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Director

March 30, 2021

To: The NM horse racing industry stakeholders

From: The New Mexico Racing Commission

RE: Grace period for NSAIDS

At the March 18, 2021 New Mexico Racing Commission (NMRC) monthly meeting, the NMRC voted unanimously to adopt the "grace period" proposal submitted by the agency's equine health and testing advisor, Dr. Scot Waterman. The commission's reason for promulgating the grace period was the fact that the NMRC Rules/Medication Committee, at its January 2020/2021 meeting, approved several changes to NMRC 15.2.6.9 regarding the regulation of the permitted non-steroidal anti-inflammatory drugs (NSAIDS) phenylbutazone, ketoprofen and flunixin. These rules were then voted on and adopted by the NMRC at a Rules Hearing held on March 18, 2021.

The new regulations propel the NMRC into compliance with the Association of Racing Commissioners International's most recent version (14.4) of the model rules and with the most current recommendations from the Racing Medication and Testing Consortium. The primary change is a reduction in the allowable concentrations of each of the NSAIDS:

NSAID	Prior Permissible Concentration	New Permissible Concentration
Phenylbutazone	2.0 mcg/ml in blood	0.3 mcg/ml in blood
Flunixin (Banamine)	20.0 ng/ml in blood	5.0 ng/ml in blood
Ketoprofen	2.0 ng/ml in blood	2.0 ng/ml in blood

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Please note that the recommended concentration of **ketoprofen** is unchanged from the prior rule. The practical effect of this change is to push the recommended withdrawal guidance for each of these NSAIDS to 48 hours prior to the race for a single intravenous injection from the previous 24-hour guidance.

The other rule changes involve updating the penalty grids so that the language matches the new rule and a simplification of the rules regarding the “stacking” of NSAIDS, which refers to the detection of more than one NSAID in a post-race sample. In the case of the stacking rule, the existing language changes from a complex series of violations based on various concentrations of NSAIDS which are found currently in subsection N. of 15.2.6.9 NMAC to a simple rule which prohibits the presence of more than one NSAID in a post-race sample.

Since 2018, less than 1% of the blood samples tested post-race were found to be in excess of the permitted concentrations (including both single NSAID violations and stacking violations), so compliance with the NSAID rules has not been a historical issue in New Mexico. It is for this reason that we suspect this rule change will not cause a dramatic increase in positive tests. However, to give the horsemen and practicing veterinarians an opportunity to adjust to the new 48-hour withdrawal guidance, the following policy is being proposed.

ADJUSTED ENFORCEMENT PERIOD:

The grace period will begin at the resumption of racing at SunRay Park on **April 23, 2021** through the post-race samples collected at Ruidoso on **June 27, 2021**. During the grace period, a finding of **Phenylbutazone** between **0.3 mcg/ml and 2.0 mcg/ml** or **Flunixin** between **5.0 ng/ml and 20.0 ng/ml** will result in a written warning to the trainer of record. This would apply only to the first offense during this period for a licensee and any additional offenses would be penalized as a second offense, etc. regardless of the concentration detected, unless the second such offense occurs before the trainer is notified of the first offense. Concentrations found in excess of the prior permissible concentrations will be penalized as per the prior rule.

For **stacking violations**, the presence of more than one NSAID in a sample will result in a written warning to the trainer for a first offence unless the reported concentrations are high enough to have resulted in a violation under the previous version of 15.2.6.9 N. In that case the penalty will be determined as it has been previously. Any additional violations during the adjusted enforcement period will result in a 2nd offense B category penalty, unless the second such offense occurs before the trainer is notified of the first offense.

The new permissible concentrations and stacking rule will be enforced and penalized as defined in the newly adopted version of NMAC 15.2.6.9 beginning with the post-race samples collected on the **July 2, 2021 race date at Ruidoso**.

Respectfully,

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Executive Director
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