

**PROPOSED REGULATION OF THE
COMMISSION ON POSTSECONDARY EDUCATION**

LCB FILE NO. R003-24I

**The following document is the initial draft regulation proposed
by the agency submitted on 01/16/2024**

VI(E): Proposed removal of regulations **NAC 394.700** through **NAC 394.730** related to the Alcoholic Beverage Awareness Program as said regulations are invalid to the authorities provided by law to the Commission on Postsecondary Education (CPE).

~~ALCOHOLIC BEVERAGE AWARENESS PROGRAMS~~

~~**NAC 394.700 Definitions.** (NRS 394.411) As used in NAC 394.700 to 394.730, inclusive, unless the context otherwise requires, the words and terms defined in NAC 394.705 and 394.710 have the meanings ascribed to them in those sections.~~

~~(Added to NAC by Comm'n on Postsecondary Educ. by R134-05, eff. 11-17-2005; A by R042-11, 5-30-2012)~~

~~**NAC 394.705 "Alcoholic beverage awareness program" defined.** (NRS 394.411) "Alcoholic beverage awareness program" has the meaning ascribed to it in NRS 369.610.~~

~~(Added to NAC by Comm'n on Postsecondary Educ. by R134-05, eff. 11-17-2005)~~

~~**NAC 394.710 "Certified program" defined.** (NRS 394.411) "Certified program" means an alcoholic beverage awareness program that is certified by the Administrator pursuant to NAC 394.715. (Added to NAC by Comm'n on Postsecondary Educ. by R134-05, eff. 11-17-2005)~~

~~**NAC 394.715 Requirements for certification of program.** (NRS 369.625, 394.411)~~

~~1. An applicant for certification of an alcoholic beverage awareness program pursuant to NRS 369.625 must submit to the Administrator:~~

~~(a) Evidence satisfactory to the Administrator that each instructor for the program is competent and qualified to provide instruction in the curriculum of the program; and~~

~~(b) A complete copy of the curriculum for the program, which must include, without limitation:~~

~~(1) One hour in the clinical effects of alcohol on the human body;~~

~~(2) Thirty minutes in the methods of identifying intoxicated persons;~~

~~(3) Thirty minutes in the methods of discontinuing the service of alcoholic beverages to persons who are identified as intoxicated;~~

~~(4) Thirty minutes in the applicable state and local laws concerning the selling and serving of alcoholic beverages; (5) Thirty minutes in the methods of preventing and halting fights, acts of affray and other disturbances of the peace;~~

~~(6) Thirty minutes in the methods of preventing:~~

~~(I) The entry of minors into establishments in which minors are prohibited from loitering~~

~~pursuant to NRS 202.030; (II) The purchase, consumption and possession of alcoholic beverages by minors as prohibited by NRS 202.020,~~

~~including, without limitation, the recognition of altered or falsified forms of identification; and~~

~~(III) The selling and furnishing of alcoholic beverages to minors as prohibited by NRS 202.055; and~~

~~(7) A comprehensive closed book final examination that contains questions on the subject matter identified in subparagraphs (1) to (6), inclusive.~~

~~→ In addition to the requirements of this paragraph, the curriculum for a program may include any other information pertinent to alcoholic beverage awareness.~~

~~2. In addition to the requirements of subsection 1, if an alcoholic beverage awareness program will be offered through distance education, the applicant must submit to the Administrator evidence satisfactory to the Administrator that:~~

~~(a) The program complies with NAC 394.521; and~~

~~(b) The examination required by subparagraph (7) of paragraph (b) of subsection 1 is proctored by the provider of the program or otherwise proctored by a person or entity approved by the Administrator.~~

~~(Added to NAC by Comm'n on Postsecondary Educ. by R134-05, eff. 11-17-2005; A by R042-11, 5-30-2012)~~

~~**NAC 394.725 Provider of certified program: Prohibition of certain activities.** (NRS 369.625, 394.411) A provider of a certified program shall prohibit:~~

~~1. An enrollee in the program from attending if the enrollee is intoxicated; and~~

~~2. The consumption of alcoholic beverages on the premises where the program is offered.~~

~~(Added to NAC by Comm'n on Postsecondary Educ. by R134-05, eff. 11-17-2005)~~

~~**NAC 394.730 Alcohol education card: Requirements for and record of issuance; form and contents.** (NRS 369.625, 394.411)~~

~~1. A provider of a certified program shall issue an alcohol education card to each person who successfully completes the program. Successful completion of the program includes, without limitation, receiving a raw score of 75 percent on the final examination in each subject matter that is identified in subparagraphs (1) to (6), inclusive, of paragraph (b) of subsection 1 of NAC 394.715.~~

~~2. Each alcohol education card issued as part of a certified program must:~~

~~(a) Be in a format prescribed by the Administrator;~~

~~(b) Consist entirely of plastic or a similar material that is difficult to duplicate or alter; and (c) Include the following information:~~

~~(1) The name of the person to whom the card is issued;~~

~~(2) The name of the provider of the certified program;~~

~~(3) A unique identification number; (4) The date of issuance; and~~

~~(5) The date of expiration.~~

~~3. Each provider of a certified program shall maintain a list of persons to whom a card is issued pursuant to this section.~~

~~(Added to NAC by Comm'n on Postsecondary Educ. by R134-05, eff. 11-17-2005)~~

VI(F): Proposed removal of regulation **NAC 394.600** as recommended by the Commission on Postsecondary Education (CPE) as said regulation is burdensome to licensed institutions and is thereby recommended for removal.

~~**NAC 394.600 Approval of advertisements.** (NRS 394.411, 394.421, 394.445) Any advertising through any medium which cannot be changed or deleted within a 7-day period, including, but not limited to, classified telephone directory or national advertising, must be approved by the Administrator before it is printed. The full copy of the advertisement must be submitted in writing or in an electronic or other format approved by the Administrator. [Comm'n on Postsecondary Educ., § 7.130, eff. 2-28-80]—(NAC A by R042-11, 5-30-2012)~~