

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 403

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

AN ACT

RELATING TO HORSE RACING; PROVIDING FOR APPEAL FROM STATE  
RACING COMMISSION ADJUDICATORY DECISIONS TO DISTRICT COURT;  
APPLYING ASSOCIATION OF RACING COMMISSIONERS INTERNATIONAL  
STANDARDS TO CERTAIN RACING COMMISSION ACTIONS; PROVIDING FOR  
TEMPORARY LICENSES; CLARIFYING STEWARDS' POWERS; ADDRESSING THE  
REVIEW OF STEWARDS' DECISIONS; RENAMING THE RACEHORSE TESTING  
FUND THE "RACEHORSE TESTING AND ENFORCEMENT FUND"; MAKING  
POSSESSION OF CERTAIN DRUGS ON THE LICENSED PREMISES OF A  
RACETRACK A FOURTH DEGREE FELONY; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** Section 60-1A-5 NMSA 1978 (being Laws 2007,  
Chapter 39, Section 5, as amended) is amended to read:

"60-1A-5. COMMISSION RULES--ALL LICENSES--SUSPENSION,  
REVOCATION OR DENIAL OF LICENSES--FINES AND LOSS OF PURSE--

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1 PENALTIES--HEARINGS--APPEAL.--

2 A. The commission shall adopt rules to implement  
3 the Horse Racing Act and to ensure that horse racing in New  
4 Mexico is conducted with fairness and that the participants and  
5 patrons are protected against illegal practices.

6 B. Every license issued by the commission shall  
7 require the licensee to comply with the rules adopted by the  
8 commission. A racetrack licensee shall post printed copies of  
9 the rules in conspicuous places on the racing grounds and shall  
10 maintain them during the period when live horse races are being  
11 conducted.

12 C. The commission may suspend, revoke or deny  
13 renewal of a license or impose a fine on or order the loss of a  
14 purse of a person who violates the provisions of the Horse  
15 Racing Act or rules adopted pursuant to that act. The  
16 commission shall provide a licensee facing suspension,  
17 revocation or denial of renewal of a license or facing  
18 imposition of a fine or loss of a purse reasonable notice and  
19 an opportunity for a hearing. The suspension, revocation or  
20 denial of renewal of a license shall not relieve the licensee  
21 from prosecution for the violations or from the payment of  
22 fines and penalties assessed the licensee by the commission.

23 D. A hearing shall be held within twenty days of  
24 the date the notice of hearing was sent to the licensee. The  
25 hearing may be held before the commission or before a hearing

1 officer designated by the commission. Unless the hearing is  
2 held before a hearing officer, within thirty days after the end  
3 of the hearing the commission shall render findings of fact,  
4 conclusions of law and a decision setting forth the actions it  
5 will take. If the hearing is held before a hearing officer,  
6 the hearing officer shall submit to the commission within  
7 thirty days after the end of the hearing written findings of  
8 fact, conclusions of law and a recommendation for commission  
9 action. Within thirty days after receiving the hearing  
10 officer's submission, the commission shall render its findings  
11 of fact, conclusions of law and a decision setting forth the  
12 actions the commission will take.

13 ~~[D.]~~ E. The commission may impose civil penalty  
14 fines upon a licensee for a violation of the provisions of the  
15 Horse Racing Act or rules adopted by the commission. The fines  
16 shall not exceed one hundred thousand dollars (\$100,000) or one  
17 hundred percent of a purse related to the violation, whichever  
18 is greater, for each violation.

19 ~~[E.]~~ F. Fines shall be paid into the current school  
20 fund.

21 ~~[F.]~~ G. When a penalty is imposed pursuant to this  
22 section for administering a performance-altering substance as  
23 provided in Subsection A of Section 60-1A-28 NMSA 1978, the  
24 commission shall direct its executive director to report the  
25 violation to the district attorney for the county in which the

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1 violation occurred and to the horse racing licensing authority  
2 in any other jurisdiction in which the licensee being penalized  
3 is also licensed.

4 H. A licensee subject to an adjudicatory decision  
5 by the commission may appeal the decision pursuant to Section  
6 39-3-1.1 NMSA 1978."

7 **SECTION 2.** Section 60-1A-8 NMSA 1978 (being Laws 2007,  
8 Chapter 39, Section 8) is amended to read:

9 "60-1A-8. RACETRACK LICENSES--APPLICATIONS--SPECIFIC  
10 REQUIREMENTS.--

11 A. It is a violation of the Horse Racing Act and  
12 the Gaming Control Act for a person to hold a public horse race  
13 or a race meet for profit or gain in any manner unless the  
14 person has been issued a racetrack license by the commission  
15 and has been authorized by the commission to hold the horse  
16 race or race meet on specific dates.

17 B. An application for a racetrack license shall be  
18 submitted in writing on forms designated by the commission. An  
19 applicant shall affirm that information contained in the  
20 application is true and accurate. The application shall be  
21 signed by the applicant or the applicant's agent, and the  
22 signature shall be notarized.

23 C. A racetrack license shall be valid for a period  
24 not to exceed one year. The commission may renew a racetrack  
25 license upon expiration of the term of the license.

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1           D. Renewal applications for racetrack licenses  
2 shall be filed no later than June 1 of each year. The race  
3 dates for the upcoming year shall be set by the commission  
4 after the commission receives all renewal applications.

5           E. An application shall specify the dates and days  
6 of the week of the race meet that the applicant is requesting  
7 the commission to approve.

8           F. An application shall be filed not less than  
9 sixty days prior to the first day the proposed horse race or  
10 race meet is to be held.

11           G. The fee for a new racetrack license issued  
12 pursuant to this section shall not exceed five thousand dollars  
13 (\$5,000).

14           H. The commission may schedule a date for a hearing  
15 on the application for a new racetrack license to determine the  
16 eligibility of the applicant pursuant to the Horse Racing Act  
17 or as needed for determining the eligibility for the renewal of  
18 a racetrack license. The applicant shall be notified of the  
19 hearing at least five days prior to the date of the hearing.  
20 The applicant has the right to present testimony in support of  
21 the application. Notice shall be mailed to the address of the  
22 applicant appearing upon the application for the racetrack  
23 license. Notice of the hearing date, time and location shall  
24 be postmarked by United States mail five days prior to the date  
25 of the hearing. Deposit of the hearing notice in United States

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1 mail constitutes notice.

2 I. If, after a hearing on the application, the  
3 commission finds the applicant ineligible pursuant to the  
4 provisions of the Horse Racing Act or rules adopted by the  
5 board, the racetrack license shall be denied.

6 J. If there is more than one application for a  
7 racetrack license pending at the same time, the commission  
8 shall determine the racing days that will be allotted to each  
9 successful applicant. Upon renewal, the commission shall  
10 determine the racing days that will be allotted to each  
11 applicant upon terms and conditions established by the  
12 commission.

13 K. A person shall not have a direct, indirect or  
14 beneficial interest of any nature, whether or not financial,  
15 administrative, policymaking or supervisory, in more than two  
16 horse racetracks in New Mexico. For purposes of this  
17 subsection, a person shall not be considered to have a direct,  
18 indirect or beneficial interest in a horse racetrack if the  
19 person owns or holds less than ten percent of the total  
20 authorized, issued and outstanding shares of a corporation that  
21 is licensed to conduct a race meet in New Mexico, unless the  
22 person has some other direct, indirect or beneficial interest  
23 of any nature, whether or not financial, administrative,  
24 policymaking or supervisory, in more than two licensed horse  
25 racetracks.

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1 L. To determine interest held in a racetrack, to  
2 the extent that the interest is based on stock ownership:

3 (1) stock owned, directly or indirectly, by or  
4 for a corporation, partnership, estate or trust shall be  
5 considered as being owned proportionately by its shareholders,  
6 partners or beneficiaries;

7 (2) an individual shall be considered as  
8 owning the stock, directly or indirectly, if it is held by an  
9 immediate family member. For purposes of this paragraph, an  
10 "immediate family member" includes only the individual's  
11 siblings, spouse or children; and

12 (3) stock constructively owned by a person by  
13 reason of the application of Paragraph (1) of this subsection  
14 shall be considered to be actually owned by the person; and  
15 stock shall be constructively owned by an individual by reason  
16 of the application of Paragraph (2) of this subsection if the  
17 purpose of the constructive ownership is to make a person other  
18 than the individual applicant appear as the owner of the stock.

19 M. A corporation holding a racetrack license shall  
20 not issue to a person shares of its stock amounting to ten  
21 percent or more of the total authorized, issued and outstanding  
22 shares, and a corporation holding a racetrack license shall not  
23 issue shares of its stock that would, when combined with that  
24 stock transferee's existing shares owned, total more than ten  
25 percent of the total authorized, issued and outstanding shares

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1 of the corporation, unless:

2 (1) the corporation gives written notice to  
3 the commission at least sixty days before the contemplated  
4 stock transfer that the person to whom the stock is being  
5 transferred will become an owner of ten percent or more of the  
6 total authorized, issued and outstanding shares of the  
7 corporation; and

8 (2) the corporation receives written approval  
9 from the commission of the proposed transfer.

10 N. A determination made by the commission of a  
11 matter pursuant to this section shall be final and not subject  
12 to appeal."

13 SECTION 3. Section 60-1A-11 NMSA 1978 (being Laws 2007,  
14 Chapter 39, Section 11, as amended) is amended to read:

15 "60-1A-11. GRANTING A LICENSE--STANDARDS.--

16 A. A license shall not be issued or renewed unless  
17 the applicant has satisfied the commission that the applicant:

18 (1) is of good moral character, [~~honesty and~~]  
19 is honest and has integrity;

20 (2) does not currently have a license  
21 suspended by a horse racing licensing authority in another  
22 jurisdiction;

23 (3) does not have prior activities, criminal  
24 record, reputation, habits or associations that:

25 (a) pose a threat to the public

1 interest;

2 (b) pose a threat to the effective  
3 regulation and control of horse racing; or

4 (c) create or enhance the dangers of  
5 unsuitable, unfair or illegal practices, methods and activities  
6 in the conduct of horse racing, the business of operating a  
7 horse racetrack licensed pursuant to the Horse Racing Act or  
8 the financial activities incidental to operating a horse  
9 racetrack;

10 (4) is qualified to be licensed consistent  
11 with the Horse Racing Act;

12 (5) has sufficient business probity,  
13 competence and experience in horse racing as determined by the  
14 commission;

15 (6) has proposed financing that is sufficient  
16 for the nature of the license and from a suitable source that  
17 meets the criteria set forth in this subsection; and

18 (7) is sufficiently capitalized pursuant to  
19 standards set by the commission to conduct the business covered  
20 by the license.

21 B. The commission shall establish by rule  
22 additional qualifications for a licensee as it deems in the  
23 public interest.

24 C. A person issued or applying for an occupational  
25 license who has positive test results for a controlled

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1 substance or who has been convicted of a violation of a federal  
2 or state controlled substance law shall be denied a license or  
3 shall be subject to revocation of an existing license unless  
4 sufficient evidence of rehabilitation is presented to the  
5 commission.

6 D. If the commission finds that an applicant for an  
7 occupational license or an occupational licensee has been  
8 convicted of any of the provisions of Subsection E of this  
9 section, the applicant shall be denied the occupational license  
10 or the occupational licensee shall have the occupational  
11 license revoked. An occupational license shall not be issued  
12 by the commission to an applicant or occupational licensee for  
13 a period of [~~five years~~] time from the date of denial or  
14 revocation pursuant to this subsection, which period of time  
15 shall conform with a commission rule adopting guidelines  
16 established in model rules published by the association of  
17 racing commissioners international, incorporated, or a  
18 successor organization or, if none, by another nationally  
19 recognized organization that has published substantially  
20 similar guidelines that are generally accepted in the horse  
21 racing industry as determined by the commission.

22 E. An occupational license [~~may~~] shall be denied or  
23 revoked [~~if the applicant or occupational licensee~~] by the  
24 commission for a period of time from the date of denial or  
25 revocation, which period of time shall conform with a

1 commission rule adopting guidelines established in model rules  
 2 published by the association of racing commissioners  
 3 international, incorporated, or a successor organization or, if  
 4 none, by another nationally recognized organization that has  
 5 published substantially similar guidelines that are generally  
 6 accepted in the horse racing industry as determined by the  
 7 commission, but only after the licensee has exhausted all  
 8 available administrative and judicial remedies, if the  
 9 commission finds that an applicant for an occupational license  
 10 or an occupational licensee, for the purpose of stimulating or  
 11 depressing a racehorse or affecting its speed or stamina during  
 12 a race or workout, [~~is found to have~~] has:

13 (1) administered, attempted to administer or  
 14 conspired to administer to a racehorse, internally, externally  
 15 or by injection, a drug, chemical, stimulant or depressant, or  
 16 other performance-altering substance as defined by the  
 17 association of racing commissioners international,  
 18 incorporated, or a successor organization or, if none, by  
 19 another nationally recognized organization that has published  
 20 substantially similar guidelines that are generally accepted in  
 21 the horse racing industry as determined by the commission,  
 22 unless the applicant or occupational licensee has been  
 23 specifically permitted to do so by the commission or a steward;  
 24 or

25 (2) attempted to use, used or conspired with

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1 others to use an electrical or mechanical device, implement or  
2 instrument, except a commission-approved riding crop, unless  
3 the applicant or occupational licensee has been specifically  
4 permitted by the commission or a steward to use the device,  
5 implement or instrument.

6 F. The burden of proving the qualifications of an  
7 applicant or licensee to be issued or have a license renewed  
8 shall be on the applicant or licensee.

9 G. Pursuant to rules promulgated by the commission,  
10 the commission may issue a temporary or provisional  
11 occupational license to a person who is licensed for the same  
12 occupation in another jurisdiction with license requirements at  
13 least as stringent as those required by the Horse Racing Act  
14 and rules promulgated by the commission."

15 SECTION 4. Section 60-1A-12 NMSA 1978 (being Laws 2007,  
16 Chapter 39, Section 12) is amended to read:

17 "60-1A-12. STEWARDS--POWERS--DUTIES.--

18 A. There shall be three stewards, licensed and  
19 employed by the commission, to supervise each horse race meet.  
20 One of the stewards shall be designated the presiding official  
21 steward of the race meet. Stewards, other than the presiding  
22 official steward, shall be employed subject to the approval of  
23 the racetrack licensee. All stewards shall be licensed or  
24 certified by a nationally recognized horse racing organization.  
25 Stewards may impose suspension of a license or fines, or both,

1 or may order the loss of a purse for violations of the Horse  
2 Racing Act and commission rules and shall exercise [those]  
3 other powers and perform duties prescribed by commission rules.

4 B. A decision or action of a steward may be  
5 reviewed or reconsidered by the commission if a written request  
6 for review or reconsideration is made to the commission within  
7 ten days of the steward's decision or action; otherwise, the  
8 right to a review or reconsideration is waived. A request by a  
9 licensee for a review or reconsideration shall be accompanied  
10 by a review fee of five hundred dollars (\$500) to offset the  
11 costs or part of the costs of the review or reconsideration,  
12 which shall be deposited in the racehorse testing and  
13 enforcement fund. The review or reconsideration shall be  
14 subject to the hearing, decision and appeal provisions of  
15 Section 60-1A-5 NMSA 1978 as if the matter was originally  
16 before the commission for hearing. If the commission or a  
17 court of competent jurisdiction overrules the stewards'  
18 decision or action, the review fee shall be refunded to the  
19 licensee."

20 SECTION 5. Section 60-1A-14.1 NMSA 1978 (being Laws 2013,  
21 Chapter 102, Section 1) is amended to read:

22 "60-1A-14.1. RACEHORSE TESTING AND ENFORCEMENT FUND--  
23 CREATED--PURPOSE.--

24 A. The "racehorse testing and enforcement fund" is  
25 created in the state treasury. The purpose of the fund is:

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1                   (1) to ensure the testing of racehorses at a  
2 laboratory that meets or exceeds the current national  
3 laboratory standards for the testing of drugs or other foreign  
4 substances not naturally occurring in a horse, as established  
5 by the association of racing commissioners international,  
6 incorporated;

7                   (2) to provide additional resources to the  
8 commission to enforce the requirements and prohibitions of the  
9 Horse Racing Act and commission rules; and

10                   (3) to make refunds pursuant to Subsection B  
11 of Section 60-1A-12 NMSA 1978.

12                   B. The fund consists of:

13                   (1) one-half of the daily capital outlay tax  
14 appropriated and transferred pursuant to Paragraph (4) of  
15 Subsection A of Section 60-1A-20 NMSA 1978; ~~and~~

16                   (2) fees paid pursuant to Subsection B of  
17 Section 60-1A-12 NMSA 1978; and

18                   (3) appropriations, gifts, grants and  
19 donations made to the fund.

20                   C. Income from investment of the fund shall be  
21 credited to the fund.

22                   D. The commission shall administer the racehorse  
23 testing and enforcement fund, and money in the fund is  
24 appropriated to the commission:

25                   (1) for the handling and testing of blood

1 serum plasma, urine or other appropriate test samples taken  
2 from racehorses pursuant to Section 60-1A-14 NMSA 1978;

3 (2) to offset enforcement costs; and

4 (3) to make refunds pursuant to Subsection B  
5 of Section 60-1A-12 NMSA 1978.

6 E. Any unexpended or unencumbered balance remaining  
7 in the racehorse testing and enforcement fund at the end of a  
8 fiscal year in excess of [~~six hundred thousand dollars~~  
9 ~~(\$600,000)~~] one million dollars (\$1,000,000) shall revert to  
10 the general fund.

11 F. Expenditures from the fund shall be made on  
12 warrant of the secretary of finance and administration pursuant  
13 to vouchers signed by the executive director of the  
14 commission."

15 **SECTION 6.** Section 60-1A-20 NMSA 1978 (being Laws 2007,  
16 Chapter 39, Section 20, as amended) is amended to read:

17 "60-1A-20. DAILY CAPITAL OUTLAY TAX--CAPITAL OUTLAY  
18 OFFSET--STATE FAIR COMMISSION DISTRIBUTION--DAILY LICENSE  
19 FEES.--

20 A. A "daily capital outlay tax" of two and three-  
21 sixteenths percent is imposed on the gross amount wagered each  
22 day at a racetrack where horse racing is conducted on the  
23 premises of a racetrack licensee and also on the gross amount  
24 wagered each day when a racetrack licensee is engaged in  
25 simulcasting pursuant to the Horse Racing Act. After deducting

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1 the amount of offset allowed pursuant to this section, any  
2 remaining daily capital outlay tax shall be paid by the  
3 commission to the taxation and revenue department from the  
4 retainage of a racetrack licensee from on-site wagers made on  
5 the licensed premises of the racetrack licensee for deposit in  
6 the general fund. Of the daily capital outlay tax imposed  
7 pursuant to this subsection:

8 (1) for a class A racetrack licensee, not more  
9 than one-half of the daily capital outlay tax imposed on the  
10 first two hundred fifty thousand dollars (\$250,000) of the  
11 daily handle may be offset by the amount that the class A  
12 racetrack licensee expends for capital improvements or for  
13 long-term financing of capital improvements at the racetrack  
14 licensee's existing facility;

15 (2) for a class B racetrack licensee, not more  
16 than one-half of the daily capital outlay tax imposed on the  
17 first two hundred fifty thousand dollars (\$250,000) of the  
18 daily handle may be offset:

19 (a) in an amount not to exceed one-half  
20 of the offset allowed, the amount expended by the class B  
21 racetrack licensee for capital improvements; and

22 (b) in an amount not to exceed one-half  
23 of the offset allowed, the amount expended by the class B  
24 racetrack licensee for advertising, marketing and promoting  
25 horse racing in the state;

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1 (3) through December 31, 2014, for both class  
2 A and class B racetrack licensees, an amount equal to one-half  
3 of the daily capital outlay tax is appropriated and transferred  
4 to the state fair commission for expenditure on capital  
5 improvements at the state fairgrounds and for expenditure on  
6 debt service on negotiable bonds issued for the state  
7 fairgrounds' capital improvements; and

8 (4) on and after January 1, 2015, for both  
9 class A and class B racetrack licensees, an amount equal to  
10 one-half of the daily capital outlay tax is appropriated and  
11 transferred to the racehorse testing and enforcement fund.

12 B. An additional daily license fee of five hundred  
13 dollars (\$500) shall be paid to the commission by the racetrack  
14 licensee for each day of live racing on the premises of the  
15 racetrack licensee.

16 C. Accurate records shall be kept by the racetrack  
17 licensee to show gross amounts wagered, retainage, breakage and  
18 amounts received from interstate common pools and distributions  
19 from gross amounts wagered, retainage, breakage and amounts  
20 received from interstate common pools, as well as other  
21 information the commission may require. Records shall be open  
22 to inspection and shall be audited by the commission, its  
23 authorized representatives or an independent auditor selected  
24 by the commission. The commission may prescribe the method in  
25 which records shall be maintained. A racetrack licensee shall

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1 keep records that are accurate, legible and easy to understand.

2 D. Notwithstanding any other provision of law,  
3 a political subdivision of the state shall not impose an  
4 occupational tax on a horse racetrack owned or operated by  
5 a racetrack licensee. A political subdivision of the state  
6 shall not impose an excise tax on a horse racetrack owned  
7 or operated by a racetrack licensee. Local option gross  
8 receipts taxes authorized by the state may be imposed to the  
9 extent authorized and imposed by a subdivision of the state  
10 on a horse racetrack owned or operated by a racetrack  
11 licensee."

12 SECTION 7. Section 60-1A-28 NMSA 1978 (being Laws 2007,  
13 Chapter 39, Section 28, as amended) is amended to read:

14 "60-1A-28. AFFECTING SPEED OR STAMINA OF A RACEHORSE--  
15 DRUG POSSESSION--PENALTIES.--

16 A. A person possessing, administering, attempting  
17 to administer or conspiring with others to administer to a  
18 racehorse a drug, chemical, stimulant or depressant or other  
19 performance-altering substance defined as a class 1 or class 2  
20 penalty class A drug by the association of racing commissioners  
21 international, incorporated, or a successor organization or, if  
22 none, by another nationally recognized organization that has  
23 published substantially similar guidelines that are generally  
24 accepted in the horse racing industry as determined by the  
25 commission whether internally, externally or by injection for

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1 the purpose of stimulating or depressing the racehorse or  
2 affecting the speed or stamina of the racehorse during a horse  
3 race or workout is guilty of a fourth degree felony and upon  
4 conviction shall be sentenced pursuant to Section 31-18-15 NMSA  
5 1978.

6 B. A person who uses, attempts to use or conspires  
7 with others to use during a horse race or workout an  
8 electrically or mechanically prohibited device, implement or  
9 instrument, other than a commission-approved riding crop, is  
10 guilty of a fourth degree felony and upon conviction shall be  
11 sentenced pursuant to Section 31-18-15 NMSA 1978.

12 C. A person who sponges the nostrils or trachea of  
13 a racehorse or who uses anything to injure a racehorse for the  
14 purpose of stimulating or depressing the racehorse or affecting  
15 the speed or stamina of the racehorse during a horse race or  
16 workout is guilty of a fourth degree felony and upon conviction  
17 shall be sentenced pursuant to Section 31-18-15 NMSA 1978.

18 D. It is prima facie evidence of intent to commit  
19 any of the crimes set forth:

20 (1) in Subsection A of this section for a  
21 person to be found within the racing grounds of a racetrack  
22 licensee, including the stands, stables, sheds or other areas  
23 where racehorses are kept, who possesses with the intent to  
24 use, sell, give away or otherwise transfer to another person a  
25 drug, chemical, stimulant or depressant or other performance-

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1 altering substance defined as a class 1 or class 2 penalty  
2 class A drug by the association of racing commissioners  
3 international, incorporated, or a successor organization or, if  
4 none, by another nationally recognized organization that has  
5 published substantially similar guidelines that are generally  
6 accepted in the horse racing industry as determined by the  
7 commission, to stimulate or depress a racehorse or to affect  
8 the speed or stamina of a racehorse;

9 (2) in Subsection B of this section for a  
10 person to be found within the racing grounds of a racetrack  
11 licensee, including the stands, stables, sheds or other areas  
12 where racehorses are kept, who possesses with the intent to  
13 use, sell, give away or otherwise transfer to another person an  
14 electrically or mechanically prohibited device, implement or  
15 instrument, other than a commission-approved riding crop; and

16 (3) in Subsection C of this section for a  
17 person to be found within the racing grounds of a racetrack  
18 licensee, including the stands, stables, sheds or other areas  
19 where racehorses are kept, who possesses with the intent to  
20 use, sell, give away or otherwise transfer to another person  
21 paraphernalia or substances used to sponge the nostrils or  
22 trachea of a racehorse or that may be used to injure a  
23 racehorse for the purpose of stimulating or depressing the  
24 racehorse or affecting its speed or stamina during a horse race  
25 or workout."

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