

1 SENATE BILL 251

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

3 INTRODUCED BY

4 Antonio Maestas and Rex Wilson and Candy Spence Ezzell

10 AN ACT

11 RELATING TO HORSE RACING; PROHIBITING PROGRAM TRAINING AND
12 PROGRAM OWNING OF RACEHORSES; PROVIDING THE STATE RACING
13 COMMISSION WITH THE AUTHORITY TO REFUSE TO LICENSE OR TO
14 SUSPEND OR REVOKE THE LICENSE OF A PERSON FOUND TO HAVE ENGAGED
15 IN PROGRAM TRAINING OR PROGRAM OWNING OF A RACEHORSE.

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

18 SECTION 1. Section 60-1A-2 NMSA 1978 (being Laws 2007,
19 Chapter 39, Section 2) is amended to read:

20 "60-1A-2. DEFINITIONS.--As used in the Horse Racing Act:

21 A. "board" means the gaming control board;

22 B. "breakage" means the odd cents by which the
23 amount payable on each dollar wagered exceeds a multiple of
24 ten;

25 C. "commission" means the state racing commission;

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1 D. "exotic wagering" means all wagering other than
2 on win, place or show, through pari-mutuel wagering;

3 E. "export" means to send a live audiovisual
4 broadcast of a horse race in the process of being run at a
5 horse racetrack from the originating horse racetrack to another
6 location;

7 F. "guest state" means a jurisdiction, other than
8 the jurisdiction in which a horse race is run, in which a horse
9 racetrack, off-track wagering facility or other facility that
10 is a member of and subject to an interstate common pool is
11 located;

12 G. "guest track" means a horse racetrack, off-track
13 wagering facility or other licensed facility in a location
14 other than the state in which a horse race is run that is a
15 member of and subject to an interstate common pool;

16 H. "handle" means the total of all pari-mutuel
17 wagering sales, excluding refunds and cancellations;

18 I. "horse race" means a competition among
19 racehorses on a predetermined course in which the horse
20 completing the course in the least amount of time generally
21 wins;

22 J. "host state" means the jurisdiction within which
23 a sending track is located, also known as a "sending state";

24 K. "host track" means the horse racetrack from
25 which a horse race subject to an interstate common pool is

transmitted to members of that interstate common pool, also known as a "sending track";

L. "import" means to receive a live audiovisual broadcast of a horse race;

M. "interstate common pool" means a pari-mutuel pool that combines comparable pari-mutuel pools from one or more locations that accept wagers on a horse race run at a sending track for purposes of establishing payoff prices at the pool members' locations, including pools in which pool members from more than one state simultaneously combine pari-mutuel pools to form an interstate common pool;

N. "jockey club" means an organization that administers thoroughbred registration records and registers thoroughbreds;

O. "licensed premises" means land, together with all buildings, other improvements and personal property located on the land, that is under the direct control of a racetrack licensee, including the restricted areas, grandstand and public parking areas;

P. "licensee" means a person licensed by the commission and includes a holder of an occupational, secondary or racetrack license;

Q. "occupational license" means a license issued by the commission to a vendor or to a person having access to a restricted area on the licensed premises, including a horse

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1 owner, trainer, jockey, agent, apprentice, groom, exercise
2 person, veterinarian, valet, farrier, starter, clocker, racing
3 secretary, pari-mutuel clerk and other personnel designated by
4 the commission whose work, in whole or in part, is conducted
5 around racehorses or pari-mutuel betting windows;

6 R. "pari-mutuel wagering" means a system of
7 wagering in which bets on a live or simulcast horse race are
8 pooled and held by the racetrack licensee for distribution of
9 the total amount, less the deductions authorized by law, to
10 holders of winning tickets; "pari-mutuel wagering" does not
11 include bookmaking or pool selling;

12 S. "pari-mutuel wagering pool" means the money
13 wagered on a specific horse race through pari-mutuel wagering;

14 T. "practical breeder" means a person who has
15 practical experience in breeding horses, although the person
16 may not be actively involved in breeding horses;

17 U. "primary residence" means the domicile where a
18 person resides for most of the year, and, if the person is
19 temporarily out of state, the address where a person will
20 return when the person returns to New Mexico or the address
21 that a person uses for purposes of a driver's license, passport
22 or voting;

23 V. "program owner" means a licensed owner who,
24 solely for the purpose of the official race program, is
25 identified as the owner of a horse that is actually owned by

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1 another person who may or may not hold a current owner's
2 license in any jurisdiction;

3 W. "program trainer" means a licensed trainer who,
4 solely for the purpose of the official race program, is
5 identified as the trainer of a horse that is actually under the
6 control of and trained by another person who may or may not
7 hold a current trainer's license in any jurisdiction;

8 [V.] X. "quarter horse" means a racehorse that is
9 registered with the American quarter horse association or any
10 successor association;

11 [W.] Y. "race meet" means a period of time within
12 dates specified by the commission in which a racetrack licensee
13 is authorized to conduct live racing on the racing grounds;

14 [X.] Z. "racehorse" means a quarter horse or
15 thoroughbred that is bred and trained to compete in horse
16 races;

17 [Y.] AA. "racetrack license" means a license to
18 conduct horse races issued by the commission;

19 [Z.] BB. "racetrack licensee" means a person who
20 has been issued a racetrack license;

21 [AA.] CC. "racing grounds" means the area of the
22 restricted area of licensed premises used for the purpose of
23 conducting horse races and all activities ancillary to the
24 conduct of horse races, including the track, stable area,
25 jockey's quarters and horse training areas;

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1 [BB.] DD. "retainage" means money that is retained
2 from wagers on win, place and show and on exotic wagers by a
3 racetrack licensee pursuant to the Horse Racing Act;

4 [CC.] EE. "restricted areas" means the stable area,
5 the area behind the pari-mutuel betting windows and anywhere on
6 the racing grounds;

7 [DD.] FF. "secondary licensee" means all officers,
8 directors, shareholders, lenders or holders of evidence of
9 indebtedness of a corporation or legal entity owning a horse
10 racetrack, and all persons holding a direct or indirect
11 interest of any nature whatsoever in the horse racetrack,
12 including interests or positions that deal with the funds of
13 the racetrack or that are administrative, policymaking or
14 supervisory;

15 [EE.] GG. "simulcast" means a transmission of a
16 live audiovisual broadcast of a horse race being run at a horse
17 racetrack other than the horse racetrack or other licensed
18 facility at which the broadcast is being received for viewing
19 pursuant to a simulcasting contract;

20 [FF.] HH. "stakes race" means a horse race in which
21 nominations or entry or starting fees contribute to the purse;
22 an overnight race is not a stakes race;

23 [GG.] II. "steward" means an employee of the
24 commission who supervises horse races and oversees a race meet
25 while in progress, including holding hearings regarding

1 licensees and enforcing the rules of the commission and the
2 horse racetrack;

3 [HH.] JJ. "takeout" means amounts authorized by
4 statute to be deducted from the pari-mutuel wagers;

5 [II.] KK. "thoroughbred" means a racehorse that is
6 registered with the jockey club;

7 [JJ.] LL. "track" means the surfaced oval area on
8 which horse races are conducted; and

9 [KK.] MM. "vendor" means a person who provides
10 goods or services to or in the racing grounds or restricted
11 area of the licensed premises of a horse racetrack."

12 **SECTION 2.** Section 60-1A-11 NMSA 1978 (being Laws 2007,
13 Chapter 39, Section 11, as amended by Laws 2017, Chapter 28,
14 Section 1 and by Laws 2017, Chapter 145, Section 1) is amended
15 to read:

16 "60-1A-11. GRANTING A LICENSE--STANDARDS--DENIAL AND
17 REVOCATION--SUSPENSION AND PENALTIES.--

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

20 (1) is of good moral character, is honest and
21 has integrity;

22 (2) does not currently have a license
23 suspended by a horse racing licensing authority in another
24 jurisdiction;

25 (3) does not have any prior activities,

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criminal record, reputation, habits or associations that:

(a) pose a threat to the public

interest;

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

(c) create or enhance the dangers of

unsuitable, unfair or illegal practices, methods and activities in the conduct of horse racing, the business of operating a horse racetrack licensed pursuant to the Horse Racing Act or the financial activities incidental to operating a horse racetrack:

(4) is qualified to be licensed consistent

with the Horse Racing Act;

(5) has sufficient business probity,

competence and experience in horse racing as determined by the commission:

(6) has proposed financing that is sufficient
of the license and from a suitable source that
is set forth in this subsection; and

(7) is sufficiently capitalized pursuant to standards set by the commission to conduct the business covered by the license.

B. The commission shall establish by rule

additional qualifications for a licensee as it deems in the public interest.

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1 C. A person issued or applying for an occupational
2 license who has positive test results for a controlled
3 substance or who has been convicted of a violation of a federal
4 or state controlled substance law shall be denied a license or
5 shall be subject to revocation of an existing license unless
6 sufficient evidence of rehabilitation is presented to the
7 commission.

8 D. The commission may deny or revoke an
9 occupational license if the applicant or occupational licensee,
10 for the purpose of stimulating or depressing a racehorse or
11 affecting its speed or stamina during a race or workout, is
12 found to have administered, attempted to administer or
13 conspired to administer to a racehorse, internally, externally
14 or by injection, a drug, chemical, stimulant or depressant, or
15 other prohibited substance as defined by the association of
16 racing commissioners international, incorporated, or a
17 successor organization or, if none, by another nationally
18 recognized organization that has published substantially
19 similar guidelines that are generally accepted in the horse
20 racing industry as determined by the commission.

21 E. In addition to its authority to deny or revoke
22 an occupational license for the conduct described in
23 [Subsection] Subsections D, F and G of this section, the
24 commission may suspend a license and impose fines on a
25 licensee. For suspensions and fines, the commission shall

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1 adopt as its own rules the model rules for the imposition of
2 penalties for the use of prohibited substances published by the
3 association of racing commissioners international,
4 incorporated, or a successor organization or, if none, by
5 another nationally recognized organization that has published
6 substantially similar rules that are generally accepted in the
7 horse racing industry as determined by the commission.

8 F. The commission shall revoke for a period not to
9 exceed five years an occupational license if the occupational
10 licensee used, attempted to use or conspired with others to use
11 an electrical or mechanical device, implement or instrument for
12 the purpose of affecting the speed or stamina of a racehorse.

13 G. The commission may refuse to issue a license to
14 an applicant or may suspend or revoke a license issued or order
15 disciplinary measures, including imposition of fines, if the
16 applicant or licensee is found to have engaged in a scheme
17 involving a program owner or program trainer or both that poses
18 a threat to the effective regulation and control of horse
19 racing.

20 [G.] H. The burden of proving the qualifications of
21 an applicant or licensee to be issued a license or have a
22 license renewed shall be on the applicant or licensee."