



**Virginia  
Regulatory  
Town Hall**

**Notice of Intended Regulatory Action  
Agency Background Document**

<b>Agency Name:</b>	18
<b>VAC Chapter Number:</b>	120
<b>Regulation Title:</b>	Professional Boxing and Wrestling Event Regulations
<b>Action Title:</b>	Amending
<b>Date:</b>	01/08/01

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

**Purpose**

*Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.*

The purpose of the proposal is to:

Make general clarifying changes;

Incorporate changes to federal law effective 5/1/00;

Insure consistency with State law;

Review fees for compliance with the Callahan Act; and

Make other changes which may result from the Department's periodic review of the regulations.

## Basis

*Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.*

Section 54.1-831 of the Code of Virginia gives the Department the authority to promulgate regulations which implement the federal Professional Boxing Safety Act of 1996 as amended and "protect the public against incompetent, unqualified, unscrupulous or unfit persons engaging in the activities regulated by Chapter 8.1, Title 54.1 fo the Code of Virginia.

## Substance

*Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.*

8 VAC 120-40-10 – Scope - Delete the last paragraph regarding investigations. These provisions are in statute and need not be repeated in regulation.

18 VAC 120-40-20 – Definitions – Delete all definitions that repeat statute as follows: Boxer; Boxing; Cable Television System; Contractor; Department; Director; Event; License; Manager; Matchmaker; Person; Promote; Promoter; Trainer, Second or Cutman; Wrestler; and Wrestling. Amend definition of Boxer Registry to achieve consistency with federal law (“any entity certified by the Association of Boxing Commissions for the purposes of maintaining records and identification of boxers”; 15 USC § 6301). Add a definition of firm, referenced in many sections, as follows: "Firm" means any sole proprietorship, general partnership, limited partnership, limited liability company, association or corporation or other business entity.

18 VAC 120-40-30 – License Required – Delete entire section. License required provisions do not belong in regulation, they belong in statute and are contained in § 54.1-829.

18 VAC 120-40-40 – License expiration and renewal – Delete "individual or firm" for clarity in paragraph A. Regulation should simply read “each license shall expire ...”

18 VAC 120-40-50 – Fees – Review all fees in accordance with the Callahan Act. Add a provision stating that all fees are nonrefundable.

18 VAC 120-40-70 – Application requirements –

A. Substitute “Applicants” for “individuals and firms desiring to be issued a license”. Clarity is achieved by simply using the term “Applicants”.

C. Delete entire paragraph. The provision regarding return of applications not currently followed and should not be; applications should not be returned unless absolutely necessary (i.e. to obtain a signature). Further, regulations govern the licensees and should not mandate what the Department will do. With regard to fees, the language regarding refunds should be in the Fee Section (see 18 VAC 120-40-50 above) and, it is Department policy to allow applicants/regulants to use an existing fee for up to one year.

D. Add a provision giving the Department the authority to deny an application if a criminal conviction or disciplinary action would adversely affect the applicant's ability while engaged in boxing, wrestling, or other athletic activities.

D.1. Rewrite to require disclosure of all convictions. As currently written, requires the applicant to make a determination regarding the Department's judgment.

18 VAC 120-40-80 – Entry Requirements for a Boxer – Add a provision requiring a Federal ID prior to issuance of a boxer license, a Virginia license does not permit a boxer to box, a Federal ID is also required (reference 15 USC § 6305). Delete subsection B, the federal law does not establish standards for the issuance of licenses.

18 VAC 120-40-90 – Entry Requirements for Wrestler – Delete language in subsection C regarding suspensions and revocation, this is a qualification provision. (Add language to 18 VAC 120-40-430 giving the Department the authority to discipline a licensee for the same reasons it may deny licensure).

18 VAC 120-40-120 - Entry Requirements for a Promoter - Add a provision requiring the promoter to certify to the following on the application:

I understand that I am not entitled to compensation in connection with a boxing match until I provide the Department with a copy of any agreement in writing to which I and any boxer participating in the match are parties; a statement made under penalty of perjury that there are not other agreements; a statement of fees, charges and expenses that will be assessed by or through me on the boxer, including any portion of the boxer's purse that I receive and training expenses; all payments, gifts or benefits I am providing to any sanctioning organization affiliated with the event; any reduction in the boxer's purse contract to a previous agreement between myself and the boxer. Further, I understand that I am not entitled to compensation in connection with a boxing match until I provide the boxer I promote with the amounts of any compensation or consideration that I have contracted to receive from such match; all fees, charges and expenses that will be assessed by or through me on the boxer pertaining to the

event, including any portion of the boxer's purse that I will receive and training expenses; and any reduction in a boxer's purse contract to a previous agreement between myself and the boxer.

This language is required by the Muhammad Ali Boxing Reform Act effective 5/26/00 (Section 13 of the Amendments).

18 VAC 120-40-140 - Requirements for approval to act as a boxing event inspector, inspector, referee, judge or timekeeper - Add a provision requiring the judges and referees to certify the following on the application:

I understand that I am not entitled to receive any compensation in connection with a boxing match until I provide the boxing commission a statement of all consideration , including reimbursement for expenses that will be received from any source for participation in the match.

This language is required by the Muhammad Ali Boxing Reform Act effective 5/26/00 (Section 14 of the Amendments).

18 VAC 120-40-230 – Application for a license to conduct a boxing or wrestling event – Insurance is required by federal law, therefore a reference to federal law (15 USC § 6304) should be included in subsection A.3.

18 VAC 120-40-240 – Equipment to be provided by boxing promoters – An ambulance is required by federal law, therefore a reference to the federal law (15 USC § 6304) should be included in subsection 4.

18 VAC 120-40-250 – Promoter to provide copy of contract with boxer at weigh-in; penalty for noncompliance; contents of contract – Add a provision stating that all contracts must provide minimum provisions as set forth in the Association of Boxing Commissions Guidelines. This provision is based on amendments to federal law (Muhammad Ali Boxing Reform Act effective 5/26/00) which require the Association of Boxing Commissions to develop guidelines for minimum contractual provisions to be included in bout agreements and boxing contracts and further requires the states to follow these guidelines.

18 VAC 120-40-290 – Boxing event conduct standards – A physical examination is required by federal law, therefore a reference to federal law (15 USC § 6304) should be included in subsection D.

18 VAC 120-40-430 – Grounds for disciplinary action by the department – 1) Add a general provision stating that the Department may discipline a licensee for the same reasons it may

deny licensure. Delete language regarding denial of licensure, this is a standards of conduct provision. 2) Add a provision regarding unsportsmanlike conduct This language is required by the Muhammad Ali Boxing Reform Act effective 5/26/00 (Section 7 of the Amendments).

## Alternatives

*Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.*

Failure to adopt these changes will result in noncompliance with the federal Professional Boxing Safety Act. Failure to adopt other changes will result in regulations not being as clear as possible and increased noncompliance.

The Department will consider comments received regarding any proposed alternatives.

## Family Impact Statement

*Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

The proposed changes are expected to have no impact on families.