



## Periodic Review / Retain Regulation Agency Background Document

<b>Agency name</b>	Department of Professional and Occupational Regulation
<b>Virginia Administrative Code (VAC) citation</b>	18 VAC 120-40
<b>Regulation title</b>	Professional Boxing and Wrestling Event Regulations
<b>Document preparation date</b>	December 9, 2011

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 14 (2010) and 58 (1999).

### Legal basis

*Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.*

Sections 54.1-201.5 and 54.1-831 of the *Code of Virginia* give the Department the authority to promulgate regulations. It states, in part, that the Department has the power and duty to:

“Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) which implement the federal Professional Boxing Safety Act of 1996 (15 U.S.C. § 6301 et seq.) and protect the public against incompetent, unqualified, unscrupulous or unfit persons engaging in the activities regulated by this chapter.

“The regulations shall include requirements for (i) initial and renewal licensure, (ii) licensure and conduct of events, (iii) standards of practice for persons arranging, promoting, conducting, supervising and participating in events, (iv) grounds for disciplinary actions against licensees, (v) records to be kept and maintained by licensees, (vi) manner in which fees are to be accounted for and submitted to the Department, and (vii) minimum health coverage for injuries sustained in a boxing match. The Department shall have direct oversight of events to assure the safety and well-being of boxers and wrestlers.”

### Alternatives

*Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.*

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No viable alternatives for achieving the purpose of the existing regulation could be determined. The regulation enables the Department to fulfill the statutory requirements established in Chapters 2 and 8.1 of Title 54.1 of the *Code of Virginia*. Further, the regulation is necessary to ensure that the Department's statutory requirements are executed in the least burdensome and most efficient and cost effective manner possible while protecting the health, safety, and welfare of the citizens of Virginia.

### Public comment

*Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

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No comments were received during the public comment period following publication of the Notice of Periodic Review. An informal advisory group was not formed for purposes of assisting in the periodic review.

### Effectiveness

*Please indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.*

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The regulation meets the criteria set forth in Executive Order 14 (2010). The regulation establishes the requirements: "... which implement the federal Professional Boxing Safety Act of 1996 (15 U.S.C. § 6301 et seq.) and protect the public against incompetent, unqualified, unscrupulous or unfit persons engaging in the activities regulated by this chapter.

"The regulations shall include requirements for (i) initial and renewal licensure, (ii) licensure and conduct of events, (iii) standards of practice for persons arranging, promoting, conducting, supervising and participating in events, (iv) grounds for disciplinary actions against licensees, (v) records to be kept and maintained by licensees, (vi) manner in which fees are to be accounted for and submitted to the Department, and (vii) minimum health coverage for injuries sustained in a boxing match. The Department shall have direct oversight of events to assure the safety and well-being of boxers and wrestlers." The regulation is clearly written and understandable.

### Result

*Please state that the agency is recommending that the regulation should stay in effect without change.*

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The agency is recommending that the regulation stay in effect without change.

### Small business impact

*In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency's consideration of: (1) the continued need for the*

regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the agency's determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

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Sections 54.1-201.5 and 54.1-831 of the *Code of Virginia* mandates the Department to promulgate regulations: "...which implement the federal Professional Boxing Safety Act of 1996 (15 U.S.C. § 6301 et seq.) and protect the public against incompetent, unqualified, unscrupulous or unfit persons engaging in the activities regulated by this chapter.

"The regulations shall include requirements for (i) initial and renewal licensure, (ii) licensure and conduct of events, (iii) standards of practice for persons arranging, promoting, conducting, supervising and participating in events, (iv) grounds for disciplinary actions against licensees, (v) records to be kept and maintained by licensees, (vi) manner in which fees are to be accounted for and submitted to the Department, and (vii) minimum health coverage for injuries sustained in a boxing match. The Department shall have direct oversight of events to assure the safety and well-being of boxers and wrestlers."

The continued need for the regulation is established in statute. Repeal of the regulation would remove the current public protections provided by the regulation. Moreover, this licensure program is mandatory per the *Code of Virginia*. Nor does it have an adverse economic impact on small businesses. Rather, the regulation allows individuals who meet specific minimum competencies to become a promoter or participant in the professional boxing or wrestling industry.

No comments or complaints were received during the public comment period. The regulation is clearly written, easily understandable, and does not overlap, duplicate or conflict with federal or state law or regulation.

The most recent evaluation occurred in 2007 which resulted in amendments that went into effect September 5, 2007. A subsequent fast-track regulation amendment was promulgated, effective May 14, 2009, which added a blood testing requirement, with negative results, for hepatitis and HIV for boxers. No changes, including changes in technology and economic conditions, have been identified that would affect this regulatory program.

The Director reviewed the regulation and, for the reasons stated in this section, determined that the regulation should not be amended or repealed, but should be retained in its current form.

### Family impact

*Please provide an analysis of the regulation's impact on the institution of the family and family stability.*

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No impact on the institution of the family and family stability has been identified.