

Santa Clara Pueblo Gaming Commission



Alcohol and Illegal Drugs

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CHAPTER IV – GENERAL PROVISIONS

SECTION 33: ALCOHOL AND ILLEGAL DRUGS

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CHAPTER V – GENERAL PROVISIONS

SECTION 33: ALCOHOL AND ILLEGAL DRUGS

33.1 Purpose. The purpose of these regulations is to require for the Commission to adopt and enforce procedures for prohibiting alcohol and illegal drugs applicable to the gaming operation and persons on the gaming premises during the conduct of Class III Gaming that are in compliance with the Tribal/State Compact approved on October 23, 2015.

33.2 Authority. The Commission has authority to regulate and to promulgate and enact regulations pursuant to delegated authority from the Santa Clara Pueblo Tribal Council and the Santa Clara Pueblo Gaming Code. The Commission has the responsibility under the Gaming Code to enforce all policies and procedures for prohibiting alcohol and illegal drugs on the gaming premises. The Commission also has the authority to issue regulations, not inconsistent with the Gaming Code, the Compact, and IGRA, to govern the operation and management of each gaming operation and gaming facility. The Commission shall work with each gaming enterprise or management contractor to establish policies and procedures for prohibiting alcohol and illegal drugs applicable to the gaming operation and/or persons occurring on the gaming premises.

33.3 Compact Compliance.

- (1) In accordance with the Compact,
 - (a) The gaming operation shall prohibit the presence of alcohol within any gaming area of a gaming facility. The gaming enterprise may allow alcohol in other locations only in accordance with the tribal law and applicable state or federal law.
 - (b) The gaming operation shall prohibit persons who are visibly intoxicated to participate in gaming activity, or sell, serve, give, or deliver beverages to a person who is intoxicated, or procure or aid in procurement of any alcoholic beverage for an intoxicated person, at the gaming facility.
 - (c) The gaming enterprise shall not provide, allow, contract to provide, or arrange to provide alcoholic beverages for no charge or at reduced prices within a gaming facility.
 - (d) The gaming enterprise will purchase and maintain a liquor liability insurance policy and a shall submit a certificate of liquor liability insurance to the Commission annually evidencing that the gaming enterprise is in compliance.
 - (e) The gaming enterprise shall require that employees who dispense, sell, serve, or deliver alcoholic beverages to attend Alcohol Server Education classes similar to those classes provided for in the New Mexico Liquor Control Act and shall submit documentation to the Commission annually evidencing that the gaming enterprise is in compliance.

33.4 Employee Standards.

(1) The gaming enterprise shall adopt a drug and alcohol policy that is consistent with industry standards and shall include the minimum following requirements that:

- (a) Any gaming employee shall be prohibited from the use or possession of alcohol or illegal drugs while on work attendance at the gaming facility.
- (b) Any gaming employee must submit to drug testing and such results shall be provided to the Commission upon request.
- (c) Any gaming employee must submit to drug or alcohol testing, or both, if involved in an incident that results in personal injury to any person or property damage, and/or if there is a reasonable suspicion that an employee is under the influence of drugs or alcohol.
- (d) Any gaming employee shall be subject to random drug or alcohol testing at the discretion of the gaming enterprise.
- (e) Any gaming employee who violates such drug and alcohol policy shall be subject to disciplinary action, up to and including termination.

(2) The gaming enterprise or gaming operation shall inform the Commission of any action taken with respect to any gaming employee who fails to pass any drug test and may be subject to licensing conditions.

33.5 Employee Training. Each gaming enterprise shall see that all of its applicable employees are fully trained in the requirements of these regulations pertaining to the prohibition of alcohol and illegal drugs applicable to the gaming operation and/or persons occurring at the gaming premises. Such training shall be updated regularly by the gaming enterprise.

33.6 Role of the Commission. The Commission shall ensure the gaming enterprise has procedures established to administer, monitor and ensure compliance with this regulation.