

Hair Testing Proves Effective Once Again in New Mexico

For the second time in a month, a horse will be scratched from a prestigious New Mexico stakes race due to a positive out of competition test of the hair. Tf Carters Pick, a quarter horse owned and trained by Jesus Carrete, who is winning at a 39% win clip at the current Albuquerque meet, had his hair pulled on September 7, 2017. The results were reported back to the New Mexico Racing Commission (NMRC) on Tuesday September 19, 2017. The sample proved positive for clenbuterol. Pursuant to the New Mexico's Administrative Code, Tf Carters Pick was placed on the stewards list for a period of 60 days due to the positive, making him illegible to run in Sunday's \$252,000 La Fiesta Futurity. NMRC Chairman Ray Willis said, "Let it be clear that now and for years to come, horses that come to New Mexico to compete will be subject to hair testing whether it's for out of competition testing, an overnight race or the state's richest races. Furthermore, horses that train on clenbuterol in jurisdictions where it is legal and come to New Mexico can be tested and if they test positive in the hair, they will not be permitted to race here in New Mexico."

Hair testing came on the scene strong in New Mexico on July 1, 2017. To date, the NMRC has conducted over 130 out of competition hair tests on a variety of horses including thoroughbreds. New rules imposed by the NMRC on July 1 allowed the commission to penalize a horse that test positive for certain drugs in the hair by placing the horse on the stewards list for a minimum of 60 days. Most recently, the horse Heaza Streakin Legacy was not permitted to run in the prestigious \$3,000,000 All American Futurity on September 4, 2017 because of a clenbuterol positive in the hair. That was despite an interesting court battle between the owner of Heaza Streakin Legacy, Martin Ybarra, and the NMRC. The court battle started at the 12 District Court in Lincoln County, NM and eventually landed on the steps of the New Mexico Supreme Court, but was denied being heard by that court. NMRC Executive Director Ismael "Izzy" Trejo said, "The judge from the 12th district court provided some good findings that will help us continue to keep the pressure on drug abusers and violators, particularly ruling that there is not a sufficient property interest or deprivation interest in a particular horse running on a particular day that requires substantive due process or procedural due process. In other words, when a horse is placed on the stewards list, which happens almost every day in horse racing, due process for the owner or trainer is not mandated, leaving minimal recourse for owner or trainer.

The 60 day stewards list rule is a strong rule, but one that can be partially attributed to the recent reduction in drug positives in New Mexico. The NMRC's Equine and Testing Advisor Scot Waterman said, "When horses get scratched from big stakes races for a drug positive, people take notice. Not only does the trainer have to explain to the owner that the horse can't run in the stake, but they also have to explain why the horse cannot run for a minimum 60 day period as well." In the case of Jesus Carrete, he is fortunate that he is the owner and trainer of Tf Carters Pick and only has himself to explain to.

