

**TITLE 15        GAMBLING AND LIQUOR CONTROL**  
**CHAPTER 6      BOXING, WRESTLING, AND MARTIAL ARTS**  
**PART 15         DRUGS AND FOREIGN SUBSTANCES - PENALTIES**

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

**15.6.15.2        SCOPE:** The provisions in Part 15 apply to all licensees of the commission.  
[15.6.15.2 NMAC - N, 03-23-2002; A, 02-13-2015]

**15.6.15.3        STATUTORY AUTHORITY:** Part 15 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.).  
[15.6.15.3 NMAC - N, 03-23-2002]

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

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

**15.6.15.6        OBJECTIVE:** The objective of Part 15 of Chapter 6 is to set forth all commission regulations regarding the use of prohibited drugs and foreign substances by commission licensees and the penalties adjudged by the commission for such use.  
[15.6.15.6 NMAC - N, 03-23-2002]

**15.6.15.7        DEFINITIONS:**

**A.        "Alcohol"** includes all consumable non-prescriptive substance which contains alcohol, specifically including, without limitation: spirits, wine, malt beverages, intoxicating liquors, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.

**B.        "Alcohol abuse"** any consumption of a preparation including alcohol (e.g. beverages or medicines).

**C.        "Controlled substance"** includes the following five prohibited classes of drugs: narcotics, depressants, stimulants, hallucinogens and cannabis. A controlled substance includes any chemical substances having the capacity to affect behavior and regulated or prescribed by law with regard to possession, use or distribution.

**D.        "Covered participant"** any athlete who participates in events sanctioned by the New Mexico athletic commission (NMAC).

**E.        "Drugs"** include the following five types of controlled substances: marijuana, cocaine, opiates, phencyclidine (PCP), amphetamines, metabolites of previously identified drugs; or non-prescription substances containing previously identified drugs.

**F.        "Random sample"** random selection must be based on a scientifically valid method(s) that assures that all athletes have an equal chance of being selected for testing. As used in this policy, testing is required for one third of all athletes competing in NMAC sanctioned event. The testing company will provide a notification of those athletes to be tested at the time of the weigh-ins.

**G.        "Reasonable suspicion"** a belief drawn from specific, objective facts which can be articulated and have reasonable inferences drawn from those facts. The NMAC shall have the authority to request that any specific athlete be tested on a reasonable suspicion basis.

**H.        "Championship bout"** the NMAC shall have the authority to test any athlete participating in a NMAC sanctioned event competing for a state, regional, national or world championship.

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

**15.6.15.8        WATER ALLOWED:**

**A.        During the contest, only water is to be used in the corners.**

**B.        No substance, other than plain drinking water, shall be given to or ingested by a contestant during the course of a match.**

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

**15.6.15.9 [RESERVED]**  
[15.6.15.9 NMAC - N, 03-23-2002]

**15.6.15.10 INSPECTION OF DRUGS, CONTAINERS, AND EQUIPMENT:**

**A. Subject to inspection:** Drugs, containers, and other equipment used in conjunction with the match, regardless of why or how they are used, or where they are located, shall be available at all times for inspection by the physician, the referee or the commission representative.

**B. Subject to seizure:** These items are subject to seizure by the physician, the referee, or the commission representative if there is any evidence that they have been used to violate this rule; or are in violation of any provision of the Professional Athletic Competition Act (Sections 60-2A-1 through 60-2A-33) or the commission's rules and regulation.

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

**15.6.15.11 RESPONSIBILITY OF LICENSEES:** Every person under the commission's jurisdiction has the responsibility to immediately advise the physician, the referee, or the commission representative of any knowledge that any contestant scheduled for engagement in any match has, in violation of this rule, ingested or is under the influence of any drug or foreign substance prohibited by this rule, 15.6.15.13 NMAC.

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

**15.6.15.12 PROHIBITED USE OF DRUGS OR FOREIGN SUBSTANCES:**

**A.** It is expressly prohibited for any event contestant licensed by the commission to use or be under the influence, at any time, of any drug, stimulant, or foreign substance designed to be ingested that would unfairly increase or decrease his performance; or impair his or the physician's ability to recognize a potentially serious injury or physical condition.

**B.** Use by a contestant of any prohibited drugs or stimulants before or during a contest shall be cause for disqualification.

**C.** A contestant shall disclose prescriptions for drugs that are otherwise banned under these rules, for the commission's review before the event, contest, or exhibition.

[15.6.15.12 NMAC - N, 03-23-2002; A, 01-15-2015]

**15.6.15.13. PROHIBITED DRUGS OR FOREIGN SUBSTANCES DESIGNED FOR INGESTION:** The following drug or foreign substance classifications are prohibited except as otherwise indicated.

**A. Stimulants:** All stimulants are banned with the following exceptions.

(1) **Caffeine** - Provided, however, that an amount greater than 12 mcg/ml in the urine is prohibited.

(2) **Beta 2 Agonist** - Provided that it is selected from the following list and is in aerosol or inhalant form only.

(a) Drug chemical: Bitolterol Mesylate; brand name: Tonalate

(b) Drug chemical: Metaproterenol Sulfate; brand name: Alupent or Metaprel

(c) Drug chemical: Albuterol Sulfate; brand name: Ventolin or Proventil

(d) Drug chemical: Terbutaline Sulfate; brand name: Brethaire

**B. Narcotics**

**C. Anabolic steroids, including growth hormone**

**D. Diuretics**

**E. Alcohol**

**F. Local anesthetics**

**G. Corticosteroids**

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

**15.6.15.14 EXAMINATION OF CONTESTANT FOR DRUG USE BY INGESTION:** Any contestant may be required to submit to drug testing, or any other testing required by the commission.

**A. Physician's observations:** After each match, the physician shall advise the commission representative as to whether or not he observed any behavior or other signs that would indicate the advisability of processing a contestant's urine sample.

**B. Decision to conduct drug test:** The commission representative shall make the final decision as to

the processing of a contestant's urine sample.

**C. Commission representative initiates drug test:** Whenever the commission representative has reason to believe that a contestant has ingested or used a prohibited drug or foreign substance, he shall request, and the contestant shall provide, under the supervision of the physician, commission representative, or inspector, a sample of his urine taken not more than one (1) hour after the conclusion of the match.

**D. Integrity of urine sample to be maintained:** Urine samples shall be taken in accordance with the protocol agreed upon, in writing, between the commission and the laboratory employed to process urine samples.

**E. Contestant's cooperation required:** The contestant being tested shall not use any substances or methods that would alter the integrity of the urine sample.

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

**15.6.15.15 PENALTIES FOR FAILURE TO PROVIDE URINE SAMPLE:** Failure or refusal to provide a urine sample immediately upon request shall result in the revocation of the contestant's license.

**A. Losing contestant:** Any contestant who has been adjudged the loser of a match, and who subsequently refuses or is unable to provide a urine sample, shall forfeit his share of the purse to the commission.

**B. Winning contestant:** Any contestant who is adjudged the winner of a match, and who subsequently refuses or is unable to provide a urine sample, shall forfeit the win and shall not be allowed to engage in any future match in this state.

(1) A "no decision" result shall be entered into the official record of the match.

(2) The purse shall be redistributed as though the contestant found to be in violation of this subsection had lost the match.

**C. Forfeit of purse:** If redistribution of the purse is not necessary; or if the distribution of the purse has been accomplished and the contestant is found to be in violation of Subsections A or B of this section, the contestant shall forfeit his share of the purse to the commission.

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

**15.6.15.16 [RESERVED]**

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

**15.6.15.17 DRUGS OR FOREIGN SUBSTANCES DESIGNED FOR EXTERNAL USE:** No other drug or foreign substance designed for external use except as expressly provided in this rule or as directed by the physician, shall be used by any contestant while participating in an event contest. Under the conditions described herein, participants may use the following drugs or foreign substances designed for external use.

**A. Petroleum jelly:** Only discretionary use of petroleum jelly [e.g. vaseline], and nothing else, will be allowed on the face, arms, or any other part of the contestant's body. The excessive use of petroleum jelly is strictly prohibited and the referee shall direct that any excessive petroleum jelly be removed.

**B. Adrenalin, thrombin, and avitine:** In case a contestant sustains a cut or laceration, only the discretionary, topical use of the following, or their generic equivalents as approved by the physician, shall be allowed to stop the bleeding:

(1) a 1/1000 solution of adrenalin;

(2) avitine; or

(3) thrombin.

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

**15.6.15.18 PENALTIES FOR PROHIBITED DRUG OR FOREIGN SUBSTANCE USE:**

**A. Losing contestant:** Any contestant determined to have been using, or to have been under the influence of a prohibited drug or foreign substance, and who has been adjudged the loser of a match, shall forfeit his share of the purse to the commission.

**B. Winning contestant:** Any contestant determined to have been using, or to have been under the influence of a prohibited drug or foreign substance, and who has been adjudged the winner of a match, shall forfeit the win, and shall not be allowed to engage in any future match in this state.

(1) A "no decision" result shall be entered into the official record of the match.

(2) The purse shall be redistributed as though the contestant found to be in violation of this subsection had lost the match.

**C. Forfeit of purse:** If redistribution of the purse is not necessary; or if the distribution of the purse has been accomplished and the contestant is found to be in violation of Subsections A or B of this section, the

contestant shall forfeit his share of the purse to the commission.

**D. Additional penalties:** The following additional penalties shall be assessed against any contestant found to be in violation of this section:

(1) **Penalty for the first occurrence:** The contestant's license shall be suspended for a period of one hundred eighty (180) calendar days, during which time the contestant shall be banned from participating in any manner in any match or activity regulated by this commission.

(2) **Penalty for the second occurrence:** The contestant's license shall be suspended for a period of one (1) year, during which time the contestant shall be banned from participating in any manner in any match or activity regulated by this commission.

(3) **Penalty for the third occurrence:** The contestant's license shall be permanently revoked and he shall be permanently banned from participating in any manner in any match or activity regulated by this commission.

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

**15.6.15.19 [RESERVED]**

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

**15.6.15.20 PENALTIES FOR AIDING AND ABETTING THE VIOLATION OF THIS RULE:**

**A. Grounds for suspension or revocation:** Participation in or contributing to the violation of 15.6.15 NMAC (this rule) by any person licensed by the commission shall be grounds for suspension or revocation of all commission licenses held by that licensee.

**B. Forfeit of purse:** Any licensee found to be in violation of this section shall forfeit his share of the purse to the commission.

**C. Suspension and revocation penalties:** The following penalties shall be assessed against any licensee found to be in violation of this section.

(1) **Penalty for the first occurrence:** The licensee's license shall be suspended for a period of one hundred eighty (180) calendar days, during which time the licensee shall be banned from participating in any manner in any match or activity regulated by this commission.

(2) **Penalty for the second occurrence:** The licensee's license shall be suspended for a period of one (1) year, during which time the licensee shall be banned from participating in any manner in any match or activity regulated by this commission.

(3) **Penalty for the third occurrence:** The licensee's license shall be permanently revoked and the licensee shall be permanently banned from participating in any manner in any match or activity regulated by this commission.

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

**HISTORY of 15.6.15 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 Rule 92-16, Drugs And Foreign Substances - Penalties, filed 8-17-92.

**History of Repealed Material:**

NMAC Rule 92-16 (aka 15 NMAC 6-15), Drugs And Foreign Substances - Penalties, filed 8-17-92; repealed effective 03-23-2002.

**Other History:**

NMAC Rule 92-16 was recompiled into the first version of the New Mexico Administrative Code as 15 NMAC 6.15 and named Drugs And Foreign Substances - Penalties.

15.6.15 NMAC, Drugs And Foreign Substances - Penalties, replaced 15 NMAC 6.15, Drugs And Foreign Substances - Penalties, effective 03-23-2002.