

1 SENATE BILL 489

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Mary Kay Papen

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10 AN ACT

11 RELATING TO HORSE RACING; REQUIRING THE TESTING FOR DRUGS AND  
12 OTHER FOREIGN SUBSTANCES IN RACEHORSES TO FOLLOW  
13 INTERNATIONALLY RECOGNIZED MODEL RULES; RECONCILING CONFLICTING  
14 AMENDMENTS TO THE SAME SECTION OF LAW BY REPEALING LAWS 2013,  
15 CHAPTER 102, SECTION 2.

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

18 SECTION 1. Section 60-1A-14 NMSA 1978 (being Laws 2007,  
19 Chapter 39, Section 14, as amended by Laws 2013, Chapter 102,  
20 Section 2 and by Laws 2013, Chapter 103, Section 3) is amended  
21 to read:

22 "60-1A-14. TESTING SPECIMENS.--

23 A. The commission shall adopt rules applying to the  
24 handling ~~[and]~~ of pre- and post-race, out-of-competition and  
25 necropsy testing of blood serum plasma, urine or other

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1 appropriate test samples identified by the commission to be  
2 taken from racehorses, following the guidelines established in  
3 model rules published by the association of racing  
4 commissioners international, incorporated, or a successor  
5 organization or, if none, by another nationally recognized  
6 organization that has published substantially similar  
7 guidelines that are generally accepted in the horse racing  
8 industry as determined by the commission.

9 B. Each specimen taken from a racehorse shall be  
10 divided into two or more equal samples, and:

11 (1) one sample shall be tested by the  
12 commission or its designated laboratory in order to detect the  
13 presence of unauthorized drugs, chemicals, stimulants,  
14 depressants or other performance-altering substance as defined  
15 by the association of racing commissioners international,  
16 incorporated, or a successor organization or, if none, by  
17 another nationally recognized organization that has published  
18 substantially similar guidelines that are generally accepted in  
19 the horse racing industry as determined by the commission; and

20 (2) the second sample shall be forwarded by  
21 the commission to the scientific laboratory division of the  
22 department of health.

23 C. After a positive test result on the sample  
24 tested by the commission or its designated laboratory and upon  
25 a written request from the president, executive director or

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1 manager of the New Mexico horsemen's association on forms  
2 designated by the commission, the scientific laboratory  
3 division shall transmit the corresponding second sample to the  
4 New Mexico horsemen's association.

5 D. The scientific laboratory division shall keep  
6 all samples in a controlled environment for a period of at  
7 least three months.

8 E. The commission shall contract with an  
9 independent laboratory to maintain a quality assurance program.  
10 The laboratory shall meet or exceed the current national  
11 laboratory standards for the testing of drugs or other foreign  
12 substances in a horse, as established by the association of  
13 racing commissioners international, incorporated, or of a  
14 successor organization or, if none, of another nationally  
15 recognized organization that has published substantially  
16 similar guidelines that are generally accepted in the horse  
17 racing industry."

18 SECTION 2. Section 60-1A-14.1 NMSA 1978 (being Laws 2013,  
19 Chapter 102, Section 1) is amended to read:

20 "60-1A-14.1. RACEHORSE TESTING FUND--CREATED--PURPOSE.--  
21 The "racehorse testing fund" is created in the state treasury.  
22 The purpose of the fund is to ensure the testing of racehorses  
23 at a laboratory that meets or exceeds the current national  
24 laboratory standards for the testing of drugs or other foreign  
25 substances not naturally occurring in a horse, as established

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1 by the association of racing commissioners international,  
2 incorporated. The fund consists of one-half of the daily  
3 capital outlay tax appropriated and transferred pursuant to  
4 Paragraph (4) of Subsection A of Section 60-1A-20 NMSA 1978 and  
5 appropriations, gifts, grants and donations made to the fund.  
6 Income from investment of the fund shall be credited to the  
7 fund. The commission shall administer the racehorse testing  
8 fund, and money in the fund is appropriated to the commission  
9 for the handling ~~[and]~~ of pre- and post-race, out-of-  
10 competition and necropsy testing of blood serum plasma, urine  
11 or other appropriate test samples taken from racehorses  
12 pursuant to Section 60-1A-14 NMSA 1978, following the  
13 guidelines established in model rules published by the  
14 association of racing commissioners international,  
15 incorporated, or a successor organization or, if none, by  
16 another nationally recognized organization that has published  
17 substantially similar guidelines that are generally accepted in  
18 the horse racing industry as determined by the commission. Any  
19 unexpended or unencumbered balance remaining in the racehorse  
20 testing fund at the end of a fiscal year in excess of six  
21 hundred thousand dollars (\$600,000) shall revert to the general  
22 fund. Expenditures from the fund shall be made on warrant of  
23 the secretary of finance and administration pursuant to  
24 vouchers signed by the executive director of the commission."

25 SECTION 3. REPEAL.--Laws 2013, Chapter 102, Section 2 is

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repealed.