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*The purpose of proposed amendments is to strengthen requirements for becoming a trainer to better ensure and improve health, safety and welfare of horses; empower Commission to hold trainers accountable for condition of horses in their care, custody and control; require trainers exercise due diligence in ensuring newly acquired horses are free of prohibited substances and detail consequences of catastrophic injuries.*

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**16.47.1.10 TRAINERS:**

**A. Eligibility:**

(1) An applicant for a license as trainer or assistant trainer must be at least 18 years of age.

(2) The board of stewards shall first determine whether the trainer or assistant trainer has taken a test in another pari-mutuel jurisdiction prior to applying for a license in New Mexico and shall have sole discretion in which jurisdiction to reciprocate licensing.

(3) Applicants not previously licensed as a trainer or assistant trainer in New Mexico or applying for a renewal license as a trainer shall be qualified, as determined by the stewards or other commission designee, by reason of:

(a) At least ~~two~~ five years experience as a licensed groom, jockey, exercise rider, or pony person ~~[-, plater or owner who is actively participating in the stable area. An owners' license will only be accepted if licensee can prove they are a "hands on" owner actively working as a groom at the racetrack on their own horses under the supervision of a licensed trainer].~~

(b) Shall be required to pass a New Mexico racing commission's sanctioned trainer's written examination, with a minimum score of 80 percent in each category, oral interviews with stewards ~~[and a regulatory veterinarian;]~~ and pass a demonstrate practical skills.

(c) Must submit two written statements from trainers currently licensed in New Mexico as to the character and qualifications of the applicant and one written statement from a currently licensed owner stating intent to place one or more horses with the applicant, when licensed.

(d) Applicants failing the first written/oral examination must wait ~~[30]~~ 90 days before retaking the trainer's test.

(e) Applicants failing the second written/oral examination must wait ~~[60]~~ 180 days before retaking the trainer's test.

(f) Applicants failing the third written/oral examination must wait one year before retaking the trainer's test.

~~[(3)](4) [A trainer licensed and in good standing in New Mexico applying for a renewal license or a trainer from another jurisdiction, and the license having been issued within a 24 month period, may be accepted if evidence of experience and qualifications are provided. In addition, the licensee must have no record of a class 1 or 2 violation, in the preceding 24 month period in any jurisdiction for it to be accepted. Evidence of qualifications shall require passing one or more of the following:] Any trainer who has been the subject of a medication violation in any jurisdiction is subject to an oral examination conducted by the stewards; a demonstration of practical skills; or a New Mexico sanctioned written test and must pass with a minimum score of 80 percent in each category.~~

~~[(a) — a written test;]~~

~~[(b) — a demonstration of practical skills;]~~

~~[(c) — an interview with the stewards.]~~

(5) Upon timely request to the steward's or commission designee due to disability or other factors affecting the applicant's ability to effectively complete the trainer's test (such as illiteracy or language barriers), reasonable accommodations shall be made for the applicant including, but not limited to, oral administration of the examination, use of a pre-approved translator, and aid from pre-approved assistant where deemed appropriate by the stewards or commission designee administering the examination.

~~[(5)](6)~~ Failure to start a minimum of one horse every six months while holding a trainer's license ~~[will subject]~~ shall require licensee to retest or interview before the board of stewards.

(7) Any trainer who has obtained a trainer's license in another jurisdiction but has failed to start a minimum of five horses in a jurisdiction that conducts pari-mutuel wagering, will be required to pass an oral examination before a New Mexico board of stewards, a barn test administered by a New Mexico racing commission

designee; and take a New Mexico sanctioned written test and must pass with a minimum score of 80 percent in each category.

(8) Any potential trainer or assistant trainer who has started the licensing process in the state of New Mexico and obtains a trainer's or assistant trainer's license in another jurisdiction will be required to pass an oral examination before a New Mexico board of stewards, a barn test administered by a New Mexico racing commission designee, and take a New Mexico racing commission sanctioned written test and must pass with a minimum score of 80 percent in each category.

(9) Any trainer or assistant trainer who has passed the HISA written test will also be required to pass an oral examination before a New Mexico board of stewards, a barn test administered by a New Mexico racing commission designee and take a New Mexico racing commission sanctioned written test and must pass with a minimum score of 80 percent in each category.

**B. Absolute insurer:**

(1) The trainer is the absolute insurer of the condition of horses entered in an official workout or race and is responsible for the presence of any prohibited drug or medication, or other prohibited substance in such horses. A positive test for a prohibited drug or medication or other prohibited substance or the presence of permitted medication in excess of maximum allowable levels as reported by a commission-approved laboratory is prima facie evidence of a violation of this rule. The trainer is absolutely responsible regardless of the acts of third parties.

(2) A trainer must prevent the administration of any drug or medication or other prohibited substance that may cause a violation of these rules.

(3) A trainer whose horse has been claimed remains the absolute insurer for the race in which the horse is claimed.

(4) A trainer whose horse suffers a catastrophic injury that is due to a race related injury, shall have their entire stable ineligible to enter for a minimum period of one week and all horses must pass a soundness examination administered by and before the official veterinarian and the racing veterinarian.

(5) A trainer whose stable suffers a second catastrophic injury in a calendar year that is due to a race related injury, shall have their entire stable ineligible to enter for a minimum period of 30 days, fined \$7,500 and must pass a soundness examination administered by and before the official veterinarian and the racing veterinarian.

(6) For each subsequent catastrophic injury within a calendar year, sanctions shall be double of Subsection B of 16.47.1.10(5).

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[16.47.1.10 NMAC - Rp, 16 NMAC 47.1.10, 3/15/2001; A, 11/15/2001; A, 3/30/2007; A, 8/30/2007; A, 6/30/2009; A, 9/15/2009; A, 7/5/2010; A, 5/16/2014; A, 9/15/2014; A, 3/15/2016; A, 6/1/2016; A, 12/16/16; A, 3/14/2018; A, 2/25/2020]