

1 AN ACT

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

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

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

17 "77-2-1.1. DEFINITIONS.--As used in The Livestock Code:

18 A. "animals" or "livestock" means all domestic or
19 domesticated animals that are used or raised on a farm or
20 ranch, including the carcasses thereof, and exotic animals in
21 captivity and includes equines, cattle, sheep, goats, swine,
22 bison, poultry, ostriches, emus, rheas, camelids and farmed
23 cervidae upon any land in New Mexico. "Animals" or
24 "livestock" does not include canine or feline animals or
25 free-roaming horses;

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

5 C. "bison" or "buffalo" means a bovine animal of
6 the species bison;

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

8 E. "bond" means cash or an insurance agreement
9 from a New Mexico licensed surety or insurance corporation
10 pledging surety for financial loss caused to another,
11 including certificate of deposit, letter of credit or other
12 surety as may be approved by the grain inspection, packers
13 and stockyards administration of the United States department
14 of agriculture or the board;

15 F. "brand" means a symbol or device in a form
16 approved by and recorded with the board as may be sufficient
17 to readily distinguish livestock should they become
18 intermixed with other livestock;

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

21 H. "carcasses" means dead or dressed bodies of
22 livestock or parts thereof;

23 I. "cattle" means animals of the genus bos,
24 including dairy cattle, and does not include any other kind
25 of livestock;

1 J. "dairy cattle" means animals of the genus bos
2 raised not for consumption but for dairy products and
3 distinguished from meat breed cattle;

4 K. "director" means the executive director of the
5 board;

6 L. "disease" means a communicable, infectious or
7 contagious disease;

8 M. "district" means a livestock inspection
9 district;

10 N. "equine" means a horse, pony, mule, donkey or
11 hinny;

12 O. "equine rescue or retirement facility" means a
13 facility, including a public or private reserve or preserve,
14 that provides lifelong care or finds new owners for unwanted,
15 abused or neglected equines or captured free-roaming horses,
16 but does not include a federal facility;

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

23 Q. "fertility control" means the reduction or
24 maintenance of the reproduction rate of animals or
25 free-roaming horses using castration or non-surgical

1 contraceptives;

2 R. "free-roaming horse" means an unclaimed horse
3 found at large that is not an estray due to lack of evidence
4 of private ownership or domestication and does not include
5 horses subject to the jurisdiction of the federal government
6 pursuant to the federal Wild Free-Roaming Horses and Burros
7 Act;

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

11 T. "inspector" means a livestock or brand
12 inspector;

13 U. "livestock inspector" means a certified
14 inspector who is granted full law enforcement powers for
15 enforcement of The Livestock Code and other criminal laws
16 relating to livestock;

17 V. "mark" means an ear tag or ownership mark that
18 is not a brand;

19 W. "meat" means the edible flesh of poultry, birds
20 or animals sold for human consumption and includes livestock,
21 poultry and livestock and poultry products;

22 X. "mule" means a hybrid resulting from the cross
23 of a horse and a donkey; and

24 Y. "person" means an individual, firm,
25 partnership, association, corporation or similar legal

1 entity."

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

4 "77-2-30. EQUINE RESCUE OR RETIREMENT FACILITY--
5 REGISTRATION--BOARD POWERS AND DUTIES--FEES.--

6 A. As used in this section, "facility" means an
7 equine rescue or retirement facility.

8 B. A facility shall not operate in New Mexico
9 unless registered by the board.

10 C. The board shall:

11 (1) register facilities that meet the
12 requirements of this section and rules promulgated by the
13 board;

14 (2) consult with representatives from the
15 equine industry, equine rescue organizations and
16 veterinarians on facility standards; and

17 (3) after consideration of recommendations
18 by national organizations for the care of unwanted equines
19 and equine rescue and retirement facilities, promulgate rules
20 for facilities, including:

21 (a) health and sanitary requirements;

22 (b) standards for barns, paddocks,
23 pastures and ranges;

24 (c) qualifications of the facility
25 staff;

1 (d) provision of veterinary care;
2 (e) feeding and watering requirements;
3 (f) transportation;
4 (g) a process to issue a temporary
5 capacity waiver to a facility for the purpose of transferring
6 equines in the custody of the board to a facility; and
7 (h) other requirements necessary to
8 ensure the humane care of equines.

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

13 E. The board may charge the following fees:

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

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

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

20 F. Fees collected pursuant to this section shall
21 be deposited in the New Mexico livestock board general fund
22 and may be used to carry out the provisions of this section
23 and Section 77-2-31 NMSA 1978."

24 **SECTION 3.** A new section of Chapter 77, Article 2 NMSA
25 1978 is enacted to read:

1 "FREE-ROAMING HORSE EXPERT--APPROVAL OF QUALIFICATIONS--
2 RULES.--

3 A. A person shall not provide free-roaming horse
4 or herd management services, administer free-roaming horse
5 fertility control or capture a free-roaming horse for
6 relocation unless registered by the board as a free-roaming
7 horse expert; provided that this section shall not apply to:

8 (1) persons providing free-roaming horse or
9 herd management services prior to the effective date of this
10 2025 act who apply for registration as a free-roaming horse
11 expert within three months after the board promulgates rules
12 related to registration and subsequently become registered,
13 or who cease such free-roaming horse or herd management
14 services; or

15 (2) the federal bureau of land management or
16 the federal forest service acting in accordance with
17 applicable federal law, regulations and policy.

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

23 (1) conducting free-roaming horse herd
24 surveys;

25 (2) determining the ownership status of

1 land;

2 (3) analyzing the carrying capacity of land
3 in conjunction with environmental health; and

4 (4) understanding free-roaming horse
5 habitat, biology, behavior, management strategies and
6 population dynamics.

7 C. The board shall:

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

13 (2) register free-roaming horse experts that
14 meet the requirements of this section and the rules
15 promulgated by the board; and

16 (3) revoke the registration of a
17 free-roaming horse expert that fails to comply with Section
18 77-18-5 NMSA 1978, or related rules, and apply other
19 penalties that the board deems appropriate.

20 D. The board may charge the following fees:

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

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

25 E. Fees collected pursuant to this section shall

1 be deposited in the New Mexico livestock board general fund
2 and may be used to carry out the provisions of this section."

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

6 "77-18-5. FREE-ROAMING HORSES--HUMANE MANAGEMENT--
7 FERTILITY CONTROL--PROHIBITIONS.--

8 A. A state, county or municipal government or
9 governmental subdivision may enter into an agreement with a
10 registered free-roaming horse expert to conduct free-roaming
11 horse surveys and management and determine land carrying
12 capacity. If a registered free-roaming horse expert
13 determines as part of the agreement that the free-roaming
14 horse or herd exceeds the carrying capacity of the land
15 inhabited, the expert or the expert's agents may cause
16 control of a free-roaming horse or herd upon the approval of
17 the appropriate landowner through:

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

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

1 for the purposes of adoption of the free-roaming horse or
2 horses;

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

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

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

14 C. A free-roaming horse expert shall not enter
15 private land or state land without the permission of the
16 owner or lessee of that land.

17 D. A free-roaming horse expert shall not engage in
18 herd management activities on federal land without the
19 appropriate federal entity's permission or on tribal land
20 without the appropriate tribal entity's permission.

21 E. Nothing in this section shall affect the
22 federal bureau of land management's or the United States
23 forest service's authority to manage free-roaming horses that
24 are not subject to the federal Wild Free-Roaming Horses and
25 Burros Act and found on lands administered by the federal

1 bureau of land management or the United States forest
2 service, including the federal bureau of land management's or
3 the United States forest service's authority to gather,
4 remove and sell free-roaming horses in accordance with
5 applicable law, regulations and policy.

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

10 A person who violates this subsection is guilty of a
11 misdemeanor and upon conviction shall be sentenced in
12 accordance with the provisions of Section 31-19-1 NMSA 1978.
13 Each free-roaming horse that is slaughtered, sold for
14 slaughter, caused or allowed to be slaughtered, transported
15 for slaughter or released in violation of this subsection
16 constitutes a separate offense.

17 G. As used in this section:

18 (1) "adoption" means the taking of custody
19 and ownership of a free-roaming horse by a qualified
20 individual who has demonstrated to the equine rescue or
21 retirement facility in possession of that horse the capacity
22 and intent to provide humane treatment and care of the
23 animal, including proper feeding, sheltering, husbandry,
24 handling and care;

25 (2) "carrying capacity" means the number of

1 free-roaming horses that a given amount of land can support
2 long-term while maintaining or improving healthy vegetation,
3 soil, water and free-roaming horse herds inhabiting that
4 land, taking into account human uses, including livestock
5 grazing and other agricultural uses, and wildlife
6 populations;

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

11 (4) "humane euthanasia" means to produce a
12 humane death of an animal by standards deemed acceptable by
13 the board of veterinary medicine as set forth in the board's
14 rules."

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