

SENATE BILL 301

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 ANIMALS; ALLOWING FERTILITY CONTROL, RELOCATION AND ADOPTION OF FREE-ROAMING HORSES UNDER CERTAIN CIRCUMSTANCES; ALLOWING A FREE-ROAMING HORSE EXPERT TO CONTROL THE POPULATION OF FREE-ROAMING HORSES ON CERTAIN LAND THROUGH CERTAIN METHODS; REQUIRING THE NEW MEXICO LIVESTOCK BOARD TO APPROVE THE QUALIFICATIONS OF A FREE-ROAMING HORSE EXPERT; ALLOWING THE NEW MEXICO LIVESTOCK BOARD TO MAKE RULES REGARDING THE APPROVAL OF THE QUALIFICATIONS OF A FREE-ROAMING HORSE EXPERT; PROHIBITING

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THE SLAUGHTER OR EXPORT FOR SLAUGHTER OF FREE-ROAMING HORSES;  
PROVIDING A PENALTY.

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

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

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

A. As used in this section, "facility" means a  
horse rescue or retirement facility, including a private  
reserve or private preserve, that ~~[advertises or solicits for  
horses and provides lifelong care or finds new owners for  
horses that are unwanted or have been neglected or abused or  
captured wild horses that cannot be returned to their range]~~  
provides lifelong care or finds new owners for unwanted, abused  
or neglected horses or captured free-roaming horses Sfl1→, but  
does not include a federal facility←Sfl1 .

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

C. The board shall:

- (1) register facilities that meet the  
requirements of this section;
- (2) annually consult with representatives from  
the equine industry, equine rescue organizations and  
veterinarians on facility standards; and
- (3) after consideration of recommendations by

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national organizations for the care of unwanted horses and equine rescue and retirement facilities, promulgate rules for facilities, including:

- (a) health and sanitary requirements;
- (b) standards for barns, paddocks, pastures and ranges;
- (c) qualifications of the facility staff;
- (d) provision of veterinary care;
- (e) feeding and watering requirements;
- (f) transportation; and
- (g) other requirements necessary to ensure the humane care of horses.

D. The board may charge the following fees:

- (1) an initial inspection and registration fee of not more than two hundred fifty dollars (\$250);
- (2) an annual inspection and registration fee of not more than one hundred dollars (\$100); and
- (3) reinspection fees of not more than one hundred dollars (\$100).

E. Fees collected pursuant to this section shall be deposited in the New Mexico livestock board general fund and may be used to carry out the provisions of [~~Sections 1 and 2 of this act~~] this section and Section 77-2-31 NMSA 1978."

SECTION 2. A new section of Chapter 77, Article 2 NMSA

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1978 is enacted to read:

"[NEW MATERIAL] FREE-ROAMING HORSE EXPERT--APPROVAL OF QUALIFICATIONS--RULES.--

A. The board may approve the qualifications of a free-roaming horse expert for the purposes of managing a range inhabited by a free-roaming horse or herd upon a finding that the free-roaming horse expert has demonstrated:

(1) expertise in conducting free-roaming horse herd surveys;

(2) an understanding of land carrying capacity analyses, land status and property ownership; and

(3) an understanding of free-roaming horse habitat, biology, behavior and management strategies.

B. The board may promulgate rules regarding the approval of the qualifications of a free-roaming horse expert."

SECTION 3. Section 77-18-5 NMSA 1978 (being Laws 2007, Chapter 216, Section 1) is amended to read:

"77-18-5. [~~WILD HORSES--CONFORMATION, HISTORY AND DEOXYRIBONUCLEIC ACID TESTING--SPANISH COLONIAL HORSES--BIRTH~~] FREE-ROAMING HORSES--HUMANE MANAGEMENT--FERTILITY CONTROL.--

~~[A. As used in this section:~~

~~(1) "public land" does not include federal land controlled by the bureau of land management, the forest service or state trust land controlled by the state land office;~~

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~~(2) "range" means the amount of land necessary to sustain a herd of wild horses, which does not exceed its known territorial limits;~~

~~(3) "Spanish colonial horse" means a wild horse that is descended from horses of the Spanish colonial period; and~~

~~(4) "wild horse" means an unclaimed horse on public land that is not an estray.~~

~~B. A wild horse that is captured on public land shall have its conformation, history and deoxyribonucleic acid tested to determine if it is a Spanish colonial horse. If it is a Spanish colonial horse, the wild horse shall be relocated to a state or private wild horse preserve created and maintained for the purpose of protecting Spanish colonial horses. If it is not a Spanish colonial horse, it shall be returned to the public land, relocated to a public or private wild horse preserve or put up for adoption by the agency on whose land the wild horse was captured.~~

~~C. If the mammal division of the museum of southwestern biology at the university of New Mexico determines that a wild horse herd exceeds the number of horses that is necessary for preserving the genetic stock of the herd and for preserving and maintaining the range, it may cause control of the wild horse population through the use of birth control and may cause excess horses to be:~~

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~~(1) humanely captured and relocated to other public land or to a public or private wild horse preserve;~~

~~(2) adopted by a qualified person for private maintenance; or~~

~~(3) euthanized; provided that this option applies only to wild horses that are determined by a veterinarian to be crippled or otherwise unhealthy.]~~

A. If a qualified free-roaming horse expert determines that the range inhabited by a free-roaming horse or herd exceeds its carrying capacity, the expert, and those employed, trained and supervised by that individual, may cause control of a free-roaming horse or herd upon the approval of the appropriate landowner through:

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

(2) humane capture and relocation to a horse rescue or retirement facility or public or private horse preserve that is registered with the board or an out-of-state facility that meets the board's facility standards for lifelong sanctuary care or for the purposes of adoption of the free-roaming horse or horses;

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

(4) for a horse with an untreatable medical

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condition that significantly impacts the horse's quality of life, humane euthanasia.

B. A free-roaming horse captured pursuant to this section and relocated to a horse rescue or retirement facility or a public or private horse preserve shall be microchipped or freeze branded for individual and ownership identification purposes.

C. Nothing in this section shall authorize a qualified free-roaming horse expert to engage in herd management activities on federal or tribal land.

Sf11→**D. Nothing in this section shall affect the federal bureau of land management's authority to manage free-roaming horses that are not subject to the federal Wild Free-Roaming Horses and Burros Act and found on lands administered by the federal bureau of land management, including the federal bureau of land management's authority to gather, remove and sell free-roaming horses in accordance with applicable law, regulations and policy.**←Sf11

Sf11→**D.**←Sf11 Sf11→**E.**←Sf11 A person shall not slaughter, allow to be slaughtered or export for slaughter a free-roaming horse. Each horse that is slaughtered, allowed to be slaughtered or exported for slaughter constitutes a separate offense. A person who violates this subsection is guilty of a misdemeanor and upon conviction shall be sentenced in accordance with the provisions of Section 31-19-1 NMSA 1978.

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Sf11→~~E.~~←Sf11 Sf11→F.←Sf11 As used in this

section:

(1) "adoption" means the adoption of a horse by a qualified individual who has demonstrated to the horse rescue or retirement facility the capacity and intent to provide humane treatment and care of the animal, including proper feeding, sheltering, husbandry, handling and care;

(2) "carrying capacity" means the number of grazing animals that a given amount of land can support long-term while maintaining or improving the vegetation, soils and water;

(3) "free-roaming horse" means an unclaimed horse found at large that is not an estray and does not include equines subject to the jurisdiction of the federal government pursuant to the federal Wild Free-Roaming Horses and Burros Act Sf11→or found on lands administered by the federal bureau of land management←Sf11 ;

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

(5) "humane euthanasia" means to produce a humane death of an animal, as recommended by a veterinarian due to an untreatable medical condition that significantly impacts the horse's quality of life, by standards deemed acceptable by

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the board of veterinary medicine as set forth in the board's rules;

(6) "qualified free-roaming horse expert" means an individual who has demonstrated expertise in conducting free-roaming horse herd surveys and a demonstrated understanding of land carrying capacity analyses, land status, property ownership and free-roaming horse habitat, biology, behavior and management strategies and is qualified by the board; and

(7) "range" means land inhabited by or able to sustain free-roaming horse herds or family bands."