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*The purpose of the proposed amendments is to clarify and expand specifics of ineligibility to enter and to start.*

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**15.2.5.12 HORSES INELIGIBLE:**

- A.** A horse shall be ineligible to ~~[start]~~ enter in a race when:
- ~~[(1)]~~ it is not stabled on the grounds of the association or present by the time established by the commission;
  - ~~[(2)]~~ its breed registration certificate is not on file with the racing secretary or horse identifier; unless the racing secretary has submitted the certificate to the appropriate breed registry for correction or in the case of thoroughbred horses foaled in 2018 or thereafter, the horse doesn't have a digital tattoo; the stewards may waive this requirement if the information contained on the registration certificate is otherwise available; and the horse is otherwise correctly identified to the stewards' satisfaction;
  - ~~[(3)]~~ if a quarter horse or a thoroughbred foaled before 2018, is not fully identified and tattooed on the inside of the upper lip, freeze brand or identified by any other method approved by the breed registry and commission; however, there may be extenuating circumstances where a horse will be eligible to start in a race without the tattoo as referenced above, as long as the horse identifier has written verification that the tattooing process has been initiated; if a thoroughbred foaled in 2018 or thereafter, is not micro-chipped with a unique microchip (ISO11784), freeze brand or identified by any other method approved by the breed registry and commission;
  - ~~[(4)]~~ it has been fraudulently entered or raced in any jurisdiction under a different name, with an altered registration certificate, altered lip tattoo, altered or manipulated microchip (ISO11784), or freeze brand;]
  - ~~[(5)]~~(1) it is wholly or partially owned by a disqualified person or a horse is under the direct or indirect training or management of a disqualified person;
  - ~~[(6)]~~(2) it is wholly or partially owned by the spouse of a disqualified person or a horse is under the direct or indirect management of the spouse of a disqualified person, in such cases, it being presumed that the disqualified person and spouse constitute a single financial entity with respect to the horse, which presumption may be rebutted;
  - ~~[(7)]~~ the stakes or entrance money for the horse has not been paid, in accordance with the conditions of the race;]
  - ~~[(8)]~~ the losing jockey mount fee is not on deposit with the horsemen's bookkeeper;]
  - ~~[(9)]~~(3) its name appears on the starter's list, stewards' list ~~[or]~~, veterinarian's list or paddock judge's list;
  - ~~[(10)]~~(4) it is a first time starter and has not been approved to start by the starter;
  - ~~[(11)]~~(5) it is owned in whole or in part by an undisclosed person or interest;
  - ~~[(12)]~~(6) it lacks sufficient official published workouts or race past performance(s);
  - ~~[(13)]~~ it has been entered in a stakes race and has subsequently been transferred with its engagements, unless the racing secretary has been notified of such prior to the start;]
  - ~~[(14)]~~(7) it is subject to a lien which has not been approved by the stewards and filed with the horsemen's bookkeeper;
  - ~~[(15)]~~(8) it is subject to a lease not filed with the stewards;
  - ~~[(16)]~~(9) it is not in sound racing condition;
  - ~~[(17)]~~(10) it has had a surgical neurectomy performed on a heel nerve, which has not been approved by the official veterinarian;
  - ~~[(18)]~~(11) it has been trachea tubed to artificially assist breathing;
  - ~~[(19)]~~(12) it has been blocked with alcohol or otherwise drugged or surgically denerved to desensitize the nerves above the ankle;]
  - ~~[(20)]~~(13) it has impaired eyesight in both eyes;
  - ~~[(21)]~~(14) it is barred or suspended in any recognized jurisdiction;
  - ~~[(22)]~~(15) it does not meet the eligibility conditions of the race;
  - ~~[(23)]~~(16) its owner or lessor is in arrears for any stakes fees, except with approval of the racing secretary;

~~[(24) — its owner(s), lessor(s) and/or trainer have not completed the licensing procedures required by the commission;]~~

~~[(25)](17) it is by an unknown sire or out of an unknown mare[~~;-or~~].~~

~~[(26) — there is no current negative test certificate for equine infectious anemia on file with the racing office, as required by the commission.]~~

**B.** A horse shall be ineligible to be ~~[entered]~~ start when:

(1) it is the subject of a positive test for a prohibited substance in an official sample based on a final certificate of analysis received from the official laboratory during the period in which the adjudication process involving the violation is ongoing.

(a) In the event the horse is claimed in the race in which the horse allegedly ran with the prohibited substance, the new owner may enter the horse, unless the horse is ordered to go on the stewards' list pursuant to Subsection C of 15.2.6.9 (8)(a-e) NMAC.

(b) Should the horse be claimed thereafter by the owner of the horse in the race in which there was a positive test for a prohibited substance, the horse shall not be allowed to enter unless the adjudication process involving the prior violation is complete.

(2) ~~It is not stabled on the grounds of the association or present by the time established by the commission;~~

(3) ~~its breed registration certificate is not on file with the racing secretary or horse identifier; unless the racing secretary has submitted the certificate to the appropriate breed registry for correction or in the case of thoroughbred horses foaled in 2018 or thereafter, the horse does not have a digital tattoo; the stewards may waive this requirement if the information contained on the registration certificate is otherwise available; and the horse is otherwise correctly identified to the stewards' satisfaction;~~

(4) ~~if a quarter horse or a thoroughbred foaled before 2018, is not fully identified and tattooed on the inside of the upper lip, freeze brand or identified by any other method approved by the breed registry and commission; however, there may be extenuating circumstances where a horse will be eligible to start in a race without the tattoo as referenced above, as long as the horse identifier has written verification that the tattooing process has been initiated; if a thoroughbred foaled in 2018 or thereafter, is not microchipped with a unique microchip (ISO11784), freeze brand or identified by any other method approved by the breed registry and commission;~~

(5) ~~it has been fraudulently entered or raced in any jurisdiction under a different name, with an altered registration certificate, altered lip tattoo, altered or manipulated microchip (ISO11784), or freeze brand;~~

(6) ~~the stakes or entrance money for the horse has not been paid, in accordance with the conditions of the race;~~

(7) ~~it has been entered in a stakes race and has subsequently been transferred with its engagements, unless the racing secretary has been notified of such prior to the start;~~

(8) ~~it is not in sound racing condition;~~

(9) ~~it has been blocked with alcohol or otherwise drugged or surgically denerved to desensitize the nerves above the ankle;~~

(10) ~~it does not meet the eligibility conditions of the race;~~

(11) ~~its owner(s), lessor(s) or trainer have not completed the licensing procedures required by the commission; or~~

(12) ~~there is no current negative test certificate for equine infectious anemia on file with the racing office, as required by the commission.~~

[15.2.5.12 NMAC - Rp, 15 NMAC 2.5.12, 3/15/2001; A, 7/15/2002; A, 8/30/2007; A, 6/15/2009; A, 1/1/2014; A, 9/15/2016; A, 12/19/2019]