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**Form For Filing
Administrative Regulations**

Agency:

Nevada Athletic Commission

FOR EMERGENCY
REGULATIONS ONLY

Effective date December 13, 2021

Expiration date April 11, 2022

Classification: **PROPOSED** **ADOPTED BY AGENCY** ☒ **EMERGENCY**

Brief description of action:

On December 13, 2021, the Nevada Athletic Commission ("Commission") adopted an emergency regulation pursuant to its authority in NRS 467.030(3) to establish certain procedures and limits relating to the exemption from the requirements of NRS chapter 467 provide din NRS 467.170. The emergency regulation will give the Commission the means to evaluate any amateur contest or exhibition seeking the exemption provided by NRS 467.170 to determine whether all required elements to qualify for the exemption have been met. It will further allow the Commission to better ensure the necessary health and safety measure and procedures will be implemented at any amateur contest or exhibition qualifying for the exemption.

Authority citation other than 233B: NRS Chapter 467

Notice date: December 8, 2021

Date of Adoption by Agency: December 13, 2021

Hearing date: December 13, 2021



Steve Sisolak
Governor

Bob Bennett
Executive Director

STATE OF NEVADA
ATHLETIC COMMISSION

Chairman: Stephen J. Cloobek

Members: Staci Alonso, Christopher Ault, Anthony A. Marnell III, Jim Murren

December 13, 2021

**Statement Pursuant to NRS 233B.0613(1) to Implement
Emergency Regulations**

On November 19, 2021, 20-year old University of Nevada, Las Vegas student, Nathan Valencia, competed in a fraternity boxing event held at an off-campus location. On November 23, 2021, Mr. Valencia succumbed to injuries sustained during that event. NRS 467.170 provides that the Nevada Athletic Commission does not have jurisdiction for "amateur contests or exhibitions of unarmed combat or any combination thereof conducted by or participated in exclusively by any school, college or university or by any association or organization of a school, college or university, when each participant in the contests or exhibitions is a bona fide student in the school, college or university." No regulations addressing this section have ever been promulgated.

Broadly read without regulatory guidance, NRS 467.170 could be interpreted in a manner that allows a school, college, or university organization to conduct an unarmed combat event while entirely evading oversight and regulation from any school officials or unarmed combat sanctioning bodies.

The emergency regulations submitted here will promote the safety of student of unarmed combatants by ensuring that unarmed combat events that fall outside the jurisdiction of the Nevada Athletic Commission are supervised and regulated by school, college, or university administrators, or by a recognized collegiate sanctioning body with expertise in unarmed combat and unarmed combat safety.

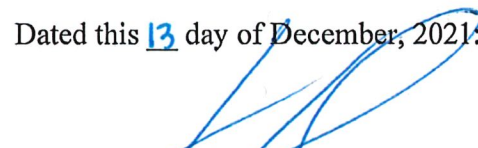
Dated this 13 day of December, 2021



Bob Bennett, Executive Director
Nevada Athletic Commission

I hereby endorse this Statement prepared by the Executive Director of the Nevada Athletic Commission pursuant to NRS 233B.0613(1).

Dated this 13 day of December, 2021:



Steve Sisolak, Governor
State of Nevada

**EMERGENCY REGULATION OF THE
NEVADA ATHLETIC COMMISSION**

December 13, 2021

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

AUTHORITY: § 1, NRS 467.030(3)

A REGULATION establishing process to seek and obtain a determination that an amateur contest or exhibition of unarmed combat is outside the jurisdiction of the Nevada Athletic Commission pursuant to NRS 467.170.

Explanation:

NRS 467.170 provides that amateur contests or exhibitions of unarmed combat or any combination thereof conducted by or participated in exclusively by schools, colleges, and universities, or any associations or organizations thereof, are exempt from the Nevada Athletic Commission's jurisdiction. This emergency regulation provides a process by which a person may seek and obtain an exemption pursuant to this section.

Section 1. Chapter 467 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Except as provided in subsection 5, a person seeking an exemption from Commission oversight pursuant to NRS 467.170 must obtain a written determination from the Executive Director or the Executive Director's designee that the planned amateur contest or exhibition falls within the statutory exception. A request for such determination must be filed with the Commission no later than 60 days prior to the scheduled date of the amateur contest or exhibition.
2. A request for written determination submitted pursuant to subsection 1 must include:
 - (a) A description of the amateur contest or exhibition, including a statement identifying the school, college, or university association or organization conducting the event;
 - (b) A list of unarmed combatants scheduled to compete in the amateur contest or exhibition;

(c) The record of any unarmed combatant scheduled to compete in the event who has previously competed as an amateur or professional in a contest or exhibition of unarmed combat;

(d) For each unarmed combatant scheduled to compete in the amateur contest or exhibition, proof of current enrollment at a school, college, or university;

(e) A list of the ring officials who will be officiating the amateur contest or exhibition and a summary of their qualifications and experience;

(f) An endorsement from an administrator of the school, college, or university sanctioning the amateur contest or exhibition. This provision may be satisfied by evidence that the amateur contest or exhibition is coordinated with and sanctioned by a recognized sanctioning body, including, without limitation, USA Boxing, the National Collegiate Boxing Association, or the United States Intercollegiate Boxing Association; and

(g) A statement of safety protocols in effect for the amateur contest or exhibition, approved by an administrator of the school, college, or university sanctioning the amateur contest or exhibition. This provision may be satisfied by evidence that the amateur contest or exhibition is coordinated with and sanctioned by a recognized sanctioning body, including, without limitation, USA Boxing, the National Collegiate Boxing Association, or the United States Intercollegiate Boxing Association;

3. The Commission shall not issue a determination that the event is outside the jurisdiction of the Commission if any combatant or ring official is listed as suspended or permanently revoked on registries recognized by the Commission.

4. If the Executive Director or the Executive Director's designee determines that:

(a) The relevant amateur contest or exhibition meets the requirements set forth in NRS 467.170 and subsection 2 and 3 of this section, the Executive Director or the Executive

Director's designee shall provide written notification to the requesting party that the amateur contest or exhibition qualifies for the exemption set forth in NRS 467.170. A copy of the written determination shall also be provided to the administrator of the applicable school, college, or university or sanctioning body listed in the request for determination.

(b) The relevant amateur contest or exhibition does not meet the requirements set forth in NRS 467.170 or subsection 2 and 3 of this section, the Executive Director or the Executive Director's designee shall provide written notification to the requesting party that the amateur contest or exhibition does not qualify for the exemption set forth in NRS 467.170. This notification shall include the basis for the determination, including, without limitation, failure to comply with the provisions of subsection 2 or 3 of this section. A copy of the written determination shall also be provided to the administrator of the applicable school, college, or university or sanctioning body listed in the request for determination.

5. The provisions of this Section do not apply to an amateur contest or exhibition of unarmed combat:

(a) Wholly organized and hosted by a collegiate sanctioning body that regulates student athletes;

(b) Where the collegiate sanctioning body is recognized by the Commission, including, without limitation, the National Collegiate Athletic Association, the National Collegiate Boxing Association, or the United States Intercollegiate Boxing Association;

(c) Participation is wholly limited to currently enrolled students of schools, colleges, and universities; and

(d) The amateur contest or exhibition is officiated by officials licensed or sanctioned by the collegiate sanctioning body.

↪ A person conducting an amateur contest or exhibition of unarmed combat wholly organized and hosted by a collegiate sanctioning body that regulates student athletes is not required to submit a request for determination as provided in subsection 1 of this section. Such amateur contest or exhibition is presumed to fall within the exemption provided in NRS 467.170 unless information is provided to or obtained by the Commission that establish the requirements of NRS 467.170 have not been met regarding the amateur contest or exhibition.

6. For purposes of this section and NRS 467.170:

(a) "Administrator" means administrative faculty employed in executive, supervisory or support positions, as defined by the Board of Regents.

(b) "Association" or "organization" means an association or organization that was organized for the primary purpose of providing students enrolled at the school, college, or university the ability to participate in unarmed combat.

NEVADA ATHLETIC COMMISSION

EMERGENCY REGULATION

NAC 467

Informational Statement per NRS 233B.066(2)

1. A clear and concise explanation of the need for the adopted regulation as required by NRS 233B.066(1)(a).

This emergency regulation is necessary to ensure the health and safety of unarmed combatants who participate in contests or exhibitions of unarmed combat that fall outside the jurisdiction of the Nevada Athletic Commission under NRS 467.170. This emergency regulation establishes a process for the Nevada Athletic Commission to vet any person seeking an exemption under NRS 467.170 to ensure that the applicable contest or exhibition meets all of the requirements to qualify for the exemption and to ensure the contest or exhibition has been organized and will be conducted in a manner that protects the health and safety of all participants thereof.

2. The estimated economic effect of the regulation on the business it is to regulation and on the public as required by NRS 233B.066(1)(g).

Business:

Anticipated adverse effect for business will be the cost of obtaining and submitting the required materials necessary to establish that the applicable contest or exhibition has met all of the criteria necessary to qualify for the exemption provided in NRS 467.170.

Anticipated beneficial effect for business will be that it will ensure the applicable events or contests are planned and conducted in a manner that will protect the health and safety of all participants.

Public:

No anticipated adverse effect for the public.

Anticipated beneficial effect for the public is the implementation of additional controls and procedures to help ensure the health and safety of unarmed combatants in this State.

3. The estimated cost to the agency for enforcement of the proposed regulation as required by NRS 233B.066(1)(h).

The agency will experience increase costs in having to review and process the requests for determination submitted pursuant to the emergency regulation. However, given the relative

infrequency of the occurrence of such contests or exhibitions, it is anticipated that these costs will be minimal. Existing agency staff will be able to handle any extra burden imposed by the emergency regulation.

4. 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 duplicate a federal regulation, name the regulating federal agency. This is required by NRS 233B.066(1)(i).

None known.

5. If the regulation included provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions as required by NRS 233b.066(1)(j).

None known.

6. If the regulation provides a new fee or increases an existing fee, a statement indicated the total annual amount the agency expects to collect and the manner in which the money will be used as required by NRS 233b.066(1)(k).

Not applicable. The regulation does not provide a new fee or increases an existing fee.