

**ADOPTED REGULATION OF THE
NEVADA ATHLETIC COMMISSION**

LCB File No. R104-24

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

AUTHORITY: §§ 1-4, 6, 7 and 10, NRS 467.030 and 467.153; §§ 5, 8, 9 and 11, NRS 467.030; § 12, NRS 467.030, 467.080 and 467.100.

A REGULATION relating to unarmed combat; providing that the possession, use or consumption of cannabis or cannabis products does not violate anti-doping requirements; revising the definition of “prohibited substance”; authorizing the Nevada Athletic Commission or the Executive Director of the Commission to issue an order to cease and desist against a person engaging in certain activities; revising certain publications adopted by reference by the Commission; revising certain duties of a promoter; requiring a female unarmed combatant to provide a medical test showing that she is not pregnant upon request by the Commission; revising provisions governing the circumstances in which the Commission will change a decision at the end of a contest or exhibition; repealing various provisions relating to unarmed combat; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Nevada Athletic Commission to adopt regulations for the administration of the provisions of law governing unarmed combat. (NRS 467.030)

Existing regulations establish anti-doping requirements and prohibit an unarmed combatant from possessing, utilizing, applying, ingesting, injecting or consuming certain banned substances. (NAC 467.570-467.589) **Sections 4 and 7** of this regulation provide that the possession, use or consumption of cannabis or cannabis products will not be deemed an anti-doping violation. **Sections 2 and 3** of this regulation define the terms “cannabis” and “cannabis product,” respectively. **Section 6** of this regulation revises the definition of “prohibited substance” to provide that the term does not include cannabis and cannabis products.

Existing regulations authorize the Commission to take certain disciplinary actions against a person licensed, approved, registered, sanctioned or otherwise associated with unarmed combat who violates any provision of the regulations governing unarmed combat. (NAC 467.885, 467.915-467.956) **Section 5** of this regulation authorizes the Commission or the Executive Director of the Commission to issue an order to cease and desist against a person who is engaging in, has engaged in or is planning to engage in an activity that violates existing law or regulations. **Section 5** further: (1) establishes certain service requirements for such an order to cease and desist; (2) provides that an order to cease and desist must contain certain provisions; and (3) prohibits a person served with an order to cease and desist from continuing in the activity during the pendency of the cease and desist proceedings.

Existing regulations adopt by reference certain publications relating to anti-doping. (NAC 467.011) **Sections 7 and 10** of this regulation update the names of certain publications adopted by reference.

Existing regulations require: (1) drinks at a program of unarmed combat to be dispensed in paper or plastic cups or any other type of container approved by the Commission; and (2) food provided at such a program to be served on plates and materials made from lightweight, nonflammable and nontoxic materials. (NAC 467.272) **Section 8** of this regulation instead requires the promoter to ensure that such materials are used for food and drinks at a program of unarmed combat.

Existing regulations require a female unarmed combatant to provide a medical test taken not later than 10 days before the day of the bout which shows that she is not pregnant. (NAC 467.568) **Section 9** of this regulation authorizes the Commission to request such a medical test at any other time.

Existing regulations establish the limited circumstances in which the Commission will change a decision rendered at the end of a contest or exhibition. (NAC 467.770) **Section 11** of this regulation authorizes a change when a referee or review official has rendered an incorrect decision as the result of misinterpreting certain rules adopted by the Commission.

Section 12 of this regulation repeals various provisions relating to unarmed combat.

Section 1. Chapter 467 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. *“Cannabis” has the meaning ascribed to it in NRS 678A.085.*

Sec. 3. *“Cannabis product” has the meaning ascribed to it in NRS 678A.120.*

Sec. 4. *For the purposes of NAC 467.5705 to 467.5735, inclusive, the possession, use or consumption of cannabis or cannabis products will not be deemed an anti-doping violation, notwithstanding the laws of the jurisdiction where the possession, use or consumption may have occurred.*

Sec. 5. 1. *If the Commission or the Executive Director has sufficient evidence to believe that a person is engaging in, has engaged in or is planning to engage in any activity which violates the provisions of this chapter, chapter 467 of NRS, the rules adopted pursuant to NRS 467.075 or any other policy adopted by the Commission, the Commission or the Executive*

Director may issue an order to the person that directs the person to cease and desist from that activity.

2. An order to cease and desist issued pursuant to subsection 1 must:

(a) Be in writing.

(b) Except as otherwise provided in this paragraph, be served personally upon the person or by registered or certified mail to the last known mailing address of the person. If the person is unable to be contacted in person or by mail, service shall be deemed complete by the filing with the Commission by the Executive Director or the Commission of proof of diligent efforts reasonably calculated to provide actual notice to the person. The Commission shall post the date any such proof is filed on the Internet website of the Commission.

(c) State that, in the opinion of the Commission, the person is engaging in, has engaged in or is planning to engage in an activity:

(1) For which the person has not received a license, approval, registration, permit or sanctioning as required by this chapter or chapter 467 of NRS; or

(2) That violates the provisions of this chapter, chapter 467 of NRS, the rules adopted pursuant to NRS 467.075 or any other policy adopted by the Commission.

(d) State that:

(1) The person has 30 business days after the date of service of the order to cease and desist to file a petition for a hearing with the Commission; and

(2) The order shall be deemed final if the Commission does not receive a petition for a hearing by the deadline set forth in this paragraph.

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

4. If the recipient of an order to cease and desist issued pursuant to subsection 1 does not file a petition for a hearing within 30 calendar days after the date of service of the order, the person waives his or her right to an administrative hearing. If a petition for a hearing is filed, the Commission will hold an administrative hearing on the activity that is the subject of the order. The Commission will promptly notify the parties by registered or certified mail of the time and place set for the hearing.

5. An order to cease and desist issued pursuant to subsection 1 may be amended or rescinded at any time before or during the administrative hearing held pursuant to subsection 4. Subject to the discretion of the Commission, the administrative hearing may be continued if an amendment to the order materially alters the facts or legal issues relating to the order or the respondent demonstrates an inability to prepare for the hearing as a result of the amendment.

6. Any person who violates an order to cease and desist issued pursuant to subsection 1 may be subject to disciplinary proceedings as described in NRS 467.110 to 467.117, inclusive, 467.157 or 467.158, or NAC 467.885.

7. Nothing in this section limits the authority of the Commission or the Executive Director to take disciplinary action for any violation of the provisions of this chapter, chapter 467 of NRS, the rules adopted pursuant to NRS 467.075 or any other policy adopted by the Commission.

Sec. 6. NAC 467.00307 is hereby amended to read as follows:

467.00307 “Prohibited substance” :

1. *Except as otherwise provided in subsection 2*, means any substance, or class of substances, identified as prohibited on the *Prohibited List*.
2. *The term does not include cannabis or cannabis products as set forth in section 4 of this regulation and NAC 467.011.*

Sec. 7. NAC 467.011 is hereby amended to read as follows:

- 467.011 1. ~~[The]~~ *Except as otherwise 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 Exogenous Substances by Chromatography-Based Analytical Methods* and *Measurement and Reporting of Endogenous Anabolic Androgenic Steroids*, ~~Measurement and Reporting of~~ *Steroid (EAAS) Markers of the Urinary Steroid Profile*.
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. Pursuant to section 4 of this regulation, the Commission will not deem the possession, use or consumption of cannabis or cannabis products as an anti-doping violation under this chapter even if cannabis or cannabis products are included in one or more of the publications listed in subsection 1 as prohibited or banned substances.

Sec. 8. NAC 467.272 is hereby amended to read as follows:

467.272 ~~[1.—All]~~ *A promoter shall ensure that:*

1. All drinks at a program of unarmed combat ~~[must be]~~ *are* dispensed in paper or plastic cups or any other container approved by the Commission.

2. [Plates] All plates and any other materials for serving food that are provided for patrons at a program of unarmed combat ~~[must be]~~ *are* made from lightweight, nonflammable and nontoxic materials.

Sec. 9. NAC 467.568 is hereby amended to read as follows:

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. 10. NAC 467.570 is hereby amended to read as follows:

467.570 1. At any time requested by the Commission or its representative, an unarmed combatant, whether in-competition or out-of-competition, shall submit to a drug test.

2. A test of any sample or specimen of an unarmed combatant may be performed by a laboratory approved by the Commission or a laboratory approved and accredited by the World Anti-Doping Agency.

3. To be approved by the Commission to test a sample or specimen of an unarmed combatant, a laboratory must implement the *International Standard for Laboratories* and the *Decision Limits for the Confirmatory Quantification of Exogenous Threshold Substances* ~~and~~ *by Chromatography-Based Analytical Methods*, which are adopted by reference pursuant to paragraphs (b) and (c) of subsection 1 of NAC 467.011.

4. The Executive Director shall administer the Commission's drug testing program, including, without limitation, selecting which drug testing organization or drug testing laboratory approved by the Commission to use.

5. The promoter shall pay the costs for such testing.

Sec. 11. NAC 467.770 is hereby amended to read as follows:

467.770 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 ~~H~~ *or a provision within the rules adopted pursuant to NRS 467.075*, 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. 12. NAC 467.0028, 467.0034, 467.0035, 467.0085, 467.208 and 467.792 are hereby repealed.

TEXT OF REPEALED SECTIONS

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.

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

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.

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.

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.

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 a specific statute, regulation or rule adopted by the Commission, 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.