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*This rule details definitions. The purpose of the proposed amendments is to add the definition of “Industry Representative” to clarify “representatives” assisting Licensees in hearings before the stewards and appeals before the hearing officer and Commission.*

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**15.2.1.7 DEFINITIONS:**

**A. Definitions beginning with the letter “a”:**

(1) **“Act”** means the New Mexico Horseracing Act, New Mexico Statutes Annotated, 1978 Compilation, and Sections 60-1A-1 through 60-1A-30 including any amendments to that statute.

(2) **“Added money”** is the amount added into the purses for a stakes race by the association, or by sponsors, state-bred programs or other funds added to those monies gathered by nomination, entry, sustaining and other fees coming from owners of horses participating in the race.

(3) **“Age”** of a horse foaled in North America shall be reckoned from the first day of January of the year of foaling.

(4) **“Also eligible”** pertains to a number of eligible horses, properly entered, which were not drawn for inclusion in a race, but which become eligible according to preference or lot if an entry is scratched prior to the scratch time deadline; in a trial race, the next preferred contestant that is eligible to participate when an entry is scratched, pursuant to the written conditions of the race.

(5) **“Allowance race”** is an overnight race for which eligibility and weight to be carried are determined according to specified conditions which include age, sex, earnings and number of wins.

(6) **“Appeal”** is a request for the commission or its designee to investigate, consider and review any decisions or rulings of stewards of a meeting.

(7) **“Arrears”** are all monies owed by a licensee, including subscriptions, jockey fees, forfeitures, and any default incident to these rules and are past due.

(8) **“Association”** is an individual or business entity holding a license from the commission to conduct racing with pari-mutuel wagering.

(9) **“Association grounds”** are all real property utilized by the association in the conduct of its race meeting, including the racetrack, grandstand, concession stands offices, barns, stable area, employee housing facilities and parking lots.

(10) **“Authorized agent”** is a person licensed by the commission and appointed by a written instrument, signed and acknowledged before a notary public by the owner in whose behalf the agent will act.

**B. Definitions beginning with the letter “b”:**

(1) **“Beneficial interest”** is profit, benefit, or advantage resulting from a contract, or the ownership of an estate as distinct from the legal ownership or control. When considered as designation of character of an estate, is such an interest as a devisee, legatee, or donee takes solely for his own use or benefit, and not as holder of title for use and benefit of another.

(2) **“Betting interest”** refers to one or more contestants in a pari-mutuel contest, which are identified by a single program number for wagering purposes.

(3) **“Bleeder”** is any horse, which exhibits symptoms of epistaxis and/or respiratory tract hemorrhage.

(4) **“Bleeder list”** is a tabulation of all bleeders to be maintained by the commission.

(5) **“Board”** means the gaming control board.

(6) **“Breakage”** means the odd cents by which the amount payable on each dollar wagered exceeds a multiple of ten.

(7) **“Breeder”** is the person or entity recorded by the national registry organization for the particular breed of the horse.

**C. Definitions beginning with the letter “c”:**

(1) **“Carryover”** refers to non-distributed monies, which are retained and added to a corresponding pool in accordance with these rules.

(2) **“Catastrophic injury”** means an equine injury sustained during racing or training resulting in death or euthanasia of a horse within 72 hours of injury.

(3) **“Claiming race”** is a race in which any horse starting may be claimed (purchased for a designated amount) in conformance with the rules.

(4) **“Classified handicap”** is a free handicap race in which contestants are assigned weights to be carried by the handicapper for the purpose of equaling their respective chances of winning.

(5) **“Commission”** means the state racing commission.

(6) **“Conditions”** are qualifications, which determine a horse's eligibility to be entered in a race.

(7) **“Contest”** is a competitive event on which pari-mutuel wagering is conducted.

(8) **“Contestant”** is an individual participant in a contest.

(9) **“Controlled substance”** is any substance included in the five classification schedules of the (U.S.) Controlled Substance Act of 1970.

(10) **“Course”** is the track over which horses race.

**D. Definitions beginning with the letter “d”:**

(1) **“Day”** is a 24-hour period ending at midnight.

(a) **Dark day** - a day during a live or a simulcast race meeting when no pari-mutuel wagering is conducted.

(b) **Race day** - a day during a race meeting when pari-mutuel wagering is conducted on live racing.

(c) **Simulcast race day** - a day during a race meeting when pari-mutuel wagering is conducted on simulcast racing.

(2) **“Dead heat”** is the finish of a race in which the noses of two or more horses reach the finish line at the same time.

(3) **“Declaration”** is the act of withdrawing an entered horse from a race prior to the closing of entries.

(4) **“Designated race”** shall mean any stakes race or associated trial as designated by the stewards.

(5) **“Draw”** is the process of assigning postpositions and the process of selecting contestants in a manner to ensure compliance with the conditions of the rules of racing.

**E. Definitions beginning with the letter “e”:**

(1) **“Entry”** is a horse eligible for and entered in a race; two or more horses entered in the same race, which have common ties of ownership, lease or training (see “coupled entry”).

(2) **“Equipment”** as applied to a horse, means riding crop, blinkers, tongue strap, muzzle, hood, nose band, bit, shadow roll, martingale, breast plate, bandage, boot, plates, flipping halter and all other paraphernalia common or otherwise which might be used on or attached to a horse while racing.

(3) **“Exhibition race”** is a race for which a purse is offered but no wagering is permitted.

(4) **“Exotic wagering”** means all wagering other than on win, place or show, through pari-mutuel wagering;

(5) **“Expired ticket”** is an outstanding ticket, which was not presented for redemption within the required time period for which it was issued.

(6) **“Export”** means to send a live audiovisual broadcast of a horse race in the process of being run at a horse racetrack from the originating horse racetrack to another location.

**F. Definitions beginning with the letter “f”:**

(1) **“Financial interest”** is an interest that could result in directly or indirectly receiving a pecuniary gain or sustaining a pecuniary loss as a result of ownership or interest in a horse or business entity; or as a result of salary, gratuity, or other compensation or remuneration from any person. Being the lessee or lessor of a horse shall be construed as having a financial interest.

(2) **“Flat race”** is a race run over a course on which no jumps or other obstacles are placed.

(3) **“Forfeit”** is money due from a licensee because of error, fault, neglect of duty, breach of contract or a penalty imposed by the stewards or the commission.

**G. Definitions beginning with the letter “g”:**

(1) **“Guarantee purse money”** is the same as a stake with a guarantee by the association that the gross purse shall not be less than the amount stated.

(2) **“Guest association”** is an association, which offers licensed pari-mutuel wagering on contests conducted, by another association (the host) in either the same state or another jurisdiction.

(3) **“Guest state”** means a jurisdiction, other than a jurisdiction in which a horse race is run, in which a horse racetrack, off-track wagering facility or other facility that is a member of and subject to an interstate common pool is located.

(4) **“Guest track”** means a horse racetrack, off-track wagering facility or other licensed facility in a location other than the state in which a horse race is run that is a member of and subject to an interstate common pool.

**H. Definitions beginning with the letter “h”:**

(1) **“Handicap”** is a race in which the weights to be carried by the horses are assigned by the racing secretary or handicapper for the purpose of equalizing the chances of winning for all horses entered.

(2) **“Handle”** is the total amount of all pari-mutuel wagering sales excluding refunds and cancellations.

(3) **“Horse”** is any horse or mule (including and designated as a mare, filly, stallion, colt, ridgling or gelding) registered for racing.

(4) **“Horse race”** means a competition among racehorses on a predetermined course in which the horse completing the course in the least amount of time generally wins.

(5) **“Host association”** is the association conducting a licensed pari-mutuel meeting from which authorized contests or entire performances are simulcast.

(6) **“Host track”** means the horse racetrack from which a horse race subject to an interstate common pool is transmitted to members of that interstate common pool, also known as a “sending track.”

**I. Definitions beginning with the letter “i”:**

(1) **“Import”** means to receive a live audiovisual broadcast of a horse race.

(2) **“Industry representative”** is one or more individuals, none of whom shall be attorneys, selected by a licensee to appear with them at proceedings before the stewards or proceedings before the commission. They shall not act as an attorney in any proceeding pursuant to Section 36-2-27 NMSA 1978.

(3) **“Inquiry”** is an investigation by the stewards of potential interference in a contest prior to declaring the result of said contest official.

~~(3)~~(4) **“Interstate common pool”** means a pari-mutuel pool that combines comparable pari-mutuel pools from one or more locations that accept wagers on a horse race run at a sending track for purposes of establishing payoff prices at the pool members' locations, including pools in which pool members from more than one state simultaneously combine pari-mutuel pools to form an interstate common pool.

(4)(5) **“Invitational handicap”** is a handicap for which the racing secretary or handicapper has selected the contestants and assigned the weights.

**J. Definitions beginning with the letter “j”:**

(1) **“Jockey”** is a person licensed to ride in races.

(2) **“Jockey club”** means an organization that administers thoroughbred registration records and registers thoroughbreds.

**K. Definitions beginning with the letter “k”:** [Reserved]

**L. Definitions beginning with the letter “l”:**

(1) **“Licensee”** is any person or entity holding a license from the Commission to engage in racing or a regulated activity.

**M. Definitions beginning with the letter “m”:**

(1) **“Maiden”** is a horse, which shows in the *Equibase* and *RTO Incompass* system as never having won a race at a recognized meeting. A maiden, which has been disqualified after finishing first in a race, is still a maiden.

(2) **“Maiden race”** is a race restricted to maidens.

(3) **“Match race”** is a race between two horses under conditions agreed to by their owners.

(4) **“Meeting”** is the specified period and dates each year during which an association is authorized to conduct racing by approval of the commission. For purposes of this rule, the meeting begins on the first date prior to actual racing that entries are accepted by the racing secretary. Entries shall be accepted no sooner than seven days before racing commences.

(5) **“Minus pool”** occurs when the payout is in excess of the net pool.

(6) **“Month”** is a calendar month.

(7) **“Mutuel field”** refers to two or more contestants in a contest that are treated as a single betting interest for pari-mutuel wagering purposes because the number of betting interests exceeds the number that can be handled individually by the pari-mutuel system.

**N. Definitions beginning with the letter “n”:**

(1) **“Net pool”** is the amount of gross ticket sales less refundable wagers and statutory commissions.

- association.
- (2) **“New Mexico bred”** is a horse registered by the New Mexico horse breeders’ association.
  - (3) **“New Mexico bred race”** is a race in which the contestants are registered as New Mexico bred horses.
  - (4) **“No contest”** is a race cancelled for any reason by the stewards.
  - (5) **“Nomination”** is the naming of a horse to a certain race or series of races.
  - (6) **“Nominator”** is the person or entity in whose name a horse is nominated for a race or series of races.

**O. Definitions beginning with the letter “o”:**

- (1) **“Objection”** is a written complaint made to the stewards concerning a horse entered in a race and filed in a timely manner prior to the scheduled post time of the first race on the day in which the questioned horse is entered; or a verbal claim of foul in a race lodged by the horse's jockey, trainer, owner or the owner's authorized agent before the race is declared official.
- (2) **“Official or racing official”** means assistant racing secretary, chief of security, director of racing or similar position, clerk of scales, clocker, general manager, handicapper, horse identifier, horsemen's bookkeeper, jockey room custodian, official veterinarian, paddock judge, pari-mutuel manager, patrol judge, placing judges, racing secretary, racing veterinarian, stable superintendent, starter, steward, timer, and track superintendent.
- (3) **“Official samples”** is a portion of any bodily substance or fluid, including but not limited to, tissue, hair, blood or urine obtained from a horse at the direction of the commission for the purposes of determining the presence of a prohibited substance.
- (4) **“Official order of finish”** is the order of finish of the contestants in a contest as declared official by the stewards.
- (5) **“Official starter”** is the official responsible for dispatching the horses for a race.
- (6) **“Official time”** is the elapsed time from the moment the first horse crosses the starting point until a horse crosses the finish line.
- (7) **“Off time”** is the moment, at which, on the signal of the official starter, the doors of the starting gate are opened, officially dispatching the horses in each contest.
- (8) **“Optional claiming race”** is a contest restricted to horses entered to be claimed for a stated claiming price and to those which have started previously for that claiming price or less.
- (9) **“Out of competition”** is defined as not participating in a race.
- (10) **“Out of competition testing”** test(s) that may be conducted on any horse that is on the grounds of a racetrack or training center under the jurisdiction of the commission; or under the care or control of a trainer or owner licensed by the commission; or whose papers are filed in the racing office; or has been nominated to a stakes race.
- (11) **“Outstanding ticket”** is a winning or refundable pari-mutuel ticket, which was not cashed during the performance for which it was issued; also known as “outs”.
- (12) **“Overnight race”** is a race for which entries close at a time set by the racing secretary and for which the owners of the horses do not contribute to the purse.
- (13) **“Owner”** is defined as a person who holds any title, right or interest, whole or partial in a horse, including the lessee and lessor of a horse.

**P. Definitions beginning with the letter “p”:**

- (1) **“Paddock”** is an enclosure in which contestants scheduled to compete in a contest are confined prior to racing.
- (2) **“Pari-mutuel system”** is the manual, electromechanical, or computerized system and all software (including the totalisator, account betting system and offsite betting equipment) that is used to record bets and transmit wagering data.
- (3) **“Pari-mutuel wagering”** is a form of wagering on the outcome of an event in which all wagers are pooled and held by an association for distribution of the total amount, less the deductions authorized by law, to holders of tickets on the winning horses.
- (4) **“Patron”** is a member of the public present on the grounds of a pari-mutuel association during a meeting for the purpose of wagering or to observe racing.
- (5) **“Payout”** is the amount of money payable to winning wagers.
- (6) **“Performance”** is a schedule of races run consecutively as one program.
- (7) **“Person”** is one or more individuals, a partnership, association, organization, corporation, joint venture, legal representative, trustee, receiver, syndicate, or any other legal entity.

(8) **“Positive test”** means the result of a test, conducted as provided in these rules on an official sample, which indicates the presence of any prohibited substance.

(9) **“Post position”** is the pre-assigned position from which a horse will leave the starting gate.

(10) **“Post time”** is the scheduled starting time for a contest.

(11) **“Prima facie evidence”** is evidence that, until its effect is overcome by other evidence, will suffice as proof of fact in issue.

(12) **“Private barn”** is a barn and real property owned or leased by a trainer in which stalls are provided for races at a licensed New Mexico racetrack and who have direct access to a New Mexico racetrack.

(13) **“Profit”** is the net pool after deduction of the amount bet on the winners.

(14) **“Profit split”** is a division of profit amongst separate winning betting interests or winning betting combinations resulting in two or more payout prices.

(15) **“Program Trainer”** is a licensed trainer who solely for the purpose of the official race program, is identified as the trainer of the horse that is actually under the control of, and trained by, another person who may or may not hold a current trainer’s license in any jurisdiction.

(16) **“Prohibited substance”** is any drug, chemical, or other substance which, when administered to a horse can create a change in the normal physiological performance of the horse's racing ability, including

(a) stimulants or depressants or other substances as defined by the association of racing commissioners international; or

(b) that may interfere with testing procedures; or

(c) that is a therapeutic medication present in excess of established acceptable levels; or

(d) that is present in the horse in excess of levels that could occur naturally; or

(e) that is a substance specified by rule that is not allowed to appear in an out of competition or hair sample.

(17) **“Program”** is the published listing of all contests and contestants for a specific performance.

(18) **“Protest”** is a written complaint alleging that a horse is or was ineligible to race.

(19) **“Purse”** is the total dollar amount, including but not limited to, extra New Mexico horse breeders association money as listed in the official daily program for which a race is contested whether paid at the time of the race or at a future date.

**Q. Definitions beginning with the letter “q”:** [Reserved]

**R. Definitions beginning with the letter “r”:**

(1) **“Race”** is a contest between contestants at a licensed meeting.

(2) **“Restricted area”** is an enclosed portion of the association grounds to which access is limited to licensees whose occupation or participation requires access.

(3) **“Result”** is that part of the official order of finish to determine the pari-mutuel payout of pools for each individual contest.

**S. Definitions beginning with the letter “s”:**

(1) **“Scratch”** is the act of withdrawing an entered horse from a contest after the closing of entries.

(2) **“Scratch time”** is the deadline set by the association for withdrawal of entries from a scheduled performance.

(3) **“Simulcast”** refers to the live audio and visual transmission of a contest to another location for pari-mutuel wagering purposes.

(4) **“Single price pool”** is an equal distribution of profit to winning betting interests or winning betting combinations through a single payout price.

(5) **“Sponsor added money”** is added to a race in return for name and/or advertising recognition and is not added money.

(6) **“Stable name”** is a name used other than the actual legal name of an owner or lessee and registered with the commission.

(7) **“Stakes race”** is a contest in which nomination, entry and/or starting fees contribute to the purse. No overnight race shall be considered a stakes race.

(8) **“Starter”** refers to a horse, which becomes an actual contestant in a race by virtue of the starting gate opening in front of it upon dispatch by the official starter.

- (9) **“Starter allowance”** is a race in which a horse establishes eligibility by starting for a claimed price pursuant to the conditions of the race.
- (10) **“Steeplechase race”** is a contest in which horses mounted by jockeys run over a course on which jumps or other obstacles are placed.
- (11) **“Steward”** is a duly appointed racing official with powers and duties specified by the act and these rules.
- (12) **“Substitute Steward”** is a licensed or certified racing official pursuant to 60-1A-12, duly approved by the commission and appointed by the executive director or the presiding steward, with the powers and duties specified by the act and these rules.
- T. Definitions beginning with the letter “t”:**
- (1) **“Takeout”** is the total amount of money, excluding breakage, withheld from each pari-mutuel pool, as authorized by statute or rule.
- (2) **“Therapeutic medication”** is any drug, chemical, or chemical agent, that when administered to a horse is calculated to improve or protect the health and soundness of said horse. The promotion of formful racing performance is the intent of administering a therapeutic medication.
- (3) **“Totalisator”** is the system used for recording, calculating, and disseminating information about ticket sales, wagers, odds and payout prices to patrons at a pari-mutuel wagering facility.
- (4) **“Trainer”** is a person who holds a valid trainer’s license and who has a horse eligible to race under his care, custody, or control at the time entry is made.
- (5) **“Trial race”** is part of a series of races in which horses participate for the purpose of determining eligibility for a subsequent race.
- (6) **“Tubing”** is the administration of any substance via a naso-gastric tube.
- U. Definitions beginning with the letter “u”:** [Reserved]
- V. Definitions beginning with the letter “v”:** [Reserved]
- W. Definitions beginning with the letter “w”:**
- (1) **“Walkover”** is a race in which only one contestant starts or in which all the starters are owned by the same interest. To claim the purse the horse(s) must start and go the distance of the race.
- (2) **“Week”** is a period of seven consecutive 24-hour periods.
- (3) **“Weigh in”** is the presentation of a jockey to the clerk of scales for weighing after a race.
- (4) **“Weigh out”** is the presentation of a jockey to the clerk of scales for weighing prior to a race.
- (5) **“Weight for age”** is a race in which a fixed scale is used to assign the weight to be carried by individual horses according to age, sex, distance of the race, and season of the year.
- (6) **“Winner”** is the horse whose nose reaches the finish line first or is placed first through disqualification by the stewards.
- X. Definitions beginning with the letter “x”:** [Reserved]
- Y. Definitions beginning with the letter “y”:** **“Year”** shall be a calendar year.
- Z. Definitions beginning with the letter “z”:** [Reserved]

[15.2.1.7 NMAC - Rp, 15 NMAC 2.1.7, 3/15/2001; A, 2/14/2002; A, 8/30/2007; A, 12/1/2010; A, 1/1/2013; A, 5/1/2013; A, 8/15/2014; A, 7/1/2017; A, 3/14/2018; A, 9/26/2018; A, 12/19/2019; A, 4/9/2024; A, 8/13/2024]