for the presence of more than one NSAID in a plasma/serum sample.

(a) First offense shall be disqualification, loss of purse and horse must pass a commission-approved examination before becoming eligible to be entered.

(b) Second offense in stable with a 365-day period in any jurisdiction shall be disqualification, loss of purse and horse must pass a commission-approved examination before becoming eligible to be entered.

(c) Third offense in stable within a 365-day period in any jurisdiction shall be disqualification, loss of purse, \$5,000 fine and horse shall be placed on the veterinarian's list for 45 days and must pass a commission-approved examination before becoming eligible to be entered.

(5) Category C penalties will be assessed against a licensed trainer for violations due to the presence of a drug carrying a category C penalty and overages for NSAID's and furosemide (all concentrations are for measurements in serum or plasma). Recommended penalties for category C violations, overages for permitted NSAID's and furosemide are as follows.

(a) First offense in the following levels within a 365-day period in any jurisdiction shall be a minimum of a written warning to a maximum of a \$500 fine:

(i) 2.1 micrograms per milliliter to 5.0 micrograms per milliliter of phenylbutazone; or

- (ii) 21 nanograms per milliliter to 100 nanograms per milliliter of flunixin; or
- (iii) 11 nanograms per milliliter to 50 nanograms per milliliter of ketoprofen; or
- (iv) 101 nanograms per milliliter of furosemide; or
- (v) no furosemide when identified as administered.

(b) Second offense in the following levels within a 365-day period in any jurisdiction shall be a minimum of a written warning to a maximum \$750 fine:

- (i) 2.1 micrograms per milliliter to 5.0 micrograms per milliliter of phenylbutazone; or
- (ii) 21 nanograms per milliliter to 100 nanograms per milliliter of flunixin; or
- (iii) 11 nanograms per milliliter to 50 nanograms per milliliter of ketoprofen; or
- (iv) 101 nanograms per milliliter of furosemide; or
- (v) no furosemide when identified as administered.

(c) Third offense in the following levels within a 365-day period in any jurisdiction shall be a minimum of \$500 fine to a maximum fine of \$1,000:

- (i) 2.1 micrograms per milliliter to 5.0 micrograms per milliliter of phenylbutazone; or
- (ii) 21 nanograms per milliliter to 100 nanograms per milliliter of flunixin; or
- (iii) 11 nanograms per milliliter to 50 nanograms per milliliter of ketoprofen; or
- (iv) 101 nanograms per milliliter of furosemide; or
- (v) no furosemide when identified as administered.

(d) First offense in the following levels within a 365-day period in any jurisdiction shall be a minimum \$1,000 fine:

- (i) 5.1 micrograms per milliliter of phenylbutazone; or
- (ii) 101 nanograms per milliliter of flunixin; or
- (iii) 51 nanograms per milliliter of ketoprofen; or
- (iv) class C violations.

(e) Second offense in the following levels within a 365-day period in any jurisdiction shall be a minimum \$1,500 fine and a 15-day suspension:

- (i) 5.1 micrograms per milliliter of phenylbutazone; or
- (ii) 101 nanograms per milliliter of flunixin; or
- (iii) 51 nanograms per milliliter of ketoprofen; or
- (iv) class C violations.

(f) Third offense in the following levels within a 365-day period in any jurisdiction shall be a minimum \$2,500 fine and a 30-day suspension:

- (i) 5.1 micrograms per milliliter of phenylbutazone; or
- (ii) 101 nanograms per milliliter of flunixin; or
- (iii) 51 nanograms per milliliter of ketoprofen; or
- (iv) class C violations.

(6) Category C penalties will be assessed against a licensed owner for violations due to the presence of a drug carrying a category C penalty and overages for NSAID's and furosemide (all concentrations are for measurements in serum or plasma). Recommended penalties for category C violations, overages for permitted NSAID's and furosemide are as follows.

(a) First offense in the following levels within a 365-day period in any jurisdiction the horse may be required to pass commission-approved examination before being eligible to run:

- (i) 2.1 micrograms per milliliter to 5.0 micrograms per milliliter of phenylbutazone; or
- (ii) 21 nanograms per milliliter to 100 nanograms per milliliter of flunixin; or
- (iii) 11 nanograms per milliliter to 50 nanograms per milliliter of ketoprofen; or
- (iv) 101 nanograms per milliliter of furosemide; or
- (v) no furosemide when identified as administered.

(b) Second offense in the following levels within a 365-day period in any jurisdiction the horse may be required to pass a commission-approved examination before being eligible to run:

- (i) 2.1 micrograms per milliliter to 5.0 micrograms per milliliter of phenylbutazone; or
- (ii) 21 nanograms per milliliter to 100 nanograms per milliliter of flunixin; or
- (iii) 11 nanograms per milliliter to 50 nanograms per milliliter of ketoprofen; or
- (iv) 101 nanograms per milliliter of furosemide; or
- (v) no furosemide when identified as administered.

(c) Third offense in the following levels within a 365-day period in any jurisdiction shall be disqualification, loss of purse and horse must pass a commission-approved examination before being eligible to run:

- (i) 2.1 micrograms per milliliter to 5.0 micrograms per milliliter of phenylbutazone; or
- (ii) 21 nanograms per milliliter to 100 nanograms per milliliter of flunixin; or
- (iii) 11 nanograms per milliliter to 50 nanograms per milliliter of ketoprofen; or
- (iv) 101 nanograms per milliliter of furosemide; or
- (v) no furosemide when identified as administered.

(d) First offense in the following levels within a 365-day period in any jurisdiction shall a loss of purse and horse must pass a commission-approved examination before being eligible to run:

- (i) 5.1 micrograms per milliliter of phenylbutazone; or
- (ii) 101 nanograms per milliliter of flunixin; or
- (iii) 51 nanograms per milliliter of ketoprofen; or
- (iv) class C violations.

(e) Second offense in the following levels within a 365-day period in any jurisdiction shall be a loss of purse and if same horse, that horse will be placed on a veterinarian's list for 45 days and must pass a commission approved examination before being eligible to run:

- (i) 5.1 micrograms per milliliter of phenylbutazone; or
- (ii) 101 nanograms per milliliter of flunixin; or
- (iii) 51 nanograms per milliliter of ketoprofen; or
- (iv) class C violations.

(f) Third offense in the following levels within a 365-day period in any jurisdiction shall be a loss of purse, minimum \$5,000 fine and if same horse that horse shall be placed on veterinarian's list for 60 days and must pass commission-approved examination before being eligible to run:

- (i) 5.1 micrograms per milliliter of phenylbutazone; or
- (ii) 101 nanograms per milliliter of flunixin; or
- (iii) 51 nanograms per milliliter of ketoprofen; or
- (iv) class C violations.

(7) If the trainer has not had more than one violation within the previous two years, the stewards may issue a warning in lieu of a fine provided the reported level in phenylbutazone is below 3.0 micrograms per milliliter.

(8) After a two-year period, if a licensee has had no further violations, any penalty due to an overage in the 2.0-5.0 micrograms per milliliter in phenylbutazone will be expunged from the licensee's record for penalty purposes.

D. MEDICATION RESTRICTIONS:

(1) A finding by the commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race. Prohibited substances include: drugs or medications for which no acceptable levels have been established; therapeutic medications in excess of established acceptable levels; substances present in the horse in excess of levels at which such substances could occur naturally; substances foreign to a horse at levels that cause interference with testing procedures.

(2) Drugs or medications in horses are permissible, provided: the drug or medication is listed by the association of racing commissioners international's drug testing standards and practices program; the maximum permissible urine or blood concentration of the drug or medication does not exceed the published limit.

(3) Except as otherwise provided by this part, a person may not administer or cause to be administered by any means to a horse a prohibited drug, medication, chemical or other substance, including any restricted medication pursuant to this part during the 24-hour period before post time for the race in which the horse is entered.

E. NON-STEROIDAL ANTI-INFLAMMATORY DRUGS (NSAIDs): The use of one of three approved NSAIDs shall be permitted under the following conditions.

(1) **Phenylbutazone:** The use of phenylbutazone shall be permitted under the following conditions: Any horse to which phenylbutazone has been administered shall be subject to having a blood and/or urine sample(s) taken at the direction of the official veterinarian to determine the quantitative phenylbutazone level(s) and/or the presence of other drugs which may be present in the blood or urine sample(s). The permitted quantitative test level of phenylbutazone or oxyphenbutazone shall be administered in such dosage amount that the official test sample shall not exceed 2 micrograms per milliliter of plasma.

(2) **Flunixin:** In addition to phenylbutazone and furosemide, flunixin may be administered in such dosage amount that the official test sample shall not exceed 20 nanograms per milliliter of the drug substance, its metabolites, or analogs, per milliliter of blood plasma.

(3) **Ketoprofen:** In addition to phenylbutazone and furosemide, ketoprofen may be administered in such dosage amount that the official test sample shall not exceed 10 nanograms per milliliter of the drug substance, its metabolites, or analogs, per milliliter of plasma.

(4) These or any other NSAIDs are prohibited to be administered within the 24 hours before post time for the race in which the horse is entered.

(5) The presence of more than one of the three approved NSAIDs, with the exception of phenylbutazone in a concentration below 2 micrograms per milliliter of serum or plasma or any unapproved NSAID in the post-race serum or plasma sample is not permitted. The use of all but one of the approved NSAIDs shall be discontinued at least 48 hours before the post time for the race in which the horse is entered.

F. FUROSEMIDE:

(1) Furosemide (**Salix**) may be administered intravenously to a horse, which is entered to compete in a race. Except under the instructions of the official veterinarian for the purpose of removing a horse from the veterinarian's list or to facilitate the collection of a post-race urine sample, furosemide (**Salix**) shall be permitted only after the trainer enters the horse on the bleeder list by so declaring it as a bleeder on the entry card.

(2) The use of furosemide (**Salix**) shall be permitted under the following circumstances on association grounds where a detention barn is utilized: furosemide (**Salix**) shall be administered no less than three hours prior to post time for a quarter horse race for which the horse is entered and no less than four hours prior to post time for a thoroughbred race for which a horse is entered. A horse qualified for a furosemide (**Salix**) administration must be brought to the detention barn one hour prior to the three-hour or four-hour administration requirement specified above. After treatment, the horse shall be required by the commission to remain in the detention barn in the care, custody and control of its trainer or the trainer's designated representative under association or commission security supervision until called to the saddling paddock.

(3) The use of furosemide (**Salix**) shall be permitted under the following circumstances on association grounds where a detention barn is not utilized: furosemide (**Salix**) shall be administered no less than three hours prior to post time for a quarter horse race for which the horse is entered and no less than four hours prior to post time for a thoroughbred race for which a horse is entered; the horse must be logged in at the stable gate with time and location no less than one hour prior to administration; the furosemide (**Salix**) dosage administered shall not exceed 250 milligrams nor be less than 100 milligrams for horses entered in a quarter horse race and the furosemide (**Salix**) dosage administered shall not exceed 500 milligrams nor be less than 150 milligrams for horses entered in a thoroughbred race; the trainer of the treated horse shall cause to be delivered to the official veterinarian or his/her designee no later than one hour prior to post time for the race for which the horse is entered the following information under oath on a form provided by the commission: the racetrack name, the date and time the furosemide (**Salix**) was administered to the entered horse; the dosage amount of furosemide (**Salix**) administered to the entered horse; the printed name and signature of the attending licensed veterinarian who administered the furosemide (**Salix**).

(4) The specific gravity of post race urine samples may be measured to ensure that samples are sufficiently concentrated for proper chemical analysis. The specific gravity shall not be below 1.010. If the specific gravity of the urine is found to be below 1.010 or if a urine sample is unavailable for testing, quantitation of furosemide in serum or plasma shall be performed.

(5) Quantitation of furosemide in serum or plasma shall be performed when specific gravity of the corresponding urine sample is not measured or if measured below 1.010. Concentrations may not exceed 100 nanograms of furosemide per milliliter of serum or plasma.

G. BLEEDER LIST:

(1) The official veterinarian shall maintain a bleeder list of all horses, which have been certified as bleeder horses. Such certified horses must have been entered by the trainer as a bleeder to obtain certification.

(2) The confirmation of a bleeder horse must be certified in writing by the official veterinarian or the racing veterinarian and entered on the bleeder list. Copies of the certification shall be issued to the owner of the horse or the owner's designee upon request. A copy of the bleeder certificate shall be attached to the horse's certificate of registration.

(3) Every confirmed bleeder, regardless of age, shall be placed on the bleeder list.

(4) A horse may be removed from the bleeder list only upon the direction of the official veterinarian, who shall certify in writing to the stewards the recommendation for removal and only after remaining on the bleeder list for a minimum of 60 days.

(5) A horse, which has been placed on a bleeder list in another jurisdiction, may be placed on a bleeder list in this jurisdiction by entering the horse into a race by so declaring it on the entry card as a bleeder in another jurisdiction.

H. PERMISSIBLE MEDICATIONS WITH ACCEPTABLE LEVELS: The official urine test sample may contain one of the following drug substances, their metabolites or analogs, in any amount that does not exceed the specified levels.

(1) **Acepromazine:** The use of acepromazine shall be permitted under the following conditions: any horse to which acepromazine has been administered shall be subject to having a blood sample, or a urine sample or both taken at the direction of the official veterinarian to determine the quantitative level(s) or the presence of other drugs, which may be present in the blood or urine sample. The permitted quantitative test level of acepromazine shall not exceed 25 nanograms per milliliter of urine, or its blood equivalent.

(2) **Albuterol:** The use of albuterol shall be permitted under the following conditions: any horse to which albuterol has been administered shall be subject to having a blood and urine sample(s) taken at the direction of the official veterinarian to determine the quantitative level(s) or the presence of other drugs, which may be present in the blood or urine sample. The permitted quantitative test level of albuterol shall not exceed 1 nanogram per milliliter of urine, or its blood equivalent. If albuterol is detected in the urine, it must be confirmed in the blood to be a violation.

(3) **Atropine:** The use of atropine shall be permitted under the following conditions: any horse to which atropine has been administered shall be subject to having a blood sample or a urine sample or both taken at the direction of the official veterinarian to determine the quantitative level(s) or the presence of other drugs, which may be present in the blood or urine sample. The permitted quantitative test level of atropine shall not exceed 10 nanograms per milliliter of urine, or its blood equivalent.

(4) **Benzocaine:** The use of benzocaine shall be permitted under the following conditions: any horse to which benzocaine has been administered shall be subject to having a blood sample or a urine sample or both taken at the direction of the official veterinarian to determine the quantitative level(s) or the presence of other drugs, which may be present in the blood or urine sample. The permitted quantitative test level of benzocaine shall not exceed 50 nanograms per milliliter of urine, or its blood equivalent.

(5) **Mepivacaine:** The use of mepivacaine shall be permitted under the following conditions: any horse to which mepivacaine has been administered shall be subject to having a blood sample or a urine sample or both taken at the direction of the official veterinarian to determine the quantitative level(s) or the presence of other drugs, which may be present in the blood or urine sample. The permitted quantitative test level of mepivacaine shall not exceed 10 nanograms per milliliter of urine, or its blood equivalent.

(6) **Procaine:** The use of procaine shall be permitted under the following conditions: any horse to which procaine has been administered shall be subject to having a blood sample or a urine sample or both taken at the direction of the official veterinarian to determine the quantitative level(s) or the presence of other drugs, which may be present in the blood or urine sample. The permitted quantitative test level of procaine shall not exceed 50 nanograms per milliliter of urine, or its blood equivalent.

(7) **Promazine:** The use of promazine shall be permitted under the following conditions: any horse to which promazine has been administered shall be subject to having a blood sample or a urine sample or both taken at the direction of the official veterinarian to determine the quantitative level(s) or the presence of other drugs, which may be present in the blood or urine sample. The permitted quantitative test level of promazine shall not exceed 25 nanograms per milliliter of urine, or its blood equivalent.

(8) **Salicylates:** The use of salicylates shall be permitted under the following conditions: any horse to which salicylates have been administered shall be subject to having a blood sample or a urine sample or both taken at the direction of the official veterinarian to determine the quantitative level(s) or the presence of other drugs, which may be present in the blood or urine sample. The permitted quantitative test level of salicylates shall not exceed 750 micrograms per milliliter of urine, or its blood equivalent.

(9) **Butorphanol:** The use of butorphanol shall be permitted under the following conditions: any horse to which butorphanol has been administered shall be subject to having a blood sample or a urine sample or both taken at the direction of the official veterinarian to determine the quantitative level(s) or the presence of other drugs, which may be present in the blood or urine sample. The permitted quantitative test level of butorphanol shall be administered in such dosage amount that the official test sample shall not exceed 10 nanograms per milliliter of urine, or its blood equivalent.

(10) **Detomidine:** The use of detomidine shall be permitted under the following conditions: any horse to which detomidine has been administered shall be subject to having a blood sample or a urine sample or both taken at the direction of the official veterinarian to determine the quantitative level(s) or the presence of other drugs,

which may be present in the blood or urine sample. The permitted quantitative test level of detomidine shall be administered in such dosage amount that the official test sample shall not exceed 100 nanograms per milliliter of urine, or its blood equivalent.

(11) **Dexamethasone:** The use of dexamethasone shall be permitted under the following conditions: any horse to which dexamethasone has been administered shall be subject to having a blood sample or a urine sample or both taken at the direction of the official veterinarian to determine the quantitative level(s) or the presence of other drugs, which may be present in the blood or urine sample. The permitted quantitative test level of dexamethasone shall be administered in such dosage amount that the official test sample shall not exceed 100 nanograms per milliliter of urine, or its blood equivalent.

(12) **Diclofenac:** The use of diclofenac shall be permitted under the following conditions: any horse to which diclofenac has been administered shall be subject to having a blood sample or a urine sample or both taken at the direction of the official veterinarian to determine the quantitative level(s) or the presence of other drugs, which may be present in the blood or urine sample. The permitted quantitative test level of diclofenac shall be administered in such dosage amount that the official test sample shall not exceed 500 nanograms per milliliter of urine, or its blood equivalent.

(13) **Dipyrene:** The use of dipyrene shall be permitted under the following conditions: any horse to which dipyrene has been administered shall be subject to having a blood sample or a urine sample or both taken at the direction of the official veterinarian to determine the quantitative level(s) or the presence of other drugs, which may be present in the blood or urine sample. The permitted quantitative test level of dipyrene shall be administered in such dosage amount that the official test sample shall not exceed 1000 nanograms per milliliter of urine, or its blood equivalent.

(14) **DMSO:** The use of DMSO shall be permitted under the following conditions: any horse to which DMSO has been administered shall be subject to having a blood sample or a urine sample or both taken at the direction of the official veterinarian to determine the quantitative level(s) or the presence of other drugs, which may be present in the blood or urine sample. The permitted quantitative test level of DMSO shall be administered in such dosage amount that the official test sample shall not exceed 10,000 nanograms per milliliter of urine, or its blood equivalent.

(15) **Flucort:** The use of flumethasone shall be permitted under the following conditions: any horse to which flucort has been administered shall be subject to having a blood sample or a urine sample or both taken at the direction of the official veterinarian to determine the quantitative level(s) or the presence of other drugs, which may be present in the blood or urine sample. The permitted quantitative test level of flumethasone shall be administered in such dosage amount that the official test sample shall not exceed 10 nanograms per milliliter of urine, or its blood equivalent.

(16) **Isoxsuprine:** The use of isoxsuprine shall be permitted under the following conditions: any horse to which isoxsuprine has been administered shall be subject to having a blood sample or a urine sample or both taken at the direction of the official veterinarian to determine the quantitative level(s) or the presence of other drugs, which may be present in the blood or urine sample. The permitted quantitative test level of isoxsuprine shall be administered in such dosage amount that the official test sample shall not exceed 1000 nanograms per milliliter of urine, or its blood equivalent.

(17) **Methocarbamol:** The use of methocarbamol shall be permitted under the following conditions: any horse to which methocarbamol has been administered shall be subject to having a blood sample or a urine sample or both taken at the direction of the official veterinarian to determine the quantitative level(s) or the presence of other drugs, which may be present in the blood or urine sample. The permitted quantitative test level of methocarbamol shall be administered in such dosage amount that the official test sample shall not exceed 1000 nanograms per milliliter of urine, or its blood equivalent.

(18) **Naproxen:** The use of naproxen shall be permitted under the following conditions: any horse to which naproxen has been administered shall be subject to having a blood sample or a urine sample or both taken at the direction of the official veterinarian to determine the quantitative level(s) or the presence of other drugs, which may be present in the blood or urine sample. The permitted quantitative test level of naproxen shall be administered in such dosage amount that the official test sample shall not exceed 5000 nanograms per milliliter of urine, or its blood equivalent.

(19) **Pentoxifylline:** The use of pentoxifylline shall be permitted under the following conditions: any horse to which pentoxifylline has been administered shall be subject to having a blood sample or a urine sample or both taken at the direction of the official veterinarian to determine the quantitative level(s) or the presence of other drugs, which may be present in the blood or urine sample. The permitted quantitative test level of pentoxifylline

shall be administered in such dosage amount that the official test sample shall not exceed 50 nanograms per milliliter of urine, or its blood equivalent.

(20) **Pyrilamine:** The use of pyrilamine shall be permitted under the following conditions: any horse to which pyrilamine has been administered shall be subject to having a blood sample or a urine sample or both taken at the direction of the official veterinarian to determine the quantitative level(s) or the presence of other drugs, which may be present in the blood or urine sample. The permitted quantitative test level of pyrilamine shall be administered in such dosage amount that the official test sample shall not exceed 50 nanograms per milliliter of urine, or its blood equivalent.

(21) **Triamcinalone:** The use of triamcinalone shall be permitted under the following conditions: any horse to which triamcinalone has been administered shall be subject to having a blood sample or a urine sample or both taken at the direction of the official veterinarian to determine the quantitative level(s) or the presence of other drugs, which may be present in the blood or urine sample. The permitted quantitative test level of triamcinalone shall be administered in such dosage amount that the official test sample shall not exceed 2 nanograms per milliliter of urine, or its blood equivalent.

(22) **Ulcer medications, i.e., cimethidine, sucralfate, ranitidine:** The use of ulcer medications shall be permitted until further notice.

(23) **Clenbuterol:** The use of clenbuterol shall be permitted under the following conditions: any horse to which clenbuterol has been administered shall be subject to having blood and urine samples taken at the direction of the official veterinarian to determine the quantitative level (s) or the presence of other drugs, which may be present in the blood or urine sample. The permitted quantitative test level of clenbuterol shall be administered in such dosage amount that the official test sample shall not exceed 5 nanograms per milliliter in urine or 25 picograms per milliliter of serum or plasma.

I. ANDROGENIC-ANABOLIC STEROIDS:

(1) No AAS shall be permitted in test sample collected from racing horses except for residues of the major metabolite of **stanozolol**, **nandrolone**, and the naturally occurring substances **boldenone** and testosterone at concentrations less than the indicated thresholds.

(2) Concentrations of these AAS shall not exceed the following urine threshold concentrations for total (i.e., free drug or metabolite and drug or metabolite liberated from its conjugates): a) 16B-hydroxystanozolol (metabolite of stanozolol (Winstrol) - 1 ng/ml in urine for all horses regardless of sex; b) boldenone (Equipose ® is the undecylenate ester of boldenone) in male horses other than geldings - 15 ng/ml in urine; no boldenone shall be permitted in geldings or female horses; c) nandrolone (Durabolin ® is the phenylpropionate ester and Deca-Durabolin ® is the decanoate ester) (in geldings - 1 ng/ml in urine, in fillies and mares - 1 ng/ml in urine); in male horses other than geldings-45 ng/ml of metabolite, 5 alpha oestrane-3 beta, 17 alpha – diol in urine; d) testosterone (in geldings - 20 ng/ml in urine, in fillies and mares - 55 ng/ml in urine).

(3) Any other anabolic steroids are prohibited in racing horses.

(4) The presence of more than one of the four AAS identified in Paragraph (2) of this subsection at concentrations greater than the individual thresholds indicated above shall not be permitted.

(5) Post-race urine samples collected from intact males must be identified to the laboratory.

(6) Any horse to which an anabolic steroid has been administered in order to assist in the recovery from illness or injury may be placed on the veterinarian's list in order to monitor the concentration of the drug or metabolite in urine. After the concentration has fallen below the designated threshold for the administered AAS, the horse is eligible to be removed from the list.

J. MEDICAL LABELING:

(1) No person on association grounds where horses are lodged or kept, excluding licensed veterinarians, shall have in that person's care, custody or control, a drug, medication, chemical, foreign substance or other substance that is prohibited in a horse on a race day unless the product is labeled in accordance with this subsection. This restriction includes, but is not limited to, locations on the association grounds where that person occupies, in that person's personal property, effects or vehicle.

(2) Any drug or medication which is used or kept on association grounds and which, by federal or state law, requires a prescription must have been validly prescribed by a duly licensed veterinarian, and in compliance with the applicable state statutes. All such allowable medications must have a prescription label which is securely attached and clearly ascribed to show the following: the name of the product; the name, address and telephone number of the veterinarian prescribing or dispensing the product; the name of each patient (horse) for whom the product is intended/prescribed; the dose, dosage, duration of treatment and expiration date of the prescribed/dispensed product; the name of the person (trainer) to whom the product was dispensed.

K. ALKALINIZING SUBSTANCES: The use of agents that elevate the horses TCO₂ or base excess level above those existing naturally in the untreated horse at normal physiological concentrations is prohibited. The following levels also apply to blood gas analysis:

(1) The regulatory threshold for TCO₂ is 37.0 millimoles per liter of plasma/serum plus the measurement uncertainty of the laboratory analyzing the sample, or a base excess level of 10.4 millimoles per liter of plasma/serum;

(2) The decision level to be used for the regulation of TCO₂ is 37.0 millimoles per liter of plasma/serum plus the measurement uncertainty of the laboratory analyzing the sample, or a base excess level of 10.4 millimoles per liter of plasma/serum;

(3) Such violation is that of a class 4 drug and shall be the maximum penalty - 60 days suspension, \$1,000 fine and loss of purse.

L. OUT OF COMPETITION TESTING:

(1) A horse may be subject to out of competition testing without advance notice if the horse is:

(a) on the grounds of a racetrack or training center under the jurisdiction of the commission;

(b) under the care or control of a trainer or owner licensed by the commission; or

(c) any horse whose papers are filed in the racing office; or

(d) has been nominated to a stakes race.

(2) This rule applies to prohibited substances, practices and procedures are as follows;

(a) class I, class II and class III drugs as listed with the New Mexico racing commission;

(b) blood doping agents including, but not limited to, erythropoietin (EP), darbepoetin, oxyglobin, hempure, aranesp or any substance that abnormally enhances the oxygenation of body tissues; and

(c) gene doping agents or the non-therapeutic use of genes, genetic elements, or cells that have the capacity to enhance athletic performance or produce analgesia.

(3) The permitted quantitative test level of clenbuterol for out of competition horses shall be administered in such dosage amount that the official test sample shall not exceed 300 picograms per milliliter of serum or plasma.

(4) Horses to be tested may be selected at random, with probable cause or as determined by the commission or an agent of the commission.

(5) The commission veterinarian, or any licensed veterinarian or licensed veterinary technician authorized by the commission, may at any time take a urine, blood or hair sample from a horse for this purpose.

(6) Split samples shall be collected in accordance with Paragraphs (3) and (4) of Subsection B of 15.2.6.10 NMAC and shall be secured and made available for further testing in accordance with Subsection C of 15.2.6.10 NMAC.

(7) All horses selected for testing must report to the test barn within 24 hours, unless the trainer or owner provides verification of an extenuating circumstance that makes it impossible.

(8) Any licensee who does not comply with the rule or the commission veterinarian for a sample may be subject to disciplinary action.

(9) Cooperation with the commission veterinarian, or any licensed veterinarian or licensed veterinary technician authorized by the commission, includes:

(a) assisting in the immediate location and identification of the horse selected for out of competition testing; and

(b) assisting the veterinarian in properly procuring the samples.

(10) Out of competition samples will be sent to the official laboratory of the commission, or another laboratory as designated by the commission, with reports made in accordance with the provisions of the medication rules and the penalty provisions therefore.

M. OUT OF COMPETITION PENALTY RECOMMENDATIONS:

(1) The penalty for any horse not presented for testing at the association's test barn within 24 hours of notification is a maximum suspension of 120 days.

(2) The penalty for the trainer of a horse not presented for testing at the association's test barn within 24 hours of notification is a maximum suspension of 180 days.

(3) The penalty for any horse with a positive test is a maximum suspension of 120 days and the horse's papers will be removed from the racing office.

(4) The penalty for the trainer of a horse with a positive test is a maximum \$1,500 fine and a maximum suspension of 180 days.

N. CONTRABAND:

(1) No person on association grounds where horses are lodged or kept, excluding licensed veterinarians, shall have in that person's care, custody or control, a drug, medication, chemical, foreign substance or other substance that is prohibited in a horse on a race day unless the product is labeled in accordance with Subsection E of 15.2.6.9 NMAC. This restriction includes, but is not limited to, locations on the association grounds where that person occupies, in that person's personal property, effects or vehicle.

(2) The New Mexico racing commission may confiscate any contraband named in Paragraph (1) of Subsection H of 15.2.6.9 NMAC and any drug or illegal substance that is found on association premises which a licensed trainer occupies or has the right to occupy, or in that trainer's personal property, effects or vehicle in that trainer's care, custody or control.

(3) Upon finding a violation of this subsection the stewards shall consider the classification level of the violation as it is listed in the uniform classification guidelines and recommended penalties of foreign substances as promulgated by the association of racing commissioners international and impose penalties and disciplinary measures adopted by the New Mexico racing commission.

(4) If the contraband is required to be tested by the official laboratory, payment of all costs for testing shall be borne by the licensee upon final decision by the stewards that the substance is prohibited pursuant to these rules.

O. ENVIRONMENTAL SUBSTANCES: Although the following environmental contaminants or substances may be found in the horse, no sample or specimen shall exceed the following levels when tested: benzoylcegonine - 150 nanograms per milliliter in urine; caffeine - 100 nanograms per milliliter in plasma/serum; cathinone - 10 nanograms per milliliter in urine; hydrocortisone - 1000 nanograms per milliliter in urine; lidocaine - 50 nanograms per milliliter in urine; morphine/morphine glucuronides - 100 nanograms per milliliter in urine; scopolamine - 75 nanograms per milliliter in urine; strychnine - 100 nanograms per milliliter in urine; theobromine - 2000 nanograms per milliliter in urine; and, theophylline - 400 nanograms per milliliter in urine.

P. SUSPENSION OF AUTHORIZED MEDICATION:

(1) After a public meeting that has been noticed in accordance with the Open Meetings Act, Sections 10-15-1 through 10-15-4 NMSA, 1978, the commission may, for any cause, temporarily suspend the authorized administration to a horse entered to race of any drug, substance or medication that is otherwise permitted under Subsection C of 15.2.6.9 NMAC.

(2) The temporary suspension of the authorized administration of a drug, substance or medication may be for a race, breed, or race meeting, provided all horses in the same race compete under the same conditions.

(3) The commission shall notify in writing the racing association, the trainer's organization, and licensed veterinarians of any temporary suspension of authorization to administer a drug, substance or medication to a horse entered to race. The written notification shall at minimum:

(a) state the authorized medication whose use is temporarily suspended,

(b) the period of time for which the use of the authorized medication is temporarily suspended, and

(c) whether the temporary suspension is for a specific breed or a race meeting.

(4) A suspension of authorization to administer a drug, substance or medication to a horse entered to race shall not exceed 12 months.

[15.2.6.9 NMAC - Rp, 15 NMAC 2.6.9, 04/13/2001; A, 08/30/2001; A, 07/15/2002; A, 08/15/2002; A, 09/29/2006; A, 10/31/2006; A, 08/30/2007; A, 01/31/2008; A, 03/01/2009; A, 06/15/2009; A, 06/30/2009; A, 09/15/2009; A, 12/15/2009; A, 03/16/2010; A, 07/05/2010; A, 09/01/2010; A, 12/01/2010; A, 11/01/2011; A, 02/15/2012; A, 04/30/2012; A, 07/31/2012]

15.2.6.10 TESTING:

A. REPORTING TO THE TEST BARN:

(1) The official winning horse, or any other horses ordered by the commission or the stewards shall be taken to the test barn to have a blood sample or a urine sample or both taken at the direction of the official veterinarian.

(2) Random or extra testing may be required by the stewards or the commission at any time on any horse.

(3) Unless otherwise directed by the stewards or the official veterinarian, a horse that is selected for testing must be taken directly to the test barn.

(4) A track security guard shall monitor access to the test barn area during and immediately following each racing performance. All persons who wish to enter the test barn area must be a minimum of 18-years-old, be

currently licensed by the commission, display their commission identification badge and have a legitimate reason for being in the test barn area.

B. SAMPLE COLLECTION:

(1) Sample collection shall be done in accordance with the RCI drug testing and quality assurance program external chain of custody guidelines, or other guidelines and instructions provided by the official veterinarian.

(2) The official veterinarian shall determine a minimum sample requirement for the primary testing laboratory. A primary testing laboratory must be accredited by AAVLD or ISO:17025 and approved by the commission.

(3) If the specimen obtained from a horse is less than the minimum sample requirement, the entire specimen shall be sent to the primary testing laboratory.

(4) If a specimen obtained is greater than the minimum sample requirement but less than twice that amount, the portion of the sample that is greater than the minimum sample requirement shall be secured as the split sample.

(5) If a specimen obtained is greater than twice the minimum sample requirement, a portion of the sample approximately equal to the amount provided for the primary testing laboratory shall be secured as the split sample.

(6) No split samples will be collected for determination of TCO₂ levels.

C. ALKALINIZING SUBSTANCES:

(1) Blood samples for TCO₂ and base excess testing should be collected 45 minutes (+ or - 15 min) pre-race and approximately three hours after furosemide administration. The samples must be handled in a consistent manner and cannot be frozen. If samples are obtained pre-furosemide a lower regulatory threshold is necessary and the horse must be kept in a secure barn until race time.

(2) The provisions of this rule pertaining to sample collection shall not apply to blood samples drawn for TCO₂ analysis.

(3) Blood samples must be processed and tested within 120 hours using standardized, reproducible, validated procedures.

D. STORAGE AND SHIPMENT OF SPLIT SAMPLES:

(1) Split samples obtained in accordance with Paragraphs (3) and (4) Subsection B, of 15.2.6.10 NMAC above shall be secured and made available for further testing. A split sample shall be secured in the test barn under the same manner as the portion of the specimen acquired for shipment to a primary laboratory until such time as specimens are packed and secured for shipment to the primary laboratory. Split samples shall then be transferred to a freezer at a secure location as provided by state statute or approved by the commission.

(2) A trainer, owner or designee of a horse having been notified that a written report from a primary laboratory states that a prohibited substance has been found in a specimen obtained pursuant to these rules may request that a split sample corresponding to the portion of the specimen tested by the primary laboratory be sent to another testing laboratory that is accredited by AALVD or ISO:17025 and approved by the commission. The request must be made and confirmed with the commission not later than 48 hours excluding weekends and holidays after the trainer of the horse receives written notice of the findings of the primary laboratory. The trainer's first choice, second choice and third choice of laboratories, for the split sample to be sent to, shall be listed within that 48 hours and kept on file with the horsemen's association. Any request not received within the specified deadline shall be considered a positive test. Any split sample so requested must be shipped within seven (7) working days after the trainer's 48 hour deadline or the New Mexico horsemen's association may be subject to disciplinary action.

(3) The owner, trainer or designee requesting testing of a split sample shall be responsible for the cost of shipping and testing. Failure of the owner, trainer or designee to appear at the time and place designated by the commission or the commission's designee shall constitute a waiver of all rights to split sample testing. Prior to shipment, the New Mexico horsemen's association shall confirm the split sample laboratory's willingness to provide the testing requested, the laboratory's willingness to send results to both the person requesting the testing and the commission, and arrangements for payment satisfactory to the split sample laboratory. A split sample testing laboratory must be accredited by AALVD or ISO:17025 and approved by the commission. If a reference laboratory will accept split samples, that laboratory must be included among the laboratories approved for split sample testing.

(4) Prior to opening the split sample freezer, the commission shall provide a split sample chain of custody verification form that shall provide a place for recording the following information and such other information as the commission may require. The form shall be fully completed during the retrieval, packaging, and shipment of the split sample.

(5) Split sample chain of custody form requirements: the date and time the sample is removed from the split sample freezer; the sample number; the address where the split sample is to be sent; the name of the carrier and the address where the sample is to be taken for shipment; verification of retrieval of the split sample from the freezer; verification of each specific step of the split sample packaging in accordance with the recommended procedure verification of the address of the split sample laboratory on the split sample package; verification of the condition of the split sample package immediately prior to transfer of custody to the carrier; the date and time custody of the sample is transferred to the carrier.

(6) A split sample shall be removed from the split sample freezer by a commission representative in the presence of a representative of the horsemen's association.

(7) The owner, trainer or designee shall pack the split sample for shipment in the presence of the representative of the commission, in accordance with the packaging procedures recommended by the commission. A form shall be signed by both the horsemen's representative and the commission representative to confirm the packaging of the split sample. The exterior of the package shall be secured and identified with initialed tape, evidence tape or other means to prevent tampering with the package.

(8) The package containing the split sample shall be transported in a manner prescribed by the commission to the location where custody is transferred to the delivery carrier charged with delivery of the package to the commission-approved laboratory selected by the owner or trainer.

(9) The owner, trainer or designee and the commission representative shall inspect the package containing the split sample immediately prior to transfer to the delivery carrier to verify that the package is intact and has not been tampered with.

(10) The split sample chain of custody verification form shall be completed and signed by the representatives of the commission and the owner or trainer. A commission representative shall keep the original and provide a copy for the owner or trainer.

E. OFFICIAL STATE RACING CHEMIST: The state racing commission may hire or contract with a qualified chemist to act as the official state racing chemist. The duties of the official state racing chemist may include, but shall not be limited to the following:

(1) review and evaluate scientific data submitted by the official testing laboratory concerning any race horse's positive drug test;

(2) submit a written report to the agency director of the racing commission concerning a positive test, certifying the positive test as such, or that the test does not constitute a positive test based on the scientific data submitted by the official testing laboratory; if the test does not constitute a positive test it may be referred back to the laboratory for further testing;

(3) in the event that a split sample is sent for independent testing and the result of that test does not confirm with the results of the primary testing laboratory, the official state racing chemist shall review all scientific data submitted by the laboratory which tested the split and make recommendations to the agency director;

(4) appear before the racing commission as an expert witness, as needed in matters concerning chemical testing for drugs and medications;

(5) consult with the racing commission in matters concerning chemical testing for drugs and medication as the need arises;

(6) at the request of the commission, inspect the official testing laboratory and the racetrack collection facilities to insure their compliance with, and use of, proper scientific techniques and procedures.

[15.2.6.10 NMAC - Rp, 15 NMAC 2.6.10, 04/13/2001; A, 03/30/2007; A, 09/01/10; A, 07/31/2012]

15.2.6.11 TRAINER RESPONSIBILITY: The purpose of this subsection is to identify responsibilities of the trainer that pertain specifically to the health and well being of horses in their care.

A. The trainer is responsible for the condition of horses entered in an official workout or race and is responsible for the presence of any prohibited drug, medication or other substance, including permitted medication in excess of the maximum allowable level, in such horses. A positive test for a prohibited drug, medication or substance, including permitted medication in excess of the maximum allowable level, as reported by a Commission-approved laboratory, is prima facie evidence of a violation of this rule. In the absence of substantial evidence to the contrary, the trainer is responsible.

B. A trainer shall prevent the administration of any drug or medication or other prohibited substance that may cause a violation of these rules.

C. A trainer whose horse has been claimed remains responsible for any violation of rules regarding that horse's participation in the race in which the horse is claimed.

D. The trainer is responsible for: maintaining the assigned stable area in a clean, neat and sanitary condition at all times; using the services of those veterinarians licensed by the commission to attend horses that are on association grounds.

E. Additionally, with respect to horses in their care or custody, the trainer is responsible for:

- (1) the proper identity, custody, care, health, condition and safety of horses;
- (2) having each horse in their care that is racing, or is stabled on association grounds, tested for equine infectious anemia (EIA) and for filing evidence of such negative test results with the racing secretary as required by the commission;
- (3) immediately reporting the alteration of the sex of a horse to the horse identifier and the racing secretary;
- (4) promptly reporting to the racing secretary and the official veterinarian when a posterior digital neurectomy (heel nerving) is performed and ensuring that such fact is designated on its certificate of registration;
- (5) promptly notifying the official veterinarian of any reportable disease and any unusual incidence of a communicable illness in any horse in their charge;
- (6) promptly reporting the serious injury or death of any horse at locations under the jurisdiction of the commission to the stewards and the official veterinarian and compliance with the rules in this part governing postmortem examinations;
- (7) maintaining knowledge of the medication record and status;
- (8) immediately reporting to the stewards and the official veterinarian knowledge or reason to believe, that there has been any administration of a prohibited medication, drug or substance;
- (9) ensuring the fitness to perform creditably at the distance entered;
- (10) ensuring that every horse entered to race is present at its assigned stall for a pre-race soundness inspection as prescribed in this part;
- (11) ensuring proper bandages, equipment and shoes;
- (12) presence in the paddock at least 20 minutes before post time or at a time otherwise appointed before the race in which the horse is entered;
- (13) personally attending in the paddock and supervising the saddling thereof, unless excused by the stewards;
- (14) attending the collection of a urine or blood sample or delegating a licensed employee or the owner to do so;
- (15) immediately reporting to the stewards any administration of any medication or drugs, except as provided, within twenty-four (24) hours of post time of the race in which the horse has been entered;
- (16) immediately submitting to the official veterinarian and the racing secretary the necessary forms to scratch any horse treated with any medication, or drug, within twenty-four (24) hours of the post time of the race in which the horse has been entered unless such treatment is permitted herein.

[15.2.6.11 NMAC - Rp, 15 NMAC 2.6.11, 04/13/2001; A, 08/30/2007; A, 07/31/2012]

15.2.6.12 PHYSICAL INSPECTION OF HORSES:

A. ASSESSMENT OF RACING CONDITION:

- (1) Every horse entered to participate in an official race may be subjected to a veterinary inspection prior to starting in a race for which it is entered.
- (2) The inspection shall be conducted by the official veterinarian or the racing veterinarian.
- (3) The agency or the association employing the examining veterinarian(s) should provide a staffing level of not less than two (2) veterinarians.
- (4) The trainer of each horse or a representative of the trainer must present the horse for inspection as required by the examining veterinarian. Horses presented for examination must have bandages removed and the legs must be clean. Prior to examination horses may not be placed in ice nor shall any device or substance be applied that impedes veterinary clinical assessment.
- (5) The assessment of a horse's racing condition shall be based on the recommendations of the American association of equine practitioners and shall include: proper identification of each horse inspected; observation of each horse in motion; manual palpation and passive flexion of both forelimbs; clinical observation in the paddock and saddling area, during the parade to post and at the starting gate; any other inspection deemed necessary by the official veterinarian and the racing veterinarian or the stewards.
- (6) Every horse shall be observed by the racing veterinarian during and after the race.
- (7) The official veterinarian or the racing veterinarian shall maintain a permanent continuing health and racing soundness record of each horse inspected.

(8) The official veterinarian or the racing veterinarian are authorized access to any and all horses housed on association grounds regardless of entry status.

(9) If, prior to starting, a horse is determined to be unfit for competition, or if the veterinarian is unable to make a determination of racing soundness, the veterinarian will recommend to the stewards the horse be scratched.

(10) Horses scratched upon the recommendation of the official veterinarian or the racing veterinarian, are to be placed on the veterinarian's list.

(11) All pre-race examination reports on each horse selected for a pre-race examination will be submitted to the commission on a monthly basis. In addition, these reports will be made available to the commission upon request within a 48-hour period.

B. VETERINARIAN'S LIST:

(1) The racing veterinarian shall maintain a list of all horses which are determined to be unfit to compete in a race due to physical distress, unsoundness, infirmity or medical condition. Horses so listed are ineligible to enter to race in any jurisdiction until released by the racing veterinarian.

(2) A horse may be removed from the veterinarian's list when, in the opinion of the racing veterinarian, the horse has satisfactorily recovered the capability of competing in a race.

C. POSTMORTEM EXAMINATION:

(1) The commission may require a postmortem examination of any horse that dies or is euthanized on association grounds.

(2) The commission may require a postmortem examination of any horse that dies or is euthanized at recognized training facilities within this jurisdiction.

(3) If a postmortem examination is to be conducted, the commission shall take possession of the horse upon death for a postmortem examination. All shoes and equipment on the horse's legs shall be left on the horse.

(4) If a postmortem examination is to be conducted, the commission or its representative shall collect blood, urine, bodily fluids, or other biologic specimens immediately, if possible before euthanization. The commission may submit blood, urine, bodily fluid, or other biologic specimens collected during a postmortem examination for testing analysis. The presence of a prohibited substance in a specimen collected during the postmortem examination may constitute a violation.

(5) Requests for each postmortem examination shall be filed with the official veterinarian by the owner's or trainer's veterinarian within one hour of the death and shall be submitted on a necropsy submission form entitled New Mexico racing commission necropsy submission form, hereby incorporated by reference and which is available at all official veterinarian offices and all stable gates. The trainer or their designee is responsible to supply all information to complete this form.

(6) All licensees shall be required to comply with postmortem examination requirements as a condition of licensure. In proceeding with a postmortem examination the commission or its designee shall coordinate with the owner or the owner's authorized agent to determine and address any insurance requirements.

(7) Postmortem examinations shall be conducted according to the most recent edition of the American association of equine practitioners' guidelines for the necropsy of racehorses.

(8) Upon completion of the postmortem examination the diagnostic laboratory shall file a written report with the racing commission's agency director and official veterinarian.

(9) The owner or the owner's authorized agent will be responsible for all costs of a postmortem examination, i.e., testing fees, transportation of the horse, disposal, etc, when the results of a postmortem examination constitute a violation of the New Mexico racing commission rules.

[15.2.6.12 NMAC - Rp, 15 NMAC 2.6.12, 04/13/2001; A, 09/01/2010; A, 12/01/2010; A, 11/01/2011; A, 02/15/2012; A, 07/31/2012]

History of 15.2.6 NMAC:

Pre-NMAC History:

Material in this part was derived from that previously filed with the commission of public records - state records center and archives as:

NMSRC 67-1, Amendment No. 1., Rule Revisions Adopted by the New Mexico State Racing Commission April 21, 1967 Rules 352 & 380, filed 04-26-67;

NMSRC 69-1, New Mexico Laws and Rules and Regulations Governing Horse Racing, filed 06-09-69;

NMSRC 81-1, Rules Governing Horse Racing in New Mexico, filed 12-04-81;

History of Repealed Material:

15 NMAC 2.6, Horse Racing - Veterinary Practices, Equine Health, Medication, and Trainer Responsibility, filed 09-29-95 repealed in its entirety; renumbered, reformatted and replaced by 15.2.6 NMAC, Horse Racing - Veterinary Practices, Equine Health, Medication, and Trainer Responsibility, to conform to the new NMAC requirements effective 04/13/2001.

Other History:

NMSRC 81-1, Rules Governing Horse Racing in new Mexico, filed 12-04-81 - that applicable portion renumbered, reformatted and amended to 15 NMAC 2.6, Horse Racing - Veterinary Practices, Equine Health, Medication, and Trainer Responsibility, filed 09-29-95.