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Fast-Track Regulation Agency Background Document

Agency name	Department of Professional and Occupational Regulation
Virginia Administrative Code (VAC) Chapter citation(s)	18VAC120-40
VAC Chapter title(s)	Virginia Professional Boxing and Wrestling Events Regulations
Action title	Repeal of Boxing 2nd Weigh-In Requirement
Date this document prepared	November 19, 2024

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The Virginia Professional Boxing and Wrestling Events Regulations provide for the licensure of boxers, martial artists, wrestlers, managers, matchmakers, promoters, trainers, seconds, and cut men; and provide for the licensing of, and conduct standards for, boxing, martial arts, and wrestling events.

Section 18VAC120-40-295.E of the Event Licensing and Conduct Standards for Boxing in the regulation provides that boxers who weigh-in 24 hours prior to a scheduled boxing event must re-weigh two (2) hours prior to the event's scheduled start time and will not be permitted to exceed the weight specified in the contract by more than 10 pounds.

This action proposes repealing the requirement for boxers to re-weigh two (2) hours prior to the scheduled start time for a boxing event when the weigh-in occurs 24 hours prior to the event start time.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the “Definitions” section of the regulation.

“BMAW Board” means the Boxing, Martial Arts, and Professional Wrestling Advisory Board.

“DPOR” means the Department of Professional and Occupational Regulation.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

On May 18, 2023, the BMAW Board recommended amending the Virginia Professional Boxing and Wrestling Events Regulations. On August 26, 2023, the Director of DPOR authorized a fast-track action to amend the regulation.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

Consistent with Virginia Code § 2.2-4012.1, also explain why this rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process.

This action was prompted by public comment received at BMAW Board meetings and feedback received from promoters and boxers at boxing events.

Currently, boxers are weighed in 24 hours before event start time and are required to meet their contracted weight. The boxer cannot gain more than ten pounds from the contract weight. The boxers are re-weighed two hours before event start time.

It is a common practice of boxers to reduce weight (by dehydrating and other means) before weigh-in to meet the weight specified in their contract. As a result, a boxer at weigh-in is often very dehydrated. After meeting the required weight, a boxer will rehydrate to gain back strength and weight. The rehydration/weight gain can sometimes be more than 10 pounds, thereby resulting in the boxer being out of compliance with the current re-weigh requirements in the regulation. However, if a boxer is not permitted to sufficiently rehydrate and potentially exceed the 10-pound restriction, the boxer’s health may be at risk.

After input from the public and other boxing commissions, the BMAW Board determined that the second weigh-in requirement in the regulation creates potential adverse effects on the health of boxers. Neighboring states (Maryland, North Carolina, South Carolina, Pennsylvania, and New Jersey) only require one weigh-in.

Staff research determined that the nationally recognized practice was to have one weigh-in the day before the event.

This action is not the result of a mandate.

This action is expected to be non-controversial and is appropriate for the fast-track rulemaking process established in § 2.2-4012.1 of the Code of Virginia. This action is limited to amending the regulation to remove a burdensome requirement for boxers and to better ensure the safety of boxers. This action does not increase existing requirements or impose new requirements on regulants. Moreover, this action will help ensure that the standards in the regulation are consistent with nationally recognized practice.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The promulgating agency is the Department of Professional and Occupational Regulation.

Section 54.1-831 of the Code of Virginia states, in part:

The Department shall administer and enforce the provisions of this chapter. In addition to the powers and duties otherwise conferred by law, the Director shall have the powers and duties of a regulatory board as contained in §§ 54.1-201 and 54.1-202, and shall have the power and duty to:

1. 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 ... (ii) authorization and conduct of events; (iii) standards of practice for persons arranging, promoting, conducting, supervising, and participating in events.... The Department shall have direct oversight of professional events to assure the safety and well-being of boxers, martial artists, and professional wrestlers, except that those portions of an event containing amateur bouts shall be conducted under the oversight of a sanctioning organization.

Section 54.1-201 of the Code of Virginia states, in part:

A. The powers and duties of regulatory boards shall be as follows:

5. To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

DPOR and the BMAW Board are responsible for protecting the health and safety of athletes competing in combative sports.

It is a common practice of boxers to reduce weight (by dehydrating and other means) before weigh-in to meet the weight specified in their contract. As a result, a boxer at weigh-in is often very dehydrated. After meeting the required weight, a boxer will rehydrate to gain back their strength and weight. The rehydration/weight gain process can sometimes cause a boxer to gain more than 10 pounds, thereby resulting in the boxer being out of compliance with the current re-weigh requirement in the regulation. However, if a boxer is not permitted to sufficiently rehydrate and potentially exceed the 10-pound restriction, the boxer's health may be at risk.

For example, a boxer's contract weight might be 145 lbs. After reducing weight, the boxer weighs in on Friday night (24 hours prior to the event) at 145 lbs. Then on Saturday night (the night of the event), the boxer cannot weigh more than 155 lbs. on the re-weigh, despite the possibility that for the boxer this may not be the boxer's normal body weight when fully hydrated.

A recent study on the practice of "weight-cutting" in combat sports provided the following analysis regarding the health effects of this practice:

Severe (or even moderate) dehydration used for weight loss in weight restricted sports increases the risk of acute cardiovascular problems. Indeed, the increased blood viscosity associated with dehydration would increase the risk of ischaemic heart disease [aka coronary heart disease or coronary artery disease] and stroke. It has also been proposed that significant levels of dehydration could also alter the brain morphology and potentially increase the risk of brain injury arising from head trauma induced by strikes. This is due to decreased cushioning forces during head impacts resulting from changes in brain morphology associated with dehydration.¹

The proposed regulatory change is necessary to have an immediate effect in providing a safer weigh-in procedure. It will allow boxers to fully rehydrate up to the time of the event. The second weigh-in requirement needs to be eliminated to protect the health, safety, and welfare of boxers. Most states do not require a second weigh-in prior to an event. This current requirement causes promoters and boxers to avoid holding events in Virginia.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

Section 18VAC120-40-295.E of the regulation is revised to remove the provisions which require boxers to be re-weighed two (2) hours prior to an event's start time and weigh no more than 10 pounds from their contracted weight.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public.

¹ Barley, et al. (2019). The Current State of Weight-Cutting in Combat Sports. *Sports*. 7, 123. <http://dx.doi.org/10.3390/sports7050123>.

If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

As discussed in the "Purpose" section, the primary advantage to the regulated community and to the public from this regulatory change is to better protect the health and safety of boxers by allowing boxers to properly rehydrate to their normal body weight prior to a boxing event. An additional advantage is that removing the re-weigh requirement will likely lead to an increase in the number of boxing events in Virginia.

No disadvantages to the public or the Commonwealth have been identified.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no requirements that exceed applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

No other state agencies are particularly affected by the regulatory change.

Localities Particularly Affected

No localities are particularly affected by the regulatory change.

Other Entities Particularly Affected

No other entities are particularly affected by the regulatory change.

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

DPOR is amending the Virginia Professional Boxing and Wrestling Events Regulations by repealing the second weigh-in requirement in regulation 18VAC120-40-295 E. Due to requests from the public (promoters and fighters), DPOR proposes that the second weigh to be repealed. Boxers cut weight (by dehydrating and other means) before weigh-in to meet the weight stated in their contract. At weigh-in, the boxer is very dehydrated so he will weigh-in at the appropriate weight. After meeting the required weight, a boxer rehydrates to gain back their strength and weight; the rehydration/weight gain can sometimes be more than ten pounds. The boxer’s health is at risk if he is not allowed to rehydrate and gain more than ten pounds. There is no direct economic or fiscal impact to other state agencies.

Impact on State Agencies

<p><i>For DPOR:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including: a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources</p>	<p>There are no savings and no changes to costs or fees; however, the regulatory change could cause an increase in promoters bringing their events to Virginia.</p>
<p><i>For other state agencies:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p>	<p>There are no changes to costs or fees with the regulatory change.</p>
<p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p>	<p>The regulatory change is designed to protect the health and safety of boxers who participate in Virginia boxing events. An additional potential benefit is that promoters who avoid boxing events in Virginia due to the current 2nd weigh-in requirement may choose to hold boxing events in Virginia.</p>

Impact on Localities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.

<p>Projected costs, savings, fees, or revenues resulting from the regulatory change.</p>	<p>There are no anticipated costs to the localities because of this regulatory change.</p>
<p>Benefits the regulatory change is designed to produce.</p>	<p>The regulatory change is designed to protect the health and safety of boxers who participate in Virginia boxing events. An additional potential benefit is that promoters who avoid boxing events in Virginia due to the current 2nd weigh-in requirement may choose to hold boxing events in Virginia.</p>

Impact on Other Entities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.

<p>Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.</p>	<p>The following entities may be affected: boxers, promoters, trainers, cutmen, managers, and matchmakers.</p>
<p>Agency’s best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that:</p> <ul style="list-style-type: none"> a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million. 	<p>As of November 1, 2024, there are 91 boxers, 31 promoters, 186 trainers/cutmen, three managers, 31 matchmakers, and four boxing events.</p> <p>Some boxing event licenses, including promoter licenses, are issued to firms. Some of these firms may fall within the meaning of “small business” in § 2.2-4007.1 of the Code of Virginia. In addition, to the extent that individuals who receive licenses may be considered independent contractors, such individuals may fall within the meaning of small business.</p>
<p>All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to:</p> <ul style="list-style-type: none"> a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements. 	<p>There are no anticipated costs to the individuals, businesses, or other entities in the Commonwealth because of this regulatory change.</p>
<p>Benefits the regulatory change is designed to produce.</p>	<p>The regulatory change will serve to protect the health and well-being of boxers who participate in boxing events in Virginia.</p>

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

The only viable alternative is to make no change to the regulation. As indicated in the “Purpose” section, this may allow for adverse health effects to boxers and may result in promoters and boxers avoiding events in Virginia.

No less intrusive or less costly alternatives for achieving the purpose of the regulatory change have been identified. As indicated in the “Issues” section, the regulatory change is anticipated to be beneficial.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

There are no adverse impacts on small businesses anticipated due to this regulatory change. No viable alternative regulatory methods could be identified.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

Consistent with § 2.2-4011 of the Code of Virginia, if an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall: 1) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register and 2) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

If you are objecting to the use of the fast-track process as the means of promulgating this regulation, please clearly indicate your objection in your comment. Please also indicate the nature of, and reason for, your objection to using this process.

The Department of Professional and Occupational Regulation is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal and any alternative approaches, (ii) the potential impacts of the regulation, and (iii) the agency's regulatory flexibility analysis stated in this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>.

Comments may also be submitted by mail:

Kathleen R. Nobsch, Executive Director
Boxing, Martial Arts, and Professional Wrestling Advisory Board
Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, VA 23233

By E-MAIL to: boxing@dpor.virginia.gov
 By FAX to: (866) 465-6206

In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will not be held following the publication of this regulatory action.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between existing VAC Chapter(s) and the proposed regulation. If existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
40-295	N/A	<p>This section provides for boxing weight classes, pre-event weigh-ins, and prefight meeting.</p> <p>The section specifies the various weight classes, weight ranges, acceptable weight spreads, and required boxing glove size for each weight class.</p> <p>A boxer must obtain the approval of DPOR to engage in a contest if the difference between the boxers exceeds the acceptable weight spread.</p> <p>If one of the boxers in a contest is above or below weight, both boxers must wear the gloves of the higher weight.</p> <p>Boxers must be weighed within 24 hours prior to the scheduled event. Each boxer and second</p>	<p>The section is amended to remove the requirement for boxers to re-weigh when the weigh-in occurs 24 hours prior to the scheduled event.</p> <p>The change will allow boxers to adequately rehydrate to a weight that may be more than 10 pounds than the contracted weight.</p> <p>The intent of this change is to protect the health and well-being of boxers and incentivize boxers and promoters to participate in boxing events in Virginia.</p>

	<p>must appear at a time and place designed by the promoter and approved by DPOR. Boxers must have all weight removed from their bodies prior to weigh-in. Boxers are to be weighed, in the presence of each other, the promoter, and a DPOR representative, on scales approved by DPOR. The scales cannot be moved until weigh-ins are complete.</p> <p>When weigh-ins occur within 24 hours, but not less than 12 hours prior to the scheduled event start time, a boxer cannot exceed the weight specified in the contract with the promoter. If the boxer exceeds the contracted weight, the boxer must either (i) lose the excess weight at least 12 hours prior to the scheduled start time; (ii) lose all but two (2) pounds of the exceeded weight at least 12 hours prior to the scheduled start time, and the remaining pounds at least six (6) hours to the scheduled start time; or (iii) renegotiate the contract.</p> <p>Boxers who weigh-in 24 hours prior to the scheduled event are required to re-weigh two (2) hours prior to the event's scheduled start time and are not permitted to exceed the weight specified in the contract by more than 10 pounds.</p> <p>When weigh-ins occur less than 12 hours prior to the scheduled event start time, the boxer cannot exceed the weight specified in the contract. A boxer is not permitted to lose more than two (2) pounds within 12 hours of a contest. If a boxer weighs more than two (2) pounds over the contracted weight, the boxer cannot compete unless (i) the boxer loses up to two (2) pounds prior to the scheduled start time, or (ii) renegotiates the contract.</p> <p>The section also provides for requirements as to whom must</p>	
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		attend the prefight meeting and requirements for boxers to appear at the event location and designated locker room.	
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