

**ADOPTED REGULATION OF THE
BOARD OF WILDLIFE COMMISSIONERS**

LCB File No. R004-26

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

AUTHORITY: §§ 1-3, NRS 501.105, 501.181 and 503.150.

A REGULATION relating to hunting; revising provisions relating to special assistance permits; revising provisions relating to certain permits issued to a person with a disability; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person who hunts wildlife in this State to obtain a license or permit to do so and provides for the issuance of such a license or permit by the Department of Wildlife. (Chapters 502 and 503 of NRS) Existing law further requires the Board of Wildlife Commissioners to adopt regulations prescribing the circumstances under which a person may assist a person with certain disabilities in hunting a big game mammal for which the person with a disability has obtained a tag. (NRS 501.181) Existing regulations authorize such a holder of a tag to hunt a big game mammal to apply for a special assistance permit authorizing a designated licensed assistant to assist the holder and set forth the information required to be included on an application for a special assistance permit. (NAC 502.42903) **Section 1** of this regulation removes the requirement for an applicant to include his or her social security number on the application.

Existing regulations require an applicant for a special assistance permit who holds more than one tag issued by the Department to complete a separate special assistance permit application for each tag. (NAC 502.42903) **Section 1** specifies that each separate application must designate one or more licensed assistants for each tag. **Section 1** further requires an applicant to designate a licensed assistant each year the valid permit will be used on a form provided by the Department. **Section 1** also provides that a special assistance permit expires 5 years after the date on which the permit is issued.

Existing regulations: (1) authorize the Department to issue a scope permit to a person with a visual disability; (2) set forth restrictions for the use of such a scope permit; and (3) set forth the application requirements for such a scope permit. Existing regulations further authorize a person with a scope permit to hunt during a type of hunt that is restricted to bows or muzzle-loading firearms. (NAC 503.146) **Section 2** of this regulation: (1) removes the authorization for a person with a scope permit to hunt during a type of hunt that is restricted to bows; (2) revises the type of scope a person with a scope permit may use when hunting; and (3) revises the definition of the term "visual disability."

Existing regulations require an applicant for a scope permit to include with his or her application a certificate issued by a licensed physician that certifies that the applicant has a visual

disability. (NAC 503.146) **Section 2** instead requires that the certificate be issued by a licensed optometrist or ophthalmologist.

Existing regulations provide that a scope permit is valid for 1 year after the date on which the permit is issued. (NAC 503.146) **Section 2** extends the time in which a scope permit is valid from 1 year to 5 years after the date on which the permit is issued.

Existing regulations: (1) authorize the Department to issue an archery disability permit to a person with a disability; (2) set forth the requirements for a person to be issued such a permit; and (3) provide that an archery disability permit expires 1 year after the date on which the permit is issued. (NAC 503.1465) **Section 3** of this regulation authorizes a person with an archery disability permit to hunt during a type of hunt that is restricted to the use of archery to use: (1) a crossbow equipped with certain types of sights; and (2) a bow equipped with certain modified archery equipment. Existing regulations require an applicant for an archery disability permit to include in his or her application a certificate issued by a licensed physician that certifies the applicant has a disability. (NAC 503.1465) **Section 3** instead requires the certificate to be issued by: (1) a physician; (2) a registered nurse or advanced practice registered nurse; or (3) a physician assistant who practices in certain specialized fields of medicine.

Section 3 also revises the definition of “disability” to include certain specific medical conditions and disorders.

Section 1. NAC 502.42903 is hereby amended to read as follows:

502.42903 1. The holder of a tag issued by the Department authorizing the holder to hunt a big game mammal may apply for a special assistance permit authorizing a designated licensed assistant to assist the holder in accordance with NAC 502.42905 if the holder:

- (a) Is a paraplegic;
- (b) Has had one or both legs amputated; or
- (c) Has suffered a paralysis of one or both legs which severely impedes the holder’s walking.

2. An application for a special assistance permit must:

- (a) Be submitted on a form provided by the Department and must include, without limitation:
 - (1) The applicant’s legal name, physical address, mailing address if different from the physical address and telephone number;
 - (2) The ~~social security number and~~ client number of the applicant;
 - (3) The class and number of the hunting license issued to the applicant in this State;

- (4) The legal name of each designated licensed assistant;
 - (5) The physical mailing address and telephone number of each designated licensed assistant; and
 - (6) The hunting license number and client number of each designated licensed assistant.
- (b) Include:
- (1) A statement signed by the applicant which affirms that the applicant is eligible for the special assistance permit pursuant to subsection 1; and
 - (2) A signed statement from each designated licensed assistant named in the application affirming that the designated licensed assistant meets the requirements of subsection 4.
- (c) Be accompanied by a certificate issued by a licensed physician certifying that the applicant meets the requirements of subsection 1.
3. An applicant for a special assistance permit pursuant to this section who holds more than one tag issued by the Department authorizing the holder to hunt a big game mammal must complete a separate application *which designates a licensed assistant or assistants* for each tag.
- The applicant:
- (a) Is not required to use the same designated licensed assistant for each tag;
 - (b) May list more than one designated licensed assistant for each tag ; *and*
 - (c) *Must designate a licensed assistant each year the valid permit will be used on a form provided by the Department.*
4. To be a designated licensed assistant, a person:
- (a) Must be 18 years of age or older;
 - (b) Must hold a valid hunting license in this State;

(c) Must not have any license, permit or privilege issued to him or her pursuant to title 45 of NRS suspended or revoked; and

(d) Is not required to hold a tag for the big game mammal which the holder of the special assistance permit is authorized to take.

5. A special assistance permit issued pursuant to this section *is valid for 5 years after the date on which the permit is issued and* must be issued free of charge to the applicant.

Sec. 2. NAC 503.146 is hereby amended to read as follows:

503.146 1. The Department may issue a scope permit to a person with a visual disability. The scope permit authorizes a person with a visual disability to hunt, during a type of hunt that is restricted to ~~bows or~~ muzzle-loading firearms, using a ~~1x magnification rifle scope~~ *non-magnified sight or non-magnified electronic sight* that is mounted on a ~~bow or~~ muzzle-loading rifle. A person using such a permit shall present the permit upon the request of a law enforcement officer.

2. An application for a scope permit must:

(a) Be submitted to the Department on a form provided by the Department;

(b) Include a certificate issued by a licensed ~~physician~~ *optometrist or ophthalmologist* certifying that the applicant has a visual disability; and

(c) Include any other information required by the Department to issue the permit.

3. A scope permit issued pursuant to this section is valid for ~~1 year~~ *5 years* after the date it is issued.

4. As used in this section, “visual disability” means a visual impairment which ~~substantially limits a major life activity and is not correctable by glasses or contact lenses.~~ *is a*

permanent, uncorrectable and irreversible disease or disorder that meets one or more of the following criteria:

- (a) Visual acuity when using corrective lenses does not exceed 20/70 in the better eye; or*
- (b) Vision in the better eye is restricted to a field which subtends an angle of not greater than 30 degrees.*

Sec. 3. NAC 503.1465 is hereby amended to read as follows:

503.1465 1. The Department may issue an archery disability permit to a person with a disability. The permit authorizes a person with a disability to hunt, during a hunt that is restricted to the use of archery, using ~~the~~ :

- (a) A crossbow ~~for a~~ with an open or peep sight, non-magnified sight or non-magnified electronic sight; and*
- (b) A bow ~~that uses a~~ with modified archery equipment that assists a person in the drawing back and firing of the bow and may include a mechanical device that is capable of anchoring a nocked arrow at full draw or partial full draw . ~~and complies~~ The bow must comply with the requirements of subsection 2 of NAC 503.144.*

2. A person using an archery disability permit shall present the permit upon the request of a law enforcement officer.

3. An application for an archery disability permit must:

- (a) Be submitted to the Department on a form provided by the Department;
- (b) Include a certificate issued by a ~~licensed~~ physician, *a registered nurse or advanced practice registered nurse or a physician assistant who practices in a field related to a medical condition described in subsection 5* certifying that the applicant has a disability; and
- (c) Include any other information required by the Department to issue the permit.

4. An archery disability permit issued pursuant to this section expires ~~{1-year}~~ *5 years* after the date on which the permit is issued.

5. As used in this section, “disability” means a ~~{disability which prohibits a person from manually drawing and holding at full draw a bow that complies with the provisions of subsection 2 of NAC 503.144.}~~ *permanent, uncorrectable and irreversible medical condition resulting in a muscular or neurological deficiency of at least 80 percent to the neck, back, shoulder, arm, wrist or hand which prohibits the use of an unmodified bow and involves at least one of the following:*

- (a) Amputation of at least four fingers or the wrist, elbow or shoulder;*
- (b) Peripheral nerve damage or spinal cord damage at or above the T-1 vertebra;*
- (c) Metastatic disease which impacts the neck, back, chest, shoulder, arm, wrist or hand;*
- (d) Spinal stenosis graded as severe or extreme which has been confirmed through medical imaging; or*
- (e) Coordination deficiency that is caused by a central nervous system disorder or a progressive neuromuscular disease, including, without limitation, Parkinson’s disease, cerebral palsy, hemiplegia, hemiparesis, closed head trauma, muscular dystrophy, multiple sclerosis and amyotrophic lateral sclerosis.*