

TITLE 15 GAMBLING AND LIQUOR CONTROL
CHAPTER 6 BOXING, WRESTLING, AND MARTIAL ARTS
PART 1 GENERAL PROVISIONS

15.6.1.1 ISSUING AGENCY: New Mexico Athletic Commission.
[15.6.1.1 NMAC - N, 03-23-2002]

15.6.1.2 SCOPE: The provisions in Part 1 apply to all parts of Chapter 6 of Title 15, and provide relevant information to anyone affected or interested in Chapter 6 of Title 15.
[15.6.1.2 NMAC - N, 03-23-2002]

15.6.1.3 STATUTORY AUTHORITY: Part 1 of Chapter 6 of Title 15 is promulgated pursuant to the Professional Athletic Competition Act, Sections 60-2A-1 through 60-2A-30, NMSA 1978 (1980 Repl. Pamp.).
[15.6.1.3 NMAC - N, 03-23-2002]

15.6.1.4 DURATION: Permanent.
[15.6.1.4 NMAC - N, 03-23-2002]

15.6.1.5 EFFECTIVE DATE: March 23, 2002, unless a later date is cited at the end of a section.
[15.6.1.5 NMAC - N, 03-23-2002]

15.6.1.6 OBJECTIVE: The objective of Part 1 of Chapter 6 is to set forth the provisions that apply to all of Chapter 6, and to all persons and entities affected by Chapter 6 of Title 15.
[15.6.1.6 NMAC - N, 03-23-2002]

15.6.1.7 DEFINITIONS:

A. “Amateur contest” means any boxing, wrestling, martial arts, or mixed martial arts event, contest or exhibition, whether or not an admission fee is charged to the public, where the participants are licensed as amateurs with the commission in their field of unarmed combat. The terms **“amateur contest”** and **“smoker”** are used interchangeable, both terms have the same meaning.

B. “Board” means the medical advisory board of the New Mexico athletic commission.

C. “Broadcast” means any audio or visual image sent by radio, television or internet signals including podcast, webcast, streaming media, internet and any other electronic transmission.

D. “Closed circuit telecast” means any telecast that is not intended to be available for viewing without the payment of a fee for the privilege of viewing the telecast and includes, but is not limited to, the term **“pay-per-view”**. This definition includes, but is not limited to, telecasts, podcast, webcast, streaming media, internet or any electronic transmission to arenas, bars, lounges, clubs, entertainment or meeting centers and private residences.

E. “Commission” means the New Mexico athletic commission.

F. “Contact exhibition” means any contest or portion of a fight card, bout, or event in any form of unarmed combat, including but not limited to boxing, wrestling, martial arts, or mixed martial arts regulated by the commission, conducted, held, televised on closed circuit, or given within New Mexico.

G. “Contest” means any event or portion of a fight card, bout or exhibition in any form of unarmed combat, including but not limited to boxing, wrestling, martial arts, or mixed martial arts regulated by the commission, conducted, held, televised on closed circuit, or given within New Mexico.

H. “Counted out” means that a participant has been knocked down and the referee and knockdown timekeeper have performed the appropriate count as set forth in the rules, and the completion of such count signifies that the participant has been knocked out.

I. “Department” means the New Mexico regulation and licensing department.

J. “Event” means any contest or portion of a fight card, bout, or exhibition in any form of unarmed combat, including but not limited to boxing, wrestling, or martial arts regulated by the commission, conducted, held, televised on closed circuit, or given within New Mexico.

K. “Exhibition” means any contest or portion of a fight card, bout, or event in any form of unarmed combat, including but not limited to boxing, wrestling, martial arts, or mixed martial arts regulated by the commission, conducted, held, televised on closed circuit, or given within New Mexico.

L. “Face value” means the dollar value of a ticket that the customer is required to pay or, for

complimentary tickets, would have required payment. It shall include any charges or fees, such as dinner, gratuity, parking, surcharges, or any other charges or fees that must be incurred in order to be allowed to view the match. However, if the ticket specifies the amount of admission charges attributable to state or federal taxes, such taxes shall not be included in the face value.

M. “**Fight card**” means a program of an event, contest, or exhibition of unarmed combat.

N. “**Foreign co-promoter**” means a promoter who has no physical place of business in New Mexico or who’s business is incorporated in a state other than New Mexico.

O. “**He**” or “**his**” shall also mean “**she**” or “**her**”.

P. [RESERVED]

Q. “**Main event**” means the principal match or matches within a program of matches.

R. “**Mixed martial arts**” means unarmed combat involving the use, subject to any applicable limitations set forth in this chapter, of a combination of techniques from different disciplines of the martial arts, including, without limitation, grappling, kicking and striking.

S. “**Official duty**” means any person who performs a task belonging to the commission during an event, contest, or exhibition of unarmed combat.

T. “**Professional contest**” means any boxing, wrestling, or martial arts, or mixed martial arts event, contest or exhibition, whether or not an admission fee is charged for admission of the public, where the participants are licensed as professionals with the commission in their field of unarmed combat.

U. “**Promoter**” means any person, and in the case of a corporate promoter includes any officer, director or stockholder of the corporation, who produces or stages any unarmed combat, including but not limited to boxing, wrestling or martial arts contest, exhibition or closed circuit television show.

V. “**Sham or fake**” means a professional event, contest, or exhibition that is unsanctioned or features participants who are not licensed professionals with the commission in their respective form of unarmed combat.

W. “**Technical zone**” means the area between the ring, cage or fenced area and public seating. The area must have a separate divider and be at least 8 but preferably 12 feet from the ring, cage or fenced area. If there is not a solid barrier, uniformed security must be present.

X. “**Timekeeper signal**” means the appropriate mechanism used to signal the end of the round.

Y. “**Unarmed combat**” means boxing, wrestling, martial arts, mixed martial arts or any form of competition in which a blow is usually struck which may reasonably be expected to inflict injury.

Z. “**Unarmed contest**” means an unarmed combatant competing in an unarmed combat approved and sanctioned by a state commission or a duly constituted and functioning tribal commission which provides the unarmed combatants with the minimum protection afforded by the commission.

[15.6.1.7 NMAC - N, 03-23-2002; A, 08-26-2012; A, 01-15-2015]

15.6.1.8 DOCUMENTS FILED WITH COMMISSION: All applications, records, or other papers and documents filed with or submitted to the commission or to the medical advisory board appointed by the commission, or at any hearing, shall become the property of the commission.

[15.6.1.8 NMAC - N, 03-23-2002]

15.6.1.9 LICENSEE RECORDS SUBJECT TO COMMISSION INSPECTION: All the books and records of any licensee of this commission; or of any corporation of which the licensee is an officer, director or stockholder; and which directly or indirectly concern unarmed combat, including but not limited to boxing, wrestling, or martial arts, shall at all times be subject to the inspection of the commission at such times and under such circumstances as the commission may direct.

[15.6.1.9 NMAC - N, 03-23-2002; A, 08-26-2012]

15.6.1.10 DUTIES OF THE COMMISSION ADMINISTRATOR: The commission’s administrator shall keep a full and true record of all the commission’s proceedings; preserve and keep its books, documents, papers, records; and prepare such papers, reports, and other documents as may be required by the commission; and perform such other duties as may be assigned to the commission administrator from time to time by the commission. The commission administrator shall keep a record of the minutes of all commission meetings and prepare monthly financial statements for the commission.

[15.6.1.10 NMAC - N, 03-23-2002]

15.6.1.11 MINUTES OF COMMISSION MEETINGS: The minutes of all commission meetings shall be

transcribed and kept on file at the commission's office and placed online, at http://www.rld.state.nm.us/boards/athletic_commission_members_and_meetings.aspx.
[15.6.1.11 NMAC - N, 03-23-2002; A, 01-15-2015]

15.6.1.12 MEDICAL ADVISORY BOARD RECORDS: The records of the medical advisory board shall not be available for public inspection unless the commission is served with a subpoena issued by a court of competent jurisdiction.
[15.6.1.12 NMAC - N, 03-23-2002]

15.6.1.13 AMENDMENT OF RULES: The commission may suspend, amend, revise or re-codify the rules in compliance with the Uniform Licensing Act (NMSA 1978 Sections 61-1-1 through 61-1-33). Any amendment of the rules shall be published by the commission as required by law, and shall be available for public inspection.
[15.6.1.13 NMAC - N, 03-23-2002; A, 08-26-2012; A, 01-15-2015]

15.6.1.14 SEVERABILITY: If any part or application of Chapter 6 of Title 15 is held invalid, the remainder, or its application to their situations or persons, shall not be affected.
[15.6.1.14 NMAC - N, 03-23-2002]

15.6.1.15 OPEN MEETINGS NOTICES: Commission meetings shall be open to the public and shall be noticed pursuant to the Open Meetings Act, NMSA 1978, Sections 10-15-1 to 10-15-4, and in accordance with the commission's annual Open Meetings Resolution
[15.6.1.15 NMAC - N, 03-23-2002; A, 01-15-2015]

15.6.1.16 INSPECTION OF PUBLIC RECORDS: The commission operates in compliance with the Inspection of Public Records Act, NMSA 1978 Sections 14-2-1 through 14-2-12. The commission's administrator is the custodian of the commission's records. The commission may provide copies of public records upon request and upon payment of a reasonable copying fee. No person shall remove commission documents from the commission office. The commission maintains files for all applicants. Information in the applicant's file is a matter of public record except for the following:

- A. medical reports, records of chemical dependency, physical or mental examinations;
- B. complaints, and investigative files obtained during the course of an investigation or processing of a complaint, and before the vote of the commission as to whether to dismiss the complaint or to issue a notice of contemplated action as provided in the Uniform Licensing Act, NMSA 1978, Section 61-1-1 et seq., and in order to preserve the integrity of the investigation of the complaints, records and documents that reveal confidential sources, methods, information or licensees accused, but not yet charged with a violation, such records shall include evidence in any form received or compiled in connection with any such investigation of the complaint or of the licensee by or on behalf of the commission by any investigating agent or agency; upon the completion of the investigation or processing of the complaint, AND upon the decision of the commission to dismiss the complaint or to issue a notice of contemplated action, the confidentiality privilege shall dissolve, and the records, documents or other evidence pertaining to the complaint and to the investigation of the complaint shall be available for public inspection; and
- C. any other records excepted from disclosure pursuant to the Inspection of Public Records Act.

[15.6.1.16 NMAC - N, 03-23-2002; A, 08-26-2012; A, 01-15-2017]

15.6.1.17 TELEPHONE CONFERENCES: As authorized by NMSA 1978 (1993 Repl. Pamp.) Section 10-15-1.C of the Open Meetings Act, when it is difficult or impossible for a commission member to attend a commission meeting in person, the member may participate by means of a conference telephone or similar communications equipment. Participation by such means shall constitute presence in person at the meeting. Each member participating by conference telephone must be identified when speaking. All participants must be able to hear each other at the same time, and members of the public attending the meeting must be able to hear any member of the commission who speaks during the meeting.

[15.6.1.17 NMAC - N, 03-23-2002]

15.6.1.18 LICENSEE REQUIRED TO UPDATE ADDRESS WITH COMMISSION:

- A. Correspondence, notices, bulletins, or any other information from the commission will be sent to the last known address on file with the commission at the commission's office.
- B. The licensee shall be responsible for notifying the commission of any change in address.

[15.6.1.18 NMAC - N, 03-23-2002]

15.6.1.19 CODE OF CONDUCT FOR COMMISSION MEMBERS: In accordance with the provisions of the Governmental Conduct Act, Sections 10-16-1 to 10-16-18, NMSA 1978, each commission member shall annually sign a commission member *code of conduct* and the commission shall annually adopt said executed document which shall then be forwarded to the New Mexico secretary of state by the commission administrator.
[15.6.1.19 NMAC - N, 03-23-2002; A, 08-26-2012]

15.6.1.20 COSTS OF DISCIPLINARY ACTIONS: Licensees shall bear **all costs** of disciplinary proceedings unless they are excused by the commission from paying all or part of the costs or if they prevail at the hearing and an action specified in Section 61-1-3 NMSA 1978 is not taken by the commission.
[15.6.1.20 NMAC - N, 03-23-2002; A, 08-26-2012]

15.6.1.21 CHANGE OF DECISION:

A. Commission's power to change decision: If the commission determines that any of the situations listed below has occurred with regard to any event, contest or exhibition of unarmed combat, then the decision rendered shall be changed as the commission directs.

B. Collusion: That there was collusion affecting the results of any bout.

C. Scoring error: That a mathematical or transcription error occurred in the compilation of the judge's scorecards that would indicate that the official decision had been awarded to the wrong contestant.

D. Drugs or foreign substances: That the unarmed combatant is found to have violated Part 15 of the commission's rules and regulations, wherein the unarmed combated has tested positive for a prohibited substance that was in the unarmed combatant's system at the time of their event, contest or exhibition of unarmed combat.

E. Violation of rules and regulations: That there was a clear violation of the commission's rules and regulations governing the sanctioning of unarmed combat that affected the result of the event, contest or exhibition.

[15.6.1.21 NMAC - N, 02-13-2015]

HISTORY of 15.6.1 NMAC:

Pre-NMAC History:

Material in the part was derived from that previously filed with the commission of public records - state records center and archives:

NMAC 80-1, The Commission, Its Powers and Procedures, filed 9-24-80.

Those relevant portions of NMAC Rule 92-2, The Commission, Its Powers and Procedures, filed 8-17-92.

NMAC Rule 92-1, Definitions, filed 8-17-92.

Those relevant portions of NMAC Rule 95-1, Definitions, filed 5-5-95.

History of Repealed Material:

NMAC Rule 92-2 (aka 15 NMAC 6.1), The Commission, Its Powers and Procedures, filed 8-17-92; repealed effective 03-23-2002.

NMAC Rule 95-1 (aka 15 NMAC 6.1) Definitions, filed 5-5-95; repealed effective 03-23-2002.

Other History:

NMAC Rule 92-2 and NMAC 95-1 were recompiled into the first version of the New Mexico Administrative Code as 15 NMAC 6.1 and named General Provisions.

15.6.1 NMAC, General Provisions, replaced those relevant portions of 15 NMAC 6.1, General Provisions, effective 03-23-2002.