



BRIAN SANDOVAL  
*Governor*

STATE OF NEVADA  
DEPARTMENT OF BUSINESS AND INDUSTRY  
ATHLETIC COMMISSION

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*Interim Department  
Director*

Bob Bennett  
*Executive Director*

**Chairman:** Anthony A. Marnell III

**Members:** Staci Alonso, Christopher Ault, Dallas Haun, Robert McBeath, M.D.

**December 18, 2018**

**INFORMATIONAL STATEMENT  
REGARDING LCB FILE NO. R032-18  
(NRS 233B.066)**

Pursuant to NRS 233B.066, the Nevada State Athletic Commission (“Commission”) hereby submits the following Information Statement regarding its adopted regulation identified in LCB File No. R032-18:

**a. Clear and concise explanation of the need for the adopted regulation.**

The need and purpose of the proposed permanent regulations identified in LCB File No. R032-18 are to add new provisions and revise, clarify, update, and remove existing provision relating to the regulation of unarmed combat in the State of Nevada. These changes include the following:

1. Revise the regulatory framework for the issuance of Drug Testing Credits;
2. Revise requirements for a Drug Testing Organization to become sanctioned by the Nevada Athletic Commission;
3. Revise the standards and requirements for the approval and retention of a license listed under NAC 467.012;
4. Revise regulations for the adoption and implementation of the official rules of varying forms of unarmed combat, including, but not limited to the Unified Rules of Mixed Martial Arts;

5. Revise the regulation's recognition of specific acts or omissions as grounds for disciplinary action as well as possible penalties;
6. Revise and/or refine regulations concerning the scheduling, cancellation, and postponement of programs of unarmed combat, the treatment of complimentary tickets at a program of unarmed combat, and the review of individual bouts in a program of unarmed combat;
7. Provide the framework for an interested person's petition for the adoption, filing, amendment, or repeal of a regulation;
8. Revise a promoter's requirements to utilize ushers and pay ringside physicians for their services at contests, exhibitions, and weigh-ins;
9. Revise requirements for the change of ownership of a promoter or specific officers of a promoter; and
10. To take such additional actions as may be necessary and proper to effectuate this stated purpose and/or enforce the requirements of NRS Chapter 467 and NAC Chapter 467.

**b. A description of how public comment was solicited, a summary of the public response, and an explanation of how other interested persons may obtain a copy of the summary.**

The Commission solicited written and oral public comment by distributing the proposed permanent regulation identified in LCB File No. R032-18 to its interested parties list serve, as well as posting it on its public website. The Commission also notified the public of the opportunity to offer public comment in its Notice for the workshop it held on January 23, 2018, and its Notice of the public hearing and adoption hearing held on October 24, 2018.

The public comments received in response to the proposed regulations included the following: (1) suggestion that "or a member of the combatant's corner" be added to the provision addressing tape; (2) questions regarding the executive director's authority and abilities; (3) concern over the regulation's use of the term "paramedic"; and (4) concerns over matchmaking by the executive director.

Other interested persons may obtain a copy of the summary of public response, including written and oral comment, by submitting a written request to the Commission at [boxing@boxing.nv.gov](mailto:boxing@boxing.nv.gov).

**c. The Commission recorded the following data regarding public participation in the public hearing on its proposed regulation:**

1. Persons who attended the public workshop held on January 23, 2018: 3
2. Persons who testified at the public workshop held on January 23, 2018: 3
3. Persons who attended the public hearing and adoption hearing held on October 24, 2018: 13
4. Persons who testified at the public hearing and adoption hearing held on October 24, 2018: 0
5. Persons who submitted written statements to the agency regarding the proposed regulation: 1

**d. For each person identified in subsections (2) and (5) of section (c) above, the following information was obtained by the Commission:**

**Workshop held on January 23, 2018**

1. Name: Stephen Reid, Esq.  
Organization: Atty Law [Illegible]  
Telephone: (No Area Code Provided) 948-4500  
Business Address: [None Provided]  
Business Telephone Number: [None Provided]  
Email Address: Sreid@[illegible]
2. Name: Dan Shinn  
Organization: AMR/MWA  
Telephone: (702) 305-5290  
Business Address: 9 West Delhi Ave. [No City Provided]  
Business Telephone Number: (702) 650-9900  
Email Address: [dshinn@medicwest.com](mailto:dshinn@medicwest.com)
3. Name: Bruce Trampler  
Organization: Top Rank, Inc.  
Telephone: (702) 732-27-17  
Business Address: [None Provided]  
Business Telephone Number: [None Provided]  
Email Address: [bruce@toprank.com](mailto:bruce@toprank.com)

**Written Comment**

- |                            |                                                                |
|----------------------------|----------------------------------------------------------------|
| 1. Name:                   | Vincent Jerman-Jerosa                                          |
| Organization:              | [Not Provided]                                                 |
| Telephone:                 | [None Provided]                                                |
| Business Address:          | [None Provided]                                                |
| Business Telephone Number: | [None Provided]                                                |
| Email Address:             | <a href="mailto:vjermanosa@gmail.com">vjermanosa@gmail.com</a> |

- e. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested parties may obtain a copy of the summary.**

On January 5, 2018, the Commission emailed notice of the posting of the proposed regulation identified as LCB File No. R032-18 to its interested party list serve, which includes affected businesses such as licensed promoters, unarmed combatants, and promotional groups to elicit comment. None of the affected businesses provided comment.

On September 20, 2018, and again on October 19, 2018, the Commission emailed notice of the public hearing and adoption hearing scheduled for October 24, 2018 to its interested party list serve, which includes affected businesses such as licensed promoters, unarmed combatants, and promotional groups to elicit comments. This notice included a link to the Commission's website where a copy of the proposed regulation identified as LCB File No. R032-18 had been posted. None of the affected businesses provided comment.

Other interested parties may obtain a copy of the summary by submitting a written request to the Commission at [boxing@boxing.nv.gov](mailto:boxing@boxing.nv.gov).

- f. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

After review of the provided comments, Commission staff determined that none warranted amending the regulation. The specific reasons are as follows:

- 1. Comment regarding the wrapping of the opponent's hands.** The rules already allow for a representative of both camps to be in the dressing room to observe the wrapping of the opponent's hands. This includes a member of the combatant's corner.
- 2. Comment regarding the authority of the executive director.** After reviewing the statutes, it was determined that the executive director did have the necessary authority, and therefore the adoption of the regulation was proper.

3. **Comment regarding use of the term “paramedic.”** After consulting with a ring-side physician, and researching the designation under Nevada Law, it was determined that the requirement to have a “paramedic” at contests and exhibitions of unarmed combat was in the best interest of the health and safety of the participating unarmed combatants. As such, no changes were made.
4. **Comments expressing concerns over the executive director acting as matchmaker.** After reviewing the regulations, it was determined that the executive director’s role in approving matches by reviewing information regarding each of the combatants, was a necessary function of the executive director in protecting the health and safety of the unarmed combatants. It was to ensure that no uneven matches, which could cause harm, or even death, were permitted to proceed. This function was not the matchmaking function, but rather simply a review of proposed matches. As such, no changes were made.

**g. The estimated economic effect of the regulation on the business which it is to regulate and on the public.**

The Commission does not anticipate that the proposed regulation will have a negative or positive economic effect on the businesses which it will regulate or on the public. The proposed regulations, however do state that a promoter will be responsible for paying the costs of certain drug testing performed on unarmed combatants under contract with the promoter, should one be required. The regulations further state that the promoter is responsible to pay for the services provided by ring-side physicians during an event or contest of unarmed combat for which the promoter conducts. However, promoters already pay for such costs in practice. Accordingly, the proposed regulation would not increase promoters’ costs. The proposed regulation simply codifies the existing practices.

**h. The estimated cost to the agency for enforcement of the regulation.**

The Commission does not anticipate that the costs of the enforcement of the regulation will increase or decrease, and the Commission’s procedure in enforcing the requirements of unarmed combat will remain substantially the same as it is currently.

**i. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The Commission is not aware of any regulations or other state or government agencies which the regulation overlaps or duplicates.

- j. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

The proposed regulation does not include provisions which duplicate or are more stringent than federal, state, or local regulations governing unarmed combat.

- k. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

The proposed regulation does not provide any new fees or any increases to existing fees.