
The purpose of the proposed amendment is to clarify when and who has authority to request a scratch of a horse following the closing of entries and that stewards have sole authority to approve such request and scratch a horse.

15.2.5.9 DECLARATIONS AND SCRATCHES: Declarations and scratches are irrevocable except with permission of the stewards.

A. Declarations:

(1) A "declaration" is the act of withdrawing an entered horse from a race prior to the closing of entries.

(2) The declaration of a horse before closing shall be made by the owner, trainer or their licensed designee in the form and manner prescribed in these rules.

B. Scratches:

(1) A "scratch" is the act of withdrawing an entered horse from a contest after the closing of entries **subject to approval of the stewards.**

(2) **The stewards have sole authority to scratch a horse if any situation involves a rule violation or is recommended by a veterinarian or concerns of track condition.** The scratch of a horse after closing ~~[shall]~~ of entries may be ~~[made]~~ submitted by the owner, trainer or ~~[their licensed designee]~~ designated assistant trainer, ~~[with permission]~~ **subject to approval** from the stewards.

(3) A horse may be scratched from a stakes race for any reason at any time up until 45 minutes prior to post time for that race **subject to approval from the stewards.**

(4) No horse may be scratched from an overnight race without approval of the stewards.

(5) In overnight races, horses that are physically disabled or sick shall be permitted to be scratched first. Should horses representing more than eight betting interests in the daily double or exotic wagering races, or horses representing more than eight betting interests in any other overnight race, remain in after horses with physical excuses have been scratched, then owners or trainers may be permitted at scratch time to scratch horses without physical excuses down to such respective minimum numbers for such races. This privilege shall be determined by lot if an excessive number of owners or trainers wish to scratch their horses.

(6) Entry of any horse which has been scratched, or excused from starting by the stewards, because of a physical disability or sickness may not be accepted until the expiration of seven calendar days after such horse was scratched or excused and the horse has been removed from the veterinarian's list.

[15.2.5.9 NMAC - Rp, 15 NMAC 2.5.9, 3/15/2001; A, 10/31/2006; A, 3/14/2018]
