

**LCB File No. R134-05**

**PROPOSED REGULATION OF THE COMMISSION  
ON POSTSECONDARY EDUCATION**

**NOTICE OF WORKSHOP**

The Nevada Commission on Postsecondary Education will hold a public workshop to discuss the adoption of regulations to NAC Chapter 394 as described below. The workshop will be conducted on September 8, 2005, at 1820 East Sahara Avenue, 2<sup>nd</sup> Floor, Dept of Education Conference Room, Las Vegas, NV, starting at 9:00a.m.

**NOTICE OF INTENT TO ACT UPON REGULATIONS**

**NOTICE OF HEARING TO AMEND REGULATIONS OF THE  
NEVADA COMMISSION ON POSTSECONDARY EDUCATION**

The Nevada Commission on Postsecondary Education will hold a public hearing on November 2, 2005, at the Grant Sawyer Building, 555 East Washington Avenue, Las Vegas, Nevada, Fourth Floor, Room 4412E, 9:30am, on the possible adoption of proposed revisions to regulation language, NAC 394.

SB 457 establishes a state-wide requirement for alcohol awareness training for employees of establishments that sell alcoholic beverages. The bill requires the Commission to certify schools that offer the mandated training and to manage an account to help offset the cost of training. The proposed regulations establish standards for the certification of alcohol awareness training programs and management of the Alcohol Beverage Awareness Training Program account.

The proposed regulations:

Include the requirement for entities that wish to offer alcohol awareness training to submit to the administrator their curriculum, evidence of instructor qualifications, and if offered online, evidence of a proctored examination. Establishes the procedures by which a graduate of an alcohol awareness training program may apply for reimbursement of tuition.

The format and content of cards issued to graduates.

Effects on the business affected by the proposed regulations include:

Immediate negative economic effect on affected businesses includes the need to obtain specialized equipment to create the card issued to graduates and submit application for approval. There is no anticipated immediate beneficial economic effect to businesses.

No long term negative economic effects exist. It is probable one long term beneficial economic effect will be that established schools will not have to compete with non-certified schools.

Immediate negative economic effect on the public is the payment of tuition and the time needed to complete the program. There is no immediate beneficial economic impact.

Long term negative economic effect on the public will be the 4-year recurring requirement for retaking the training. There is no long term beneficial economic impact.

The estimated cost of enforcing the proposed regulation may exceed \$77,000 the first year for a new position to handle the program, which include salary, supplies and upgrading the agency's computer system to track applicants for refunds.

The proposed regulations overlap with those of Clark County, Nevada, which will be rescinded pursuant to the provisions of SB 457, section 11.

The proposed regulation neither establishes a fee nor increases a fee.

Anyone wishing to wishing to comment upon the proposed regulations may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Commission on Postsecondary Education, 1820 East Sahara Avenue, Suite 111, Las Vegas, Nevada, 89104, or via facsimile to (702) 486-7340, or via E-Mail to [dperlman@cpe.state.nv.us](mailto:dperlman@cpe.state.nv.us), on or before November 1, 2005.

As it pertains to the hearing noticed above, if no person who will be directly affected by the proposed agency actions appears to request time to make an oral presentation, the Commission on Postsecondary Education may proceed immediately to act upon any written submissions.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall 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.

Persons attending the hearing who are disabled and require special accommodations or assistance at the meeting are requested to notify Bonnie Shanteler, in writing, at 1820 East Sahara Avenue, Suite 111, Las Vegas, Nevada, 89104; by calling (702) 486-7330; by facsimile (702) 486-7340; or by E-Mail to [bshanteler@cpe.state.nv.us](mailto:bshanteler@cpe.state.nv.us), no later than five (5) working days prior to the meeting.

A copy of the proposed regulations is attached to this notice and both documents are available for review or copying at the locations listed below. A copy will be mailed to anyone at no charge upon request by contacting the Commission on Postsecondary Education.

Carson City Library 900 North Roop Street Carson City, NV 89701	Churchill County Library 553 South Maine Street Fallon, NV 89406	State Department of Education 700 E Fifth Street Carson City, NV 89701
Las Vegas Library 833 Las Vegas Blvd, North Las Vegas, NV 89101	Douglas County Library 1625 Library Lane Minden, NV 89423	State Department of Education 1820 E Sahara Avenue Ste 205 Las Vegas, NV 89104
Elko County Library 720 Court Street Elko, NV 89801	Goldfield Public Library Fourth & Crook Street Goldfield, NV 89013	Comm'n on Postsecondary Ed 1820 E Sahara Av, Ste 111 Las Vegas, NV 89104
Eureka Branch Library 10190 Monroe Street Eureka, NV 89316	Humboldt County Library 85 East 5th Street Winnemucca, NV 89445	
Battle Mountain Branch Library 625 Broad Street Battle Mountain, NV 89820	Lincoln County Library 93 Main Street Pioche, NV 89043	
Lyon County Library 20 Nevin Way Yerington, NV 89447	Mineral County Library First & A Street Hawthorne, NV 89415	
Tonopah Public Library 171 Central Street Tonopah, NV 89049	Pershing County Library 1125 Central Avenue Lovelock, NV 89419	
Storey County Library 95 South R Street Virginia City, NV 89440	Washoe County Library 301 South Center Street Reno, NV 89505	
White Pine County Library 950 Campton Street Ely, NV 89301	Nevada State Library & Archives 100 N. Stewart Street Carson City, NV 89701-4285	

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*394.xxx Certification of alcohol awareness training program.*

*1. Prior to offering alcohol awareness training, each training provided must submit to the administrator:*

*a. One complete copy of the curriculum which consists of:*

- (1) One hour in clinical effects of alcohol on the human body;*
- (2) Thirty minutes in the methods of identifying intoxicated persons;*
- (3) Thirty minutes in the relevant provisions of state and local laws concerning the selling and serving of alcoholic beverages;*
- (4) Thirty minutes in the methods of preventing and halting fights, acts of affray and other disturbances of the peace;*
- (5) Thirty minutes in methods of preventing which include:*
  - (I) The entry of minors into establishments in which minors are prohibited from loitering pursuant to NRS 202.030;*
  - (II) The purchase, consumption and possession of alcoholic beverages by minors as prohibited pursuant to NRS 202.020, including, without limitation, the recognition of altered or falsified forms of identification; and*
  - (III) The selling and furnishing of alcoholic beverages to minors as prohibited pursuant to NRS 202.055;*
- (6) A comprehensive closed-book examination of the subject matter identified in paragraphs 1 through 5 above which the student must pass by answering at least 75% of the questions correctly;*
- (7) Any other subject matter that is pertinent to alcohol awareness. and,*

*b. Evidence that instructors meet the requirements of NAC 394.485(2).*

*2. If the alcohol awareness program will be offered via distance education, the applicant must also submit, in addition to the information identified in paragraph 1 above:*

- (1) Information pursuant to NAC 394.521; and,*
- (2) Evidence that the test identified in paragraph 1(a)(7) above is accomplished by the student on the premises of the training provider or proctored by an entity which is identified to the administrator.*

*394.xxx Completion card for alcohol awareness training.*

*1. An institution that offers a certified alcohol awareness training program must maintain a list of and issue a card to all students who successfully complete the program. The card must be made entirely of plastic or similar material that is difficult to alter or duplicate, and must as a minimum contain:*

- a. The name and photograph of the individual;*
- b. The name of training provider;*
- c. Unique control number;*
- d. Date of issue;*
- e. Date of expiration;*

- f. A statement of certification that the bearer of the card has completed a certified program in alcohol beverage awareness training which is signed by a training provider representative; and,*
  - g. A statement to contact the Commission on Postsecondary Education to verify certification of the training provider with the current phone number of the Commission.*
- 2. The format of the card must be in a manner prescribed by the administrator.*

*394.xxx Alcohol Beverage Awareness Program Account. [Effective upon actual funding of the Alcohol Beverage Awareness Program Account.]*

- 1. The existence of the Alcohol Beverage Awareness Program Account does not create a right in any person to receive money from the account, and no payment will be made from the account anytime the account is equal to or less than two times the amount of annual fees charged to maintain the account.*
- 2. Each certified training provider will provide successful graduates a copy of the reimbursement form prescribed by the administrator, which the individual may complete and submit with a copy of their receipt for tuition to the administrator.*
- 3. Payments will be made on a first come, first served basis as indicated by the date stamp of receipt by the administrator, except that no payment will be made to an individual:
  - a. Who has not been refunded within 30 days of receipt due to insufficient funding; and,*
  - b. More than one time in any consecutive four-year period.**