

Chapter 467 of NAC

LCB File No. T027-04

**PROPOSED TEMPORARY REGULATION OF THE NEVADA
ATHLETIC COMMISSION OF THE DEPARTMENT
OF BUSINESS AND INDUSTRY**

**NOTICE OF INTENT TO ACT UPON A REGULATION
Notice of Hearing for the Adoption of Regulations of
the Nevada Athletic Commission**

The Nevada Athletic Commission will hold a public hearing at 9:00 a.m., on Wednesday, January 19, 2005, at 555 East Washington Avenue, Suite 2450, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to chapter 467 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

The purposes of the proposed regulation are to (1) adopt rules regarding the number of contests or exhibitions on any one program of unarmed combat; (2) adopt rules regarding a list of excluded persons; (3) adopt rules regarding ring officials' affiliations with sanctioning organizations; (4) change certain rules regarding bout agreements; (5) change certain rules regarding complimentary tickets; (6) change certain rules regarding unarmed combatants' equipment; and (7) change certain contest rules regarding accidental fouls.

The proposed regulation is not expected to have an immediate or long-term adverse economic effect, nor an immediate or long-term beneficial economic effect upon the regulated community.

There is no estimated immediate or long-term adverse effect on the public. However, the public should receive beneficial effects, both immediate and long-term, by the improved regulation of unarmed combat.

There is no additional cost to the agency for enforcement of these regulations. Finally, the proposed regulation does not establish a new fee, nor increase an existing fee.

Persons wishing to comment upon the proposed action of the Nevada Athletic Commission may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Office of the Nevada Athletic Commission, 555 East Washington Avenue, Suite 3200, Las Vegas, Nevada 89101. Written submissions must be received by the Nevada Athletic Commission on or before January 14, 2005. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Athletic Commission may proceed immediately to act upon any written submissions.

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 regulation to be adopted will be available at the Office of the Nevada Athletic Commission, 555 East Washington Avenue, Suite 3200, Las Vegas, Nevada, 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 be mailed to members of the public upon request.

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 issue 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.

This Notice of Intent to Act Upon a Regulation has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations:

1. Office of the Athletic Commission
555 East Washington Avenue
Suite 3200
Las Vegas, Nevada 89101
2. Bradley Building
2501 East Sahara Avenue
Las Vegas, Nevada 89104
3. Washoe County District Courthouse
75 Court Street
Reno, Nevada 89502
4. Department of Parks & Recreation
2601 East Sunset Road
Las Vegas, Nevada 89120
5. State of Nevada Grant Sawyer Building
555 East Washington Avenue
Las Vegas, Nevada 89101

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**PROPOSED TEMPORARY REGULATION OF THE NEVADA
ATHLETIC COMMISSION OF THE DEPARTMENT
OF BUSINESS AND INDUSTRY**

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-11, 13-14, NRS 467.030; §12, NRS 467.030 and 467.107.

Section 1. Chapter 467 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 9 of this regulation.

Sec. 2. *A promoter shall not schedule more than nine contests or exhibitions on any one program of unarmed combat, unless a different limit is approved by the Chairman of the Commission or his designee.*

Sec. 3. *As used in sections 4 to 9 herein, the following terms shall have the following meanings:*

1. *“Affiliate” means a person who, directly or indirectly through one or more intermediaries, controls, is controlled by or is under common control with a licensee.*

2. *“Candidate” means any person who the Executive Director believes should be placed on the list.*

3. *“Listed person” means any person who has been placed upon the list by the Executive Director and who remains on the list after a final determination by the Commission. The term shall be synonymous with “excluded person.”*

4. *“List” means a list of names of persons:*

(a) who a licensee or an affiliate of the licensee shall not, without the prior approval of the Commission, employ in any capacity; and

(b) with whom a licensee or an affiliate of the licensee shall not, without the prior approval of the Commission, enter into any contract or agreement.

The term shall be synonymous with “exclusion list.”

Sec. 4. 1. *The Commission will maintain a list of persons whose involvement in licensed unarmed combat in Nevada is determined by the Executive Director and the Commission to pose a threat to the interests of this state or to licensed unarmed combat, or both.*

2. In making that determination, the Executive Director and the Commission may consider any:

(a) Prior conviction of a crime which is a felony in this state or under the laws of the United States, a crime involving moral turpitude or a violation of the unarmed combat laws of the United States or any state;

(b) Violation or conspiracy to violate the provisions of NRS chapter 467;

(c) Notorious or unsavory reputation which would adversely affect public confidence and trust that the unarmed combat industry is free from criminal or corruptive elements; or

(d) Written disciplinary order of a governmental agency against the person for violation of any unarmed combat laws of any state.

3. Race, color, creed, national origin or ancestry, religion, disability, sexual orientation or sex must not be grounds for placing the name of a person upon the list.

Sec. 5. 1. *The Executive Director may nominate for placement on the list the name of any person who, by reason of any of the criteria set forth in section 4, shall not, without the prior approval of the Commission, be employed in any capacity by a licensee or an affiliate of the licensee, or enter into any contract or agreement with a licensee or an affiliate of the licensee,*

whenever such exclusion is in the best interests of the State of Nevada or of licensed unarmed combat, after the same has been determined as hereinafter provided:

2. Before making such nomination, the Executive Director shall first informally review the information and evidence in his possession and make a determination that there is sufficient reason to believe that any one of the criteria specified in section 4 is applicable to the candidate.

3. The operative effect of such list shall not occur as to any given candidate until such time as that person whose name has been placed upon the list has had notice and an opportunity for a hearing as provided for by this regulation, and until such time as the Commission's decision becomes final.

4. The filing of a petition for judicial review pursuant to NRS 233B.130 does not stay the enforcement of any Commission action placing a listed person on the list. The Commission may grant a stay upon appropriate terms.

Sec. 6. 1. *After the Executive Director has determined an individual should be placed upon the list, notice of such nomination shall be given to said person by:*

(a) Personal service;

(b) Certified mail to the address of such person last known to the Commission; or

(c) Publication once a day for 7 consecutive days in a newspaper of daily general circulation, one of which is published in Reno, Nevada, and the other published in Las Vegas, Nevada, and for 7 consecutive days in a newspaper of daily general circulation which is distributed in the community wherein the candidate was last known to reside.

2. All reasonable efforts shall be made to give such candidate actual notice of the proceedings, but the methods of notice are cumulative, and each may be utilized with, after, or independently of the above-stated or other methods of notice.

3. The candidate shall be entitled to receive, upon request, a bill of particulars specifying the grounds upon which a determination of exclusion was made. Such bill of particulars shall be furnished the candidate at least 15 days prior to the hearing before the Commission.

4. The Executive Director will file with the Commission the bill of particulars heretofore specified, and the Commission may make its decision thereon and any other information it may request from the Executive Director.

Sec. 7. *The procedures, rights, and remedies specified in NRS chapter 467 for the conduct of disciplinary proceedings before the Commission, and in the applicable sections of the regulations of the Commission shall apply to any hearings provided to the candidate. As used throughout the above-mentioned sections of the regulations of the Commission, the following terms shall have the following meanings:*

(a) "Respondent" shall mean "candidate";

(b) "Complaint" shall mean "notice of exclusion," or "bill of particulars."

Sec. 8. 1. *Any person who, after a final determination by the Commission, has been placed upon the list may petition the Commission in writing and request that his name be removed from such list. The petition shall be verified and state with specificity the grounds believed by the petitioner to constitute good cause for removal of his name.*

2. The Commission shall have 180 days in which to entertain such petition, after which time the Commission shall either set the petition for hearing or deny the petition.

3. The record of evidence and testimony, if any, used by the Commission in making its original determination of exclusion may be considered by the Commission; provided, however, said record shall not be reopened except upon the express consent of the Commission. Unless otherwise allowed by the Commission, only evidence relevant as to the ground specified in the petition shall be heard; provided, however, the Commission may request additional investigation in this regard. The burden of showing good cause for removal shall at all times rest with the petitioner.

Sec. 9. 1. A licensee or an affiliate of the licensee shall not, without the prior approval of the Commission, enter into any contract or agreement with a person whose name has been placed on the list maintained pursuant to section 4, or with any business enterprise that the licensee knows or under the circumstances reasonably should know is under the control of that person. Every contract or agreement for personal services to a licensee or an affiliate shall be deemed to include a provision for its termination without liability on the part of the licensee or affiliate upon the Commission's final determination placing the person upon the list. Failure expressly to include such a condition in the agreement is not a defense in any action brought pursuant to this section to terminate the agreement.

2. A licensee or an affiliate of the licensee shall not, without the prior approval of the Commission, employ any person in any capacity whose name has been placed on the list maintained pursuant to section 4. Every contract or agreement for employment with a licensee or an affiliate shall be deemed to include a provision for its termination without liability on the part of the licensee or affiliate upon the Commission's final determination placing the person upon the list. Failure to expressly include such a condition in the

agreement is not a defense in any action brought pursuant to this section to terminate the agreement.

3. The Commission may revoke, limit, condition, suspend or fine an licensee, in accordance with the laws of this state and the regulations of the Commission, if that licensee knowingly fails to comply with subsections 1 and 2.

4. The Commission shall maintain and make available, upon request, to every licensee a complete and current list containing the names of listed persons. The list may also contain the names of any business organization under the control of any such person known to the Commission.

Sec. 10. NAC 467.062 is hereby amended to read as follows:

467.062 1. To qualify for a license as a referee, judge or timekeeper of contests or exhibitions, an applicant must:

- (a) Be at least 21 years of age;
- (b) Not have been convicted of a felony or other crime involving moral turpitude;
- (c) Submit verifications from three persons of his proficiency as a referee, judge or timekeeper, whichever is appropriate; and
- (d) Except as otherwise provided in this section, successfully pass the Commission's examination on chapter 467 of NRS and this chapter and successfully complete an internship as established by the Commission.

2. In lieu of the examination and internship, the Commission may accept satisfactory evidence of equivalent qualifications possessed by an applicant who:

- (a) Is currently licensed in another state or country; or
- (b) Formerly held a Nevada license which lapsed in good standing.

3. A person holding a current Nevada license or who formerly held a Nevada license which lapsed in good standing may be licensed by the Commission without examination or internship to perform an officiating function other than that for which he is or was licensed if the Commission determines that he is qualified to perform that function.

4. The Commission will determine when additional ring officials are needed and when licensing examinations for ring officials will be conducted.

5. Each license issued pursuant to this section is valid until December 31 of each year. An application for renewal must be submitted to the Commission by December 1 of each year accompanied by the appropriate renewal fee. The renewal of a license is not automatic. The Commission will consider the applicant's past performance and abilities in evaluating his application for renewal.

6. The Commission will establish and carry out a system to grade the skills of its ring officials. The Commission will notify its licensees of this system upon its establishment. The Commission and its staff will consider those grades in its selection of a ring official to participate in a contest or exhibition and in its decision regarding whether to renew the license of such an official.

7. A ring official may be a member or an associate of a sanctioning organization only if that sanctioning organization does not in any way prohibit or discourage such an official from being a member or an associate of any or all other sanctioning organizations.

8. The renewal fee:

(a) For a judge is \$50.

(b) For a timekeeper is \$50.

(c) For a referee is \$75.

Sec. 11. NAC 467.112 is hereby amended to read as follows:

467.112 1. The bout agreement between a promoter and an unarmed combatant must be executed on a form provided by the Commission.

2. ~~[A bout agreement which provides that an unarmed combatant must fight exclusively for one promoter or at the option of the promoter is prohibited.~~

~~—3.]~~ A bout agreement which provides that an unarmed combatant is to pay for the services of his opponent is prohibited.

Sec. 12. NAC 467.332 is hereby amended to read as follows:

NAC 467.332 1. A promoter may not issue complimentary tickets for more than 4 percent *of any ticket price* of the seats in the house without the Commission's written authorization.

However, no such authorization is needed if the total value of complimentary tickets does not

exceed 4 percent of the total value of all the tickets for the event. The Commission does not

consider complimentary tickets which it authorizes under this section *and NAC 467.337* to

constitute part of the total gross receipts from admission fees for the purposes of calculating the

license fee prescribed in subsection 1 of NRS 467.107.

2. ~~[If complimentary tickets are issued for more than 4 percent of the seats in the house:~~

~~—(a)]~~ Each unarmed combatant who is working on a percentage must be paid his percentage of

the normal price of all complimentary tickets ~~[in excess of 4 percent of the seats in the house]~~

unless the contract between him and the promoter provides otherwise and stipulates the number

of complimentary tickets which will be issued. ~~[; and~~

~~—(b)]~~ 3. If a service charge is made for complimentary tickets, the unarmed combatant is

entitled to be paid his percentage of that service charge, less any deduction for federal taxes and

the fees prescribed in NRS 467.104 and 467.107 *unless the contract between him and the promoter provides otherwise.*

Sec. 13. NAC 467.427 is hereby amended to read as follows:

NAC 467.427 The gloves used in a contest or exhibition must meet the following requirements:

1. The gloves must be examined by the representative of the Commission and the referee. If padding in any glove is found to be misplaced or lumpy or if any glove is found to be imperfect, the glove must be changed before the contest or exhibition starts. No breaking, roughing or twisting of gloves is permitted.

2. The gloves for every contest or exhibition that is designated as a main event must be new, furnished by the promoter and made to fit the hands of the unarmed combatant.

3. If gloves to be used in preliminary contests or exhibitions have been used before, they must be whole, clean and in sanitary condition. The gloves are subject to inspection by the referee or representative of the Commission. If a glove is found to be unfit, it must be replaced with a glove that meets the requirements of this section.

4. Each promoter must have an extra set of gloves of the appropriate weight available to be used in case a glove is broken or otherwise damaged during the course of a contest or exhibition.

5. For contests or exhibitions of boxing, other than elimination boxing contests, and for contests or exhibitions of kickboxing, each unarmed combatant must wear gloves which weigh not less than 8 ounces and not more than 10 ounces, except that the Commission will set the weight of gloves to be used in a championship contest. All gloves must have the distal portion of the thumb attached to the body of the glove so as to minimize the possibility of injury to an opponent's eye.

6. For contests or exhibitions of mixed martial arts, each unarmed combatant must wear gloves that weigh not less than 4 ounces and not more than 8 ounces.

7. Both unarmed combatants shall use ~~the same~~ *only those* brands and models of gloves for their contest or exhibition *that have been approved by the Commission and the gloves shall be of the same color.*

Sec. 14. NAC 467.702 is hereby amended to read as follows:

467.702 1. If a contest or exhibition is stopped because of an accidental foul, the referee shall determine whether the unarmed combatant who has been fouled can continue or not. If the unarmed combatant's chance of winning has not been seriously jeopardized as a result of a foul and if the foul did not involve a concussive impact to the head of the unarmed combatant who was fouled, the referee may order the contest or exhibition continued after a reasonable interval. Before the contest or exhibition begins again, the referee shall inform the Commission's representative of his determination that the foul was accidental.

2. If the referee determines that the contest or exhibition may not continue because of an injury suffered as the result of an accidental foul, the contest or exhibition must be declared a *no decision* ~~technical draw~~ if the foul occurs during:

(a) The first 3 rounds of a contest or exhibition that is scheduled for 6 rounds or less; or

(b) The ~~the~~ first 4 rounds of a ~~the~~ contest or exhibition that is scheduled for more than 6 rounds.

3. If an accidental foul renders an unarmed combatant unable to continue the contest or exhibition after:

(a) The completed third round of a contest or exhibition that is scheduled for 6 rounds or less; or

(b) The completed ~~the~~ fourth round of a ~~the~~ contest or exhibition that is scheduled for more than 6 rounds,

the outcome must be determined by scoring the completed rounds and the round during which the referee stops the contest or exhibition.

4. If an injury inflicted by an accidental foul later becomes aggravated by fair blows and the referee orders the contest or exhibition stopped because of the injury, the outcome must be determined by scoring the completed rounds and the round during which the referee stops the contest or exhibition.

5. The provisions of this section do not apply to a contest or exhibition of mixed martial arts.