

HOUSE BILL 390

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO HORSE RACING; DIRECTING FINES COLLECTED TO THE RACEHORSE TESTING FUND; REQUIRING AN ANNUAL AUDIT OF THE RACEHORSE TESTING FUND.

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

SECTION 1. Section 60-1A-5 NMSA 1978 (being Laws 2007, Chapter 39, Section 5, as amended) is amended to read:

"60-1A-5. COMMISSION RULES--ALL LICENSES--SUSPENSION,

.224432.2AIC March 9, 2023 (11:01am)

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REVOCAION OR DENIAL OF LICENSES--PENALTIES.--

A. The commission shall adopt rules to implement the Horse Racing Act and to ensure that horse racing in New Mexico is conducted with fairness and that the participants and patrons are protected against illegal practices.

B. Every license issued by the commission shall require the licensee to comply with the rules adopted by the commission. A racetrack licensee shall post printed copies of the rules in conspicuous places on the racing grounds and shall maintain them during the period when live horse races are being conducted.

C. The commission may suspend, revoke or deny renewal of a license of a person who violates the provisions of the Horse Racing Act or rules adopted pursuant to that act. The commission shall provide a licensee facing suspension, revocation or denial of renewal of a license reasonable notice and an opportunity for a hearing. The suspension, revocation or denial of renewal of a license shall not relieve the licensee from prosecution for the violations or from the payment of fines and penalties assessed the licensee by the commission.

D. The commission may impose civil penalty fines upon a licensee for a violation of the provisions of the Horse Racing Act or rules adopted by the commission. HJC→~~The fines~~ shall not←HJC HJC→No single fine shall←HJC exceed one hundred

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thousand dollars (\$100,000) [~~or~~] HJC→per violation←HJC .
However, for HJC→each←HJC HJC→a violation related to a←HJC
positive test result pursuant to Section 60-1A-14 NMSA 1978,
the fine shall not exceed one hundred thousand dollars
(\$100,000) HJC→and shall include one hundred percent of a purse
related to the violation [whichever is←HJC HJC→for each
violation. In addition, one hundred percent of the purse
related to the violation shall be forfeited←HJC greater, for
each violation].

E. Fines shall be paid into the [~~current school
fund~~] racehorse testing fund.

F. When a penalty is imposed pursuant to this
section for administering a performance-altering substance as
provided in Subsection A of Section 60-1A-28 NMSA 1978, the
commission shall direct its executive director to report the
violation to the district attorney for the county in which the
violation occurred and to the horse racing licensing authority
in any other jurisdiction in which the licensee being penalized
is also licensed."

SECTION 2. Section 60-1A-14.1 NMSA 1978 (being Laws 2013,
Chapter 102, Section 1, as amended by Laws 2017, Chapter 28,
Section 4 and by Laws 2017, Chapter 145, Section 4) is amended
to read:

"60-1A-14.1. RACEHORSE TESTING FUND--CREATED--PURPOSE.--
The "racehorse testing fund" is created in the state treasury.

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The purpose of the fund is to ensure the testing of racehorses at a laboratory that meets or exceeds the current national laboratory standards for the testing of drugs or other foreign substances not naturally occurring in a horse, as established by the association of racing commissioners international, incorporated, or of a successor organization or, if none, of another nationally recognized organization that has published substantially similar guidelines that are generally accepted in the horse racing industry. The fund consists of one-half of the daily capital outlay tax appropriated and transferred pursuant to Paragraph (4) of Subsection A of Section 60-1A-20 NMSA 1978 and fines, appropriations, gifts, grants and donations made to the fund. Income from investment of the fund shall be credited to the fund. The commission shall administer the racehorse testing fund, and money in the fund is appropriated to the commission for the handling of pre- and post-race, out-of-competition and necropsy testing of blood serum plasma, urine or other appropriate test samples taken from racehorses pursuant to Section 60-1A-14 NMSA 1978 and to compensate the equine health and testing advisor employed or selected pursuant to Section 60-1A-13 NMSA 1978. Any unexpended or unencumbered balance remaining in the racehorse testing fund at the end of a fiscal year in excess of six hundred thousand dollars (\$600,000) shall revert to the general fund. Expenditures from the fund shall be made on warrant of

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the secretary of finance and administration pursuant to
vouchers signed by the executive director of the commission.
The racehorse testing fund shall be thoroughly examined and
audited each fiscal year by an independent auditor approved by
the state auditor."

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