BRIAN SANDOVAL
Governor

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
ATHLETIC COMMISSION

BOB BENNETT
Executive Director

Chairman: Anthony A. Marnell III
Members: Francisco V. Aguilar, Raymond Avansino, Pat Lundvall, Michon Martin

Posted: June 17, 2016

NOTICE OF INTENT TO ACT UPON A REGULATION

NOTICE OF HEARING AND AGENDA FOR THE ADOPTION OF PERMANENT REGULATIONS OF THE NEVADA STATE ATHLETIC COMMISSION

The Nevada State Athletic Commission (Commission) will hold a public hearing on **July 18, 2016**, during its regular monthly meeting, commencing at 9:00 a.m. at:

The Grant Sawyer Office Building,
555 East Washington Avenue, Room 4500
Las Vegas, Nevada 89101

Teleconferencing will be available for those parties unable to attend the public hearing in person. Please call the Commission at (702) 486-2575 for the teleconference number.

The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapter 476 of the Nevada Administrative Code. The Commission will receive testimony from all interested persons and consider and take action on proposed permanent adoption of amendments, additions and deletions to the Nevada Administrative Code as identified in **LCB File No. R062-16.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission may proceed immediately to act upon any written submissions.

1. The Need for and Purpose of the Proposed Permanent Regulations.

The need and purpose of the proposed permanent regulations identified in LCB File No. R062-16 is to revise and clarify existing provisions relating to the Commission's licensing and registration, amend the Commission's license fees, revise the rules of boxing and mixed martial arts, revise provisions governing the Commission's disciplinary actions, and revise provisions governing contracts for contests or exhibitions of unarmed combat. Additionally, the proposed regulations identified in LCB File No. R062-16 serve to adopt a drug testing program for unarmed combatants, establish anti-doping violations and the penalties for such violations, and to adopt provisions governing the credit against certain license fees for the costs of administering a drug testing program.

2. Terms or Substance of the Proposed Permanent Regulations or Description of the Subjects and Issues Involved.

1. Sections 11-13 of this regulation provide that the prohibited substances and prohibited methods in this State are the same as the prohibited substances and prohibited methods in the Prohibited List published by the World Anti-Doping Agency.

2. Section 19 of this regulation prohibits a member or employee of the Commission or any other person involved in administering or enforcing chapter 467 of NRS from having certain financial interests in unarmed combat in this State.

3. Section 21 of this regulation requires a person licensed by the Commission to update his or her address within a certain period after a change in his or her address.

4. Section 22 of this regulation requires a promoter to obtain the Commission's approval of certain changes in the promoter's ownership or management.

5. Section 23 of this regulation requires a promoter to provide a room at the facility for the use of the Commission staff, inspectors, ringside physicians, timekeepers, referees and judges.

6. Section 24 of this regulation requires persons appearing in a proceeding before the Commission to conform to recognized standards of courteous and ethical conduct, and authorizes the Commission to exclude persons who engage in contumacious, unethical or discourteous conduct at a Commission proceeding.

7. Sections 25-42 of this regulation adopt provisions governing the drug testing of unarmed combatants.

8. Section 25 of this regulation requires an unarmed combatant to submit to a drug test upon the request of the Commission or its representative, whether the unarmed combatant is in-competition or out-of-competition.

9. Sections 26-39 of this regulation establish the acts that constitute an anti-doping violation by an unarmed combatant or other person associated with unarmed combat and prescribe the period of ineligibility and fine for each anti-doping violation.

10. Section 40 of this regulation establishes a procedure by which an unarmed combatant may apply to the Commission for a therapeutic use exemption authorizing the unarmed combatant to use a prohibited substance or prohibited method.

11. Section 41 of this regulation requires a promoter who uses a drug testing organization to administer a drug testing program on the promoter's behalf to apply to the Commission for the sanctioning of that drug testing organization.

12. Section 42 of this regulation requires the promoter to submit to the Commission each contract and amendment to a contract between the promoter and the drug testing organization.

13. Sections 43 and 44 of this regulation adopt provisions governing the credit against a promoter's license fee for paid by the promoter to the Commission or to an organization sanctioned by the Commission to administer a drug testing program for unarmed combatants.

14. Section 44 of this regulation provides that a promoter may obtain a credit only for the actual cost of taking a sample or specimen from an unarmed combatant and testing that sample or specimen. Section 44 also specifies the costs for which a promoter may not obtain credit and sets forth other requirements for determining which costs qualify for the credit.

15. Section 45 of this regulation authorizes the Commission to: (1) suspend or revoke the license of a person who has failed to timely pay a fine imposed by the Commission or comply with the terms of a payment plan; or (2) place on a suspension list circulated to other states a person who is not licensed by the Commission but who has failed to timely pay a fine imposed by the Commission or comply with the terms of a payment plan.

16. Section 50 of this regulation provides that beginning on a date determined by the Commission, applicants for licensure are required to submit a signed copy of the Commission's Code of Ethics and Conduct acknowledging that the applicant has read and understands the Code and to demonstrate to the satisfaction of the Commission an understanding of the Commission' program of drug testing. Section 50 also increases from $25 to $50 the fee for the licensing of a professional unarmed combatant.

17. Sections 51-54 of this regulation further revise the requirements to obtain a license as an unarmed combatant, including, without limitation, amending the medical requirements for licensure and requiring an applicant to submit a C-3 test assessing the balance and mental acuity of the applicant and the potential for long-term brain damage.

18. Section 55 of this regulation revises the requirements to obtain a license as a promoter, including, without limitation, increasing the fee for a license from $500 per year to $750 per year.

19. Section 56 of this regulation revises the requirements to obtain a license as a referee, judge or timekeeper, including, without limitation, increasing from $75 to $100 the fee for the issuance or renewal of a referee's license and increasing from $50 to $100 the fee for the issuance or renewal of a judge's or timekeeper's license.

20. Section 57 of this regulation revises the requirements for licensure as a ringside physician.

21. Section 58 of this regulation revises the requirements for registration as a sanctioning organization, including, without limitation, increasing from $100 to $1,000 the fee for registration and authorizing the Chair of the Commission to waive any requirements for registration.

22. Sections 60 and 61 of this regulation revise provisions governing an application for a new license or for reinstatement after a denial, revocation or suspension and the effect of a license's expiration on the authority of the Commission to investigate and discipline a licensee.

23. Sections 63-65 of this regulation revise existing regulations governing contracts and financial arrangements between promoters and unarmed combatants.

24. Sections 67-119 of this regulation revise existing regulations governing the conduct of contests or exhibitions of unarmed combat in this State, including, without limitation, provisions governing permits for such events, the assignment of officials, the issuance of complimentary tickets, the refunding of tickets and the facilities and equipment required for the event, the drinks which an

unarmed combatant may consume on the day of a contest or exhibition and the rules of boxing and mixed marital arts.

25. Sections 120-133 of this regulation revise provisions governing disciplinary action by the Commission and the procedures for hearings before the Commission.

3. How to Obtain the Approved or Revised Text of the Proposed Regulation Prepared by the Legislative Counsel.

The text of the proposed regulation may be obtained online by visiting the State of Nevada Register of Administrative Regulations at http://www.leg.state.nv.us/register/2016Register/R062-16P.pdf

4. Estimated Economic Effect of the Proposed Permanent Regulations on the Businesses which they will Regulate, and the Public.

A. Adverse and Beneficial Effects

The proposed permanent regulation presents no reasonably foreseeable or anticipated adverse economic effects to businesses or to the general public. The regulation does not impose a direct and significant economic burden upon a small business or restrict the formation, operation or expansion of small business.

B. Immediate and Long-Term Effects

There are no anticipated immediate or long-term economic effects on the business of unarmed combat or to the public.

5. The Methods Used by the Agency in Determining the Impact on a Small Business.

On July 27, 2015, the Commission held a public workshop regarding the provisions that became LCB File No. R062-16. Amongst the parties which attended and participated in the workshop were licensees of the Commission. The Commission emailed small business impact questionnaires to close to 350 licensees, promoters and other parties on the Commission's interested parties list. The Commission also posted the small business impact questionnaire on its website. The Commission did not receive any responses or arguments that the proposed language would have a positive or negative impact on small businesses.

6. Estimated Cost to Agency for Enforcement of the Proposed Permanent Regulation.

The Commission will incur the costs of providing credits against promoters' license fees for costs the promoters pay to the Commission or to an organization sanctioned by the Commission to administer a drug testing program. Additionally, the Commission will incur the costs of administering its drug testing program, including the educational and testing components of the program.

7. Regulations of Other State or Local Governmental Agencies which the Proposed Permanent Regulation Overlaps or Duplicates and their Necessity.

There are no regulations of other state or governmental agencies that the proposed regulation overlaps or duplicates.

8. If the Regulation is Required pursuant to Federal Law, a Citation and Description of the Federal Law.

The proposed permanent regulation is not required pursuant to federal law.

9. If the Regulation includes Provisions which are More Stringent than a Federal Regulation that Regulates the Same Activity, a Summary of Such Provisions.

The proposed permanent regulation does not include provisions which are more stringent than a federal regulation.

10. Establishment of New Fees or Existing Fee Increases

The proposed permanent regulation increases the existing fees for promoters, referees, judges, timekeepers, and professional unarmed combatants. The proposed permanent regulation also increases the fee for registration as a sanctioning organization.

Persons wishing to comment on the proposed action of the Commission may appear at the above scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Commission. Written submissions must be received by the Commission on or before July 8, 2016.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the Commission office located at 555 East Washington, Suite 3200, Las Vegas, NV 89101, on the Commission's website, http://boxing.nv.gov//, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at http://www.leg.state.nv.us. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Pursuant to NRS 233B.064(2), upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issues a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements are necessary, please email nphillips@boxing.nv.gov, fax your request to 702-486-2577 or call 702-486-2581 as soon as possible.

Bob Bennett
Executive Director, Nevada State Athletic Commission
June 17, 2016