

This is an amendment to Section 8 of 15.2.6 NMAC requiring all veterinarians licensed to practice on racetracks in the state of New Mexico to comply with all federal and state statutes and applicable rules regulating veterinary practices as may be promulgated by the New Mexico Boards of Veterinary Medicine and Pharmacy.

15.2.6.8 VETERINARY PRACTICES

D. VETERINARY COMPLIANCE: The official veterinarian, racing veterinarian, and each practicing veterinarian shall comply with all federal and state statutes and applicable rules regulating veterinary practices as may be promulgated by the New Mexico Board of Veterinary Medicine and the New Mexico Board of Pharmacy.

This is an amendment to Subsection C of Section 9 of 15.2.6 NMAC allowing the use of the drug substance Clenbuterol, within controlled guidelines, on race horses at New Mexico racetracks; and an amendment to the classification tables which are provided to license holders as an attachment to Section 9 of 15.2.6 NMAC reclassifying the drug substance, Clenbuterol, from a Class 3 drug to a Class 4 drug.

15.2.6.9 MEDICATIONS AND PROHIBITED SUBSTANCES:

C. MEDICATION RESTRICTIONS:

(16) Clenbuterol: The use of Clenbuterol shall be permitted under the following conditions:

(a) Any horse to which Clenbuterol has been administered shall be subject to having a blood and/or urine sample(s) taken at the direction of the official veterinarian to determine the quantitative level(s) and/or the presence of other drugs, which may be present in the blood or urine sample.

(b) The permitted quantitative test level of Clenbuterol shall be administered in such dosage amount that the official test sample shall test less than 5 nanograms per milliliter of urine, or its blood equivalent.

This is an amendment to Subsection C of Section 9 of 15.2.6 NMAC allowing the use of Ketoprofen a non-steroidal anti-inflammatory drug, within controlled guidelines, on racehorses at New Mexico racetracks; an amendment to add a new paragraph to Subsection C of 15.2.6.9 NMAC allowing the use of only one drug substance under specific guidelines in the official urine sample of a horse; and an amendment to Subsection D of Section 9 of 15.2.6 NMAC providing for penalties for exceeding the guidelines for the use of Ketoprofen and multiple violations of approved non-steroidal anti-inflammatory drugs; an amendment to Section 9 of 15.2.6 NMAC reclassifying the non-steroidal anti-inflammatory drug, Ketoprofen from a Class 4 drug to a Class 5 drug. Due to the amendments the entire subsection has been renumbered.

15.2.6.9 MEDICATIONS AND PROHIBITED SUBSTANCES:

C. MEDICATION RESTRICTIONS:

(1) A finding by the official chemist of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race. Prohibited substances include: drugs or medications for which no acceptable levels have been established; therapeutic medications in excess of established acceptable levels; substances present in the horse in excess of levels at which such substances could occur naturally; substances foreign to a horse at levels that cause interference with testing procedures.

(2) Drugs or medications in horses are permissible, provided: the drug or medication is listed by the Association of Racing Commissioners International's Drug Testing and Quality Assurance Program; the maximum permissible urine or blood concentration of the drug or medication does not exceed the published limit.

(3) Except as otherwise provided by this part, a person may not administer or cause to be administered by any means to a horse a prohibited drug, medication, chemical or other substance, including any restricted medication pursuant to this part during the 24-hour period before post time for the race in which the horse is entered.

~~(4)~~ (a) Phenylbutazone: The use of Phenylbutazone shall be permitted under the following conditions:

~~(a)~~ Any horse to which Phenylbutazone has been administered shall be subject to having a blood and/or urine sample(s) taken at the direction of the official veterinarian to determine the quantitative Phenylbutazone level(s) and/or the presence of other drugs, which may be present in the blood or urine sample(s).

~~[(b)]~~ The permitted quantitative test level of Phenylbutazone or Oxyphenbutazone shall be administered in such dosage amount that the official test sample shall test less than 5 micrograms per milliliter of plasma.

~~[(5)]~~ **(b) Furosemide (Salix)**

~~[(a)]~~ Furosemide (**Salix**) may be administered intravenously to a horse, which is entered to compete in a race. Except under the instructions of the official veterinarian for the purpose of removing a horse from the veterinarian's list or to facilitate the collection of a post-race urine sample, Furosemide (**Salix**) shall be permitted only after the trainer enters the horse on the bleeder list by so declaring it as a bleeder on the entry card.

~~[(b)]~~ **(i)** The use of Furosemide (**Salix**) shall be permitted under the following circumstances on association grounds where a detention barn is utilized: Furosemide (**Salix**) shall be administered no less than three hours prior to post time for the race for which the horse is entered. A horse qualified for a Furosemide (**Salix**) administration must be brought to the detention barn within time to comply with the three-hour administration requirement specified above. The dose administered in such dosage amount that the official test sample shall test less than 250 milligrams nor be less than 100 milligrams. After treatment, the horse shall be required by the Commission to remain in the detention barn in the care, custody and control of its trainer or the trainer's designated representative under association and/or Commission security supervision until called to the saddling paddock.

~~[(e)]~~ **(ii)** The use of Furosemide (**Salix**) shall be permitted under the following circumstances on association grounds where a detention barn is not utilized: Furosemide (**Salix**) shall be administered no less than three hours prior to post time for the race for which the horse is entered; the Furosemide (**Salix**) dosage administered shall not exceed 250 milligrams nor be less than 100 milligrams; the trainer of the treated horse shall cause to be delivered to the official veterinarian or his/her designee no later than one hour prior to post time for the race for which the horse is entered the following information under oath on a form provided by the Commission: the racetrack name, the date and time the Furosemide (**Salix**) was administered to the entered horse; the dosage amount of Furosemide (**Salix**) administered to the entered horse; the printed name and signature of the attending licensed veterinarian who administered the Furosemide (**Salix**).

~~[(d)]~~ **(iii)** Bleeder List. The official veterinarian shall maintain a bleeder list of all horses, which have been certified as bleeder horses. Such certified horses must have been entered by the trainer as a bleeder to obtain certification.

~~[(e)]~~ **(iv)** The confirmation of a bleeder horse must be certified in writing by the official veterinarian or the racing veterinarian and entered on the bleeder list. Copies of the certification shall be issued to the owner of the horse or the owner's designee upon request. A copy of the bleeder certificate shall be attached to the horse's certificate of registration.

~~[(f)]~~ **(v)** Every confirmed bleeder, regardless of age, shall be placed on the bleeder list.

~~[(e)]~~ **(vi)** A horse may be removed from the bleeder list only upon the direction of the official veterinarian, who shall certify in writing to the stewards the recommendation for removal and only after remaining on the bleeder list for a minimum of sixty (60) days.

~~[(h)]~~ **(vii)** A horse, which has been placed on a bleeder list in another jurisdiction, may be placed on a bleeder list in this jurisdiction by entering the horse into a race by so declaring it on the entry card as a bleeder in another jurisdiction.

~~[(6)]~~ **(c) Flunixin:** In addition to Phenylbutazone and Furosemide, Flunixin may be administered in such dosage amount that the official test sample shall test less than 1.0 microgram per milliliter of the drug substance, its metabolites, or analogs, per milliliter of blood plasma.

~~[(7)]~~ **(d) Meclofenamic Acid:** In addition to Phenylbutazone and Furosemide, Meclofenamic Acid may be administered in such dosage amount that the official test sample shall test less than 1.0 microgram per milliliter of the drug substance, its metabolites, or analogs, per milliliter of blood plasma.

(e) Ketoprofen: In addition to Phenylbutazone and Furosemide, Ketoprofen may be administered in such dosage amount that the official test sample shall not exceed 50 nanograms per milliliter of the drug substance, its metabolites, or analogs, per milliliter of plasma.

(4) The official urine test sample may contain one of the following drug substances, their metabolites or analogs, in any amount that does not exceed the specified levels:

~~[(8)]~~ **(a) Acepromazine:** The use of Acepromazine shall be permitted under the following conditions:

~~[(a)]~~ Any horse to which Acepromazine has been administered shall be subject to having a blood and/or urine sample(s) taken at the direction of the official veterinarian to determine the quantitative level(s) and/or the presence of other drugs, which may be present in the blood or urine sample.

~~(9)~~ **(b)** The permitted quantitative test level of Acepromazine shall not exceed 25 nanograms per milliliter of urine, or its blood equivalent.

~~(9)~~ **(b) Albuterol:** The use of Albuterol shall be permitted under the following conditions:

~~(a)~~ Any horse to which Albuterol has been administered shall be subject to having a blood and/or urine sample(s) taken at the direction of the official veterinarian to determine the quantitative level(s) and/or the presence of other drugs, which may be present in the blood or urine sample.

~~(b)~~ The permitted quantitative test level of Albuterol shall not exceed 1 nanogram per milliliter of urine, or its blood equivalent.

~~(10)~~ **(c) Atropine:** The use of Atropine shall be permitted under the following conditions:

~~(a)~~ Any horse to which Atropine has been administered shall be subject to having a blood and/or urine sample(s) taken at the direction of the official veterinarian to determine the quantitative level(s) and/or the presence of other drugs, which may be present in the blood or urine sample.

~~(b)~~ The permitted quantitative test level of Atropine shall not exceed 10 nanograms per milliliter of urine, or its blood equivalent.

~~(11)~~ **(d) Benzocaine:** The use of Benzocaine shall be permitted under the following conditions:

~~(a)~~ Any horse to which Benzocaine has been administered shall be subject to having a blood and/or urine sample(s) taken at the direction of the official veterinarian to determine the quantitative level(s) and/or the presence of other drugs, which may be present in the blood or urine sample.

~~(b)~~ The permitted quantitative test level of Benzocaine shall not exceed 50 nanograms per milliliter of urine, or its blood equivalent.

~~(12)~~ **(e) Mepivacaine:** The use of Mepivacaine shall be permitted under the following conditions:

~~(a)~~ Any horse to which Mepivacaine has been administered shall be subject to having a blood and/or urine sample(s) taken at the direction of the official veterinarian to determine the quantitative level(s) and/or the presence of other drugs, which may be present in the blood or urine sample.

~~(b)~~ The permitted quantitative test level of Mepivacaine shall not exceed 10 nanograms per milliliter of urine, or its blood equivalent.

~~(13)~~ **(f) Procaine:** The use of Procaine shall be permitted under the following conditions:

~~(a)~~ Any horse to which Procaine has been administered shall be subject to having a blood and/or urine sample(s) taken at the direction of the official veterinarian to determine the quantitative level(s) and/or the presence of other drugs, which may be present in the blood or urine sample.

~~(b)~~ The permitted quantitative test level of Procaine shall not exceed 10 nanograms per milliliter of urine, or its blood equivalent.

~~(14)~~ **(g) Promazine:** The use of Promazine shall be permitted under the following conditions:

~~(a)~~ Any horse to which Promazine has been administered shall be subject to having a blood and/or urine sample(s) taken at the direction of the official veterinarian to determine the quantitative level(s) and/or the presence of other drugs, which may be present in the blood or urine sample.

~~(b)~~ The permitted quantitative test level of Promazine shall not exceed 25 nanograms per milliliter of urine, or its blood equivalent.

~~(15)~~ **(h) Salicylates:** The use of Salicylates shall be permitted under the following conditions:

~~(a)~~ Any horse to which Salicylates have been administered shall be subject to having a blood and/or urine sample(s) taken at the direction of the official veterinarian to determine the quantitative level(s) and/or the presence of other drugs, which may be present in the blood or urine sample.

~~(b)~~ The permitted quantitative test level of Salicylates shall not exceed 750 micrograms per milliliter of urine, or its blood equivalent.

~~(16)~~ **(i) Clenbuterol:** The use of Clenbuterol shall be permitted under the following conditions:

~~(a)~~ Any horse to which Clenbuterol has been administered shall be subject to having a blood and/or urine sample(s) taken at the direction of the official veterinarian to determine the quantitative level(s) and/or the presence of other drugs, which may be present in the blood or urine sample.

~~(b)~~ The permitted quantitative test level of Clenbuterol shall be administered in such dosage amount that the official test sample shall test less than 5 nanograms per milliliter of urine, or its blood equivalent.

D. PENALTY RECOMMENDATIONS (in the absence of mitigating circumstances):

(1) A verbal warning for the first positive test within a 12-month period in the following levels:

(a) 5.0 micrograms per milliliter to 5.5 micrograms per milliliter in one drug of Phenylbutazone or Oxyphenbutazone; or

(b) 1.0 microgram per milliliter to 1.1 microgram per milliliter of Flunixin; or

- (c) 1.0 microgram per milliliter to 1.1 microgram per milliliter of Meclofenamic Acid.
 - (d) 50.1 nanograms per milliliter of Ketoprofen.**
 - (2) A written warning for one positive test within a 12-month period in the following levels:
 - (a) 5.6 micrograms per milliliter to 9.9 micrograms per milliliter in one drug of Phenylbutazone or Oxyphenbutazone; or
 - (b) 1.1 microgram per milliliter to 1.2 microgram per milliliter of Flunixin; or
 - (c) 1.1 microgram per milliliter to 1.2 microgram per milliliter of Meclofenamic Acid.
 - (d) 60.0 nanograms per milliliter of Ketoprofen.**
 - (3) A fine for one positive test within a 12-month period in the following levels:
 - (a) \$200 for 10.0 micrograms per milliliter and above for combined total amount of Phenylbutazone and Oxyphenbutazone; or
 - (b) \$200 for 1.2 micrograms per milliliter of Flunixin; or
 - (c) \$200 for 1.2 micrograms per milliliter of Meclofenamic Acid; or
 - (d) \$300 for 5.0 micrograms per milliliter or more of either Phenylbutazone or Oxyphenbutazone in combination with 1.2 micrograms or more of either Flunixin or Meclofenamic Acid; or
 - (e) \$200 for 5.6 to 5.9 micrograms per milliliter in one drug of Phenylbutazone, or Oxyphenbutazone, and 1.0 to 1.1 micrograms per milliliter of Flunixin or Meclofenamic Acid.
 - (f) \$200 for 75.0 nanograms per milliliter of Ketoprofen.**
 - (4) The penalties for a second violation within a twelve-month period are as follows:
 - (a) A second violation of Paragraphs (1) or (2) shall be a fine of \$200.
 - (b) A second violation of Paragraphs 3(a), 3(b), or 3(c) shall be a fine of \$400.
 - (c) A second violation of Paragraph 3(d) shall be a fine of \$600.
 - (d) A second violation of Paragraph 3(e) shall be a fine of \$400.**
 - (e) A second violation of Paragraph 3(f) shall be a fine of \$400.**
 - (5) The penalties for a third violation within a twelve-month period are as follows:
 - (a) A third violation of Paragraphs (1) or (2) shall be a fine of \$400.
 - (b) A third violation of Paragraphs 3(a), 3(b), or 3(c) shall be a \$400 fine, disqualification, and loss of purse.
 - (c) A third violation of Paragraph 3(d) shall be a fine of \$900, disqualification, and loss of purse.
 - (d) A third violation of Paragraph 3(e) shall be a fine of \$900, disqualification, and loss of purse.**
 - (e) A third violation of Paragraph 3(f) shall be a fine of \$900, disqualification, and loss of purse.**
 - (6) The penalties for a fourth violation within a twelve-month period are as follows:
 - (a) A fourth violation of Paragraphs (1) or (2) shall be a fine of \$400, disqualification, and loss of purse.
 - (b) A fourth violation of Paragraphs 3(a), 3(b), or 3(c) shall be a fine of \$1,000, loss of purse, disqualification, and a thirty day suspension.
 - (c) A fourth violation of Paragraph 3(d) shall be a fine of \$1,500, loss of purse, disqualification, and a thirty-day suspension.
 - (d) A fourth violation of Paragraph 3(e) shall be a fine of \$1,500, loss of purse, disqualification, and a thirty-day suspension.**
 - (e) A fourth violation of Paragraph 3(f) shall be a fine of \$1,500, loss of purse, disqualification, and a thirty-day suspension.**
 - (7) For the fifth violation within a 12 month period of Paragraphs (1) or (2), shall be a fine of \$1,000, loss of purse, disqualification, and a thirty day suspension.
 - (8) A positive test of two permitted non-steroidal anti-inflammatory drugs found at twice the allowable level or more for two drugs shall carry the penalties of a Class IV drug positive for the trainer and attending veterinarian. Additional violations shall carry the same penalties as additional violations of a Class IV drug for the trainer and the attending veterinarian.
- This is an amendment to Subsection E of Section 9 of 15.2.6 NMAC, which allows the Commission to requirement payment of testing for any drug, medication, or paraphernalia that is confiscated from a trainer licensed by the Commission once he/she has been proven to be in violation of the rules for possession of the contraband.

E. MEDICAL LABELING:

(3) Any drug, medication or paraphernalia determined to be confiscated contraband that is found on association premises which a licensed trainer occupies or has the right to occupy, or in that trainer's personal property or effects or vehicle in that trainer's care, custody or control, and is required to be tested by the official laboratory, will require payment of all costs for testing to be borne by the trainer upon final decision.