

**PROPOSED REGULATION OF THE
NEVADA ATHLETIC COMMISSION**

LCB FILE NO. R104-24I

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NEVADA STATE ATHLETIC COMMISSION**

LCB File No. R ___ - _____

Draft Date: March 4, 2024

EXPLANATION – Matter in *blue italics* is new material; and matter between ~~[red brackets with single strikethrough]~~ is material to be omitted.

AUTHORITY – §§ 1 - 7, NRS 467.030, 467.080, 467.100, 467.109, and 467.153.

A REGULATION relating to unarmed combat; providing the circumstances wherein the possession, use, or consumption of cannabis or cannabis derived products shall not result in an anti-doping violation; providing procedures concerning an order to a person to cease and desist from engaging in activity in violation of chapter 467 of the NRS, chapter 467 of the NAC, the Nevada Rules of Unarmed Combat, or any other rule adopted by the Commission; providing that a female unarmed combatant may be asked at any time to submit to a medical test to ensure that the female unarmed combatant is not pregnant; clarifying certain restrictions on containers used in a program of unarmed combat; clarifying instances wherein the result of a contest and be protested; repealing various provisions relating to unarmed combat; and providing other matters properly relating thereto.

Section 1. Chapter 467 of NAC is hereby amended by adding thereto a new section to read as follows:

[Possession, use, or consumption of cannabis]

The possession, use, or consumption of cannabis or cannabis derived products shall not be deemed an anti-doping violation under this Chapter, regardless of the laws of the jurisdiction where such possession, use, or consumption occurs, provided such possession, use, or consumption is legal under the laws of the State of Nevada.

Sec. 2. Chapter 467 of NAC is hereby amended by adding thereto a new section to read as follows:

[Orders to cease and desist unlicensed activity]

1. If there is sufficient evidence showing that a person is engaging in, or is scheduled or plans to engage in, an activity in violation of the provisions of this chapter, chapter 467 of NRS,

the Nevada Rules of Unarmed Combat, or any other policy adopted by the Commission, a Commissioner, the Executive Director, or a designee of either, may issue an order to the person that directs the person to cease and desist from engaging in the activity.

2. An order issued pursuant to subsection 1 must:

(a) Be in writing.

(b) Be served upon the person to whom the cease and desist order is directed. For the purposes of this paragraph, service will be deemed complete by:

(1) Mailing the cease and desist order by registered or certified mail to the address on file with the Commission; or

(2) Proof of diligent efforts by the Commission to notify the person of the cease and desist order.

(c) State that the person has 30 business days after the date of the service of the cease and desist order to request an administrative hearing and that the order shall be deemed final if the Commission does not receive a petition for a hearing within the prescribed time.

(d) State that, in the opinion of the Executive Director, the Commissioner, or the designee that is issuing the cease and desist order pursuant to subsection 1, the person is engaging in, or is scheduled or plans to engage in, an activity:

(1) For which the person has not received a license or permit as required by chapter 467 of NRS or chapter 467 of NAC; or

(2) That violates the provisions of this chapter, chapter 467 of NRS, the Nevada Rules of Unarmed Combat, or any other policy adopted by the Commission.

3. A person who is served with a cease and desist order pursuant to this section shall not engage in any activity prohibited by the order after the person is served with the cease and desist order unless or until the cease and desist order is suspended or rescinded.

4. If a petition for a hearing is received by the Commission within the prescribed time, the Commission shall, at a time determined by the Commission, hold a hearing on whether the activity that is the subject of the cease and desist order may be allowed to occur.

5. An order to cease and desist issued under subsection 1 may be amended or rescinded at any time before or during the hearing referenced in paragraph (c) of subsection 2 and subsection 4 of this section. Subject to the discretion of the Chair or the Commission, the hearing

may be continued if an amendment to the cease and desist order materially alters the facts or legal issues relating to the cease and desist order or the respondent demonstrates an inability to prepare for the hearing as a result of the amendment.

6. If a Commissioner institutes proceedings pursuant to subsection 1, the Commissioner shall not take part in the adjudication of the matter.

7. Nothing contained within this section limits the authority of the Commission to take disciplinary action for any violation of the provisions of this chapter, chapter 467 of NRS, the Nevada Rules of Unarmed Combat, or any other policy adopted by the Commission.

Sec. 3. NAC 467.0775 is hereby amended to read as follows:

NAC 467.0775 Notice to Commission of citation, arrest or conviction for domestic violence of certain applicants or licensees; consequences for failure to comply. (NRS 467.030)

1. An applicant for a license listed under subsection 1 of NAC 467.012 must state on his or her application whether the applicant has ever been cited, arrested or convicted for domestic violence.

2. A licensee shall, within 15 calendar days after the occurrence of the relevant event, report to the Executive Director or the Executive Director's designee any citation, arrest or conviction for domestic violence that occurs after the licensee has been issued his or her license.

3. If the Executive Director or the Executive Director's designee receives information that an applicant for a license listed under subsection 1 of NAC 467.012 or a licensee has been cited, arrested or convicted for domestic violence, regardless of how the information is received, the Executive Director or the Executive Director's designee shall review the information and determine:

(a) For an applicant, whether or not to recommend denial of the application for a license ~~[pursuant to NAC 467.082]~~ *if the applicant performed an act that would subject a licensee to discipline pursuant to NAC 467.885.*

(b) For a licensee, whether or not to recommend disciplinary action against the licensee to the Commission pursuant to NAC 467.885.

4. As used in this section, "domestic violence" means an act described in NRS 33.018.

Sec. 4. NAC 467.011 is hereby amended to read as follows:

NAC 467.011 Adoption by reference of publications related to program of drug testing and anti-doping. (NRS 467.030, 467.153)

1. ~~The~~ *Except as provided in subsection 4, the* Commission hereby adopts by reference the most recent version of the:

(a) *Prohibited List* published by the World Anti-Doping Agency.

(b) *International Standard for Laboratories* published by the World Anti-Doping Agency.

(c) The *Technical Documents* published by the World Anti-Doping Agency, including, without limitation, *Decision Limits for the Confirmatory Quantification of Threshold Substances* and *Endogenous Anabolic Androgenic Steroids, Measurement and Reporting*.

2. A copy of the publications adopted by reference pursuant to subsection 1 is available, free of charge, at the Internet address **www.wada-ama.org**.

3. If a publication adopted by reference pursuant to subsection 1 is revised, the Commission will review the revision to ensure its suitability for this State. If the Commission determines that the revision is not suitable for this State, the Commission will hold a public hearing to review its determination within 6 months after the date of publication of the revision and give notice of that hearing within 30 days after the date of the publication of the revision. If, after the hearing, the Commission does not revise its determination, the Commission will give notice that the revision is not suitable for this State within 30 days after the hearing. If the Commission does not give such notice, the revision becomes part of the pertinent publication adopted by reference pursuant to subsection 1.

4. In accordance with its policy regarding cannabis set forth in section 1, the Commission does not classify cannabis or cannabis derived products that are included in one or more of the publications listed in subsection 1 as prohibited or banned substances under its program of drug testing and anti-doping, provided such substances are legal for use or consumption under the laws of the State of Nevada.

Sec. 5. NAC 467.272 is hereby amended to read as follows:

NAC 467.272 Limitations on types of beverage containers and plates used at programs. (NRS 467.030)

1. ~~[All]~~ *A promoter shall ensure that all* drinks at a program of unarmed combat must be dispensed in paper or plastic cups or any other container approved by the Commission.
2. ~~[Plates]~~ *A promoter shall ensure that all plates* and any other materials for serving food that are provided for patrons at a program of unarmed combat must be made from lightweight ~~+, nonflammable and nontoxic~~ materials.

Sec. 6. NAC 467.568 is hereby amended to read as follows:

NAC 467.568 Female unarmed combatants; provision of results of pregnancy test; separate dressing rooms required. (NRS 467.030)

1. A female unarmed combatant shall not engage in a contest or exhibition with a male unarmed combatant.
2. Before each bout in which a female unarmed combatant is scheduled to compete, the female unarmed combatant shall provide to the Commission an original or certified copy, or other authenticated copy, of the result of a medical test taken not later than 10 days before the day of the bout, *or at any other time requested by the Commission, the Executive Director, or the designee of either*, which shows that the *unarmed* combatant is not pregnant. The Commission will not permit a female unarmed combatant to compete if she:
 - (a) Is determined to be pregnant; or
 - (b) Fails to comply with this subsection.
3. The promoters of a contest or exhibition between female unarmed combatants shall provide them with adequate separate dressing rooms.

Sec. 7. NAC 467.770 is hereby amended to read as follows:

NAC 467.770 Change of decision after contest or exhibition: Factors considered by Commission. (NRS 467.030)

1. Except as otherwise provided in NAC 467.579, the Commission will not change a decision rendered at the end of any contest or exhibition unless:
 - (a) The Commission determines that there was collusion affecting the result of the contest or exhibition;
 - (b) The compilation of the scorecards of the judges discloses an error which shows that the decision was given to the wrong unarmed combatant; or

(c) As the result of an error in interpreting a provision of this chapter, *or a provision within the Nevada Rules of Unarmed Combat*, the referee or review official has rendered an incorrect decision.

2. The Executive Director may reject any protest seeking the change of a decision if, in the sole judgment of the Executive Director, the protest fails to state a basis that would allow for a change in the decision pursuant to this section.

Sec. 8. NAC 467.0028, 467.0034, 467.0035, 467.208, 467.792, 467.0085, 467.022, 467.082, and 467.305 are hereby repealed.

TEXT OF REPEALED SECTIONS

NAC 467.0028 “Manager” defined. (NRS 467.030)

1. “Manager” means a person who:

(a) Undertakes to represent the interest of another person, by contract, agreement or other arrangement, in procuring, arranging or conducting a professional contest or exhibition in which such person is to participate as a contestant;

(b) Directs or controls the professional unarmed combat activities of an unarmed combatant;

(c) Receives or is entitled to receive 10 percent or more of the gross purse or gross income of any professional unarmed combatant for services relating to participation of the unarmed combatant in a professional contest or exhibition; or

(d) Receives compensation for service as an agent or representative of an unarmed combatant.

2. The term does not include an attorney licensed to practice in this State, if his or her participation in such activities is restricted solely to legal representation of the interests of an unarmed combatant as his or her client.

NAC 467.0034 “Respondent” defined. (NRS 467.030) “Respondent” means a person against whom a complaint has been filed pursuant to this chapter.

NAC 467.0035 “Ring official” defined. (NRS 467.030) “Ring official” means any person who performs an official function during the progress of a contest or exhibition.

NAC 467.208 Certain persons retained by promoter must have licenses. (NRS 467.030, 467.100) A promoter shall not retain a matchmaker unless the matchmaker is licensed by the Commission.

NAC 467.792 Martial arts involving full contact: Applicability of statutes and regulations; use of official rules; filing of official rules by sponsoring organization or promoter; approval of Commission required. (NRS 467.030)

1. All full-contact martial arts are forms of unarmed combat.
2. Except as otherwise provided by specific statute or regulation, the provisions of this chapter and chapter 467 of NRS apply to contests or exhibitions of such martial arts.
3. A contest or exhibition of a martial art must be conducted pursuant to the official rules for the particular art. The sponsoring organization or promoter must file a copy of the official rules with the Commission before it will approve the holding of the contest or exhibition.

NAC 467.0085 Request for public book or record: Review by Attorney General to determine confidentiality provisions; review and approval for dissemination by Chair, Executive Director or designee of Executive Director. (NRS 467.030)

1. Upon receipt of a request for a public book or record pursuant to chapter 239 of NRS, the Executive Director, the Executive Director’s designee or a person designated by the Commission to respond to the request shall request the Office of the Attorney General to conduct a review of the requested books or records to determine whether:

- (a) The requested books or records are public books or records for the purposes of chapter 239 of NRS; and
- (b) Any confidentiality provisions prevent the release of the requested books or records, in part or in full.

2. Upon completion of the review by the Office of the Attorney General, the requested books or records must be reviewed and approved for dissemination by the Chair, the Executive Director or the Executive Director’s designee.

NAC 467.022 Determination of ability to compete in unarmed combat; hearing. (NRS 467.030, 467.100) Before a license to engage in unarmed combat is issued or renewed by the

Commission, the applicant or unarmed combatant must satisfy the Commission that he or she has the ability to compete. If the ability of the applicant or the unarmed combatant to compete is questioned for any reason, the Commission may hold a hearing to determine whether the license should be denied, granted or renewed, or granted or renewed on a conditional basis.

NAC 467.082 Grounds for denial of application for license. (NRS 467.030, 467.080, 467.100) The Commission may deny the application of an applicant if it finds that the applicant has performed any act which would, if performed by a licensee, subject the licensee to discipline pursuant to NAC 467.885.

NAC 467.305 Training quarters: Requirements for charging admission fee; duties of person charging fee. (NRS 467.030, 467.109)

1. An admission fee must not be charged to enter the quarters where an unarmed combatant is training unless the Commission has authorized the charging of admission.

2. If such an admission fee is charged, the Commission will consider the charge to be for the privilege of seeing a contest or exhibition.

3. Within 10 days after the contest or exhibition, the promoter or other person making the charge shall furnish the Commission a certified written report detailing:

- (a) The number of admissions; and
- (b) The total amount of money taken in.

↳ The state fee on those gross receipts, exclusive of any federal taxes paid thereon, must be paid to the Commission with the report.