

Strengthen Free-Roaming Horse Protections and Humane Management



What would this legislation do?

SB 301 amends the state's current wild horse law to fix gaps and irregularities in the law that are preventing the protection and humane management of free-roaming horse herds in New Mexico. While the bill does not completely "solve" all free-roaming horse issues, it takes a positive step forward in allowing for responsible and humane action to control population numbers and ensure that any horses removed from the landscape are not endangered.

Under SB 301, what agency has overall jurisdiction?

Same as under current law, the New Mexico Livestock Board (NMLB). The current state wild horse law is written in the Livestock Code, which is administered by the NMLB. The NM Court of Appeals has affirmed that the NMLB is the current agency of jurisdiction over the current wild horse law. Currently, there is no existing agency that is a better fit and is willing to take on oversight of free-roaming horse issues.

Who is responsible for free-roaming horse management?

SB 301 designates and defines a "qualified free-roaming horse expert," who must be authorized and approved by the NMLB according to various qualifications set out in the bill. These qualifications include demonstrated proof of expertise in free-roaming horses and land analyses. Once approved, this qualified expert can then work with government and private landowners on a set list of management strategies.

What management strategies can be used under SB 301?

Only existing options for free-roaming horses (as allowed under current law) are allowed in this bill:

- fertility control (via immunocontraception like PZP for mares, or castration of stallions);
- relocation to other range (other habitat that has the capacity to sustain the horse/herd);
- relocation to a horse rescue or preserve for lifelong sanctuary or adoption;
- humane euthanasia, but only for horses with untreatable medical conditions severely impacting the horse's quality of life.

Additionally, the bill adds language to clarify these options and other parts of the law to ensure sound and humane treatment, including provisions to promote tracking of horses that are relocated to captivity; to ensure that adoptions are facilitated by high-quality organizations; to require humane methods of capture; and to prohibit sale or transport of free-roaming horses for the purpose of slaughter.

What gaps and irregularities would SB 301 fix?

It removes and replaces outdated, unfeasible provisions—including a DNA test requirement for Spanish colonial horses, and a range study ordered and to be conducted by an entity that does not actually conduct such studies.

Frequently asked questions

Why is the New Mexico Livestock Board (NMLB) involved in the management of free-roaming horses?

The current wild horse statute (NMSA 77-18-5) is administered by the NMLB. The [New Mexico Court of Appeals](#), in 2015, affirmed that the NMLB has the responsibility to carry out duties, including enforcement and compliance with the wild horse law—but it cannot treat the wild horses like stray livestock. There is currently not a better option for an agency to manage wild horses, and the creation of such an agency (which Animal Protection Voters supports) would require annual recurring funding and significant political will to create more infrastructure to help animals. In the meantime, SB 301 will ensure that the NMLB and approved, qualified free-roaming horse experts have clear instructions and boundaries within which they and communities may work to humanely manage free-roaming horse herds.

Can't all the free-roaming horses simply be removed?

Observational data and population modeling show that using roundup and removal as the primary management strategy for horses, without controlling the growth of the population with fertility control measures, is ineffective and wasteful ([National Academy of Sciences](#)). When humans remove a number of horses from the land, it often causes compensatory reproduction, meaning the horses who are left behind (or horses who move into the habitat) have increased rates of reproduction within a herd, resulting in an overall increase in horses on the landscape over time. Stabilizing population growth of wild horses through safe, effective treatments like the immunocontraceptive PZP, as is already in use in some parts of New Mexico, is key to successfully managing many wild horse herds, especially as the land suffers the impacts of long-term devastating drought and climate change.

Can we just leave free-roaming horses alone?

For hundreds of years, humans have dramatically altered the land, including developing and altering wild horse habitat and water sources, hunting the horses' few natural predators, and adding domestic animals to wild landscapes. As a result, wild horses have been negatively impacted, sometimes even facing death from dehydration, starvation, and vehicle collisions. To protect and preserve wild horses and the land, some communities have found they must undertake responsible and active management of wild horses.

Will SB 301 result in the mass removal and killing of free-roaming horses, eliminating all herds?

No. SB 301 only allows outcomes that the current state wild horse law, passed in 2007, already allows. Importantly, the current law allows for removals and relocation—but because of the unfeasible anomalies in the language of the law, not a single local government has been able to facilitate relocations to rescues, sanctuaries, and adoptive homes. SB 301 removes those anomalies. Because free-roaming horses are so widespread across New Mexico, and the capacity of the relocation options are limited, free-roaming horses will continue to occupy New Mexico's landscapes. SB 301 simply allows for responsible, humane management of populations, which leads to better outcomes for individual horses.

Why does SB 301 change the term “wild horse” to “free-roaming horse”?

To provide as much clarity as possible, SB 301 uses the term “free-roaming horse” to differentiate these state-protected horses from the *federally*-designated herds more commonly called and understood to be “wild horses.” The free-roaming horses in New Mexico are not part of the specific herds protected by federal law and managed by the BLM and U.S. Forest Service. Additionally, a “free-roaming horse” is also differentiated from an “estrays,” which is a domesticated horse, categorized as livestock and subject to state laws and rules related to livestock.