

Facts about the New Mexico Horsemen's Association's decision to withdraw from being actively involved in Split Testing

Recently, you may have read a release from the New Mexico Racing Commission (NMRC) concerning a change in the way split testing is performed in New Mexico.

The NMRC rule required that any trainer with a “positive test” had to first inform the New Mexico Horsemen's Association (NMHA) of its desire to obtain a split sample test. From there, the NMHA President, Executive Director or Manager had to then request, in writing, a split sample being sent to an independent laboratory. Thus, the recent change by the NMHA concerns the notice requirement. From a practical standpoint, the notice requirement never made sense from the inception.

Any trainer who is informed of a positive test by the stewards should have the *right* to inform *the stewards and/or the NMRC* that as a matter of due process, he/she desires a split sample of an alleged “positive test”. From there, the New Mexico Racing Commission is legally tasked and authorized to ensure the due process of the accused trainer is preserved and that an independent laboratory is provided sufficient blood or serum from the split sample to determine whether the presence of a prohibited substance actually exists. ***This is not the job, nor should it be the job of the NMHA.***

Somehow the NMHA got into the practice of handling all aspects of the split sample, including packaging and shipping the samples on behalf of trainers. The NMHA determined that this practice should not continue, and we informed the NMRC that we would no longer engage in this practice. In response, the Commission claimed that we were ignoring their rule that the NMHA was to inform the commission of a trainer's request for a split sample. To the contrary, nothing in our letter to the NMRC inferred or informed them that we would not continue to fulfil that duty to inform them of a trainer's desire for a split sample.

Nevertheless, the NMRC informed us that they were going to change the rule concerning notice and has posted this change to their website. The NMRC will now allow the accused trainer(s), rather than the NMHA, to inform the NMRC through its appointed “investigator” that an accused trainer desires a split sample. ***We applaud the NMRC for changing the notice rule!*** While it appears the NMRC made this rule change in some retaliatory manner against the NMHA, the effect is just the opposite. Now, an accused trainer whose financial situation, career and/or livelihood could potentially be at stake with a “positive test” will now be allowed to be *physically present* with the NMRC's appointed representative when a split sample is taken from blood or serum of the horse in question. The trainer can ensure that the package containing the split sample is properly marked, sealed and sent to the laboratory. Those accredited laboratories are listed on the NMRC website, and a copy of the laboratories accepting split samples will be listed in the New Mexico Horsemen's website.