



Virginia
Regulatory
Town Hall

Final Regulation Agency Background Document

Agency Name:	18
VAC Chapter Number:	120
Regulation Title:	Professional Boxing and Wrestling Event Regulations
Action Title:	Amending
Date:	03/19/03

Please refer to the Administrative Process Act (§ 2.2-4000 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style, and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package.

Summary

Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.

The changes incorporate changes to federal law effective May 1, 2000, insure consistency with state law, and incorporate clarifying changes. The changes also incorporate a change in the fee for a wrestling event license, making the fee cover more of the costs associated with providing officials for the events.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

The Director of the Department of Professional and Occupational Regulation adopted final Professional Boxing and Wrestling Event Regulations on November 21, 2002.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.

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 (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."

<http://www4.law.cornell.edu/uscode/15/6301.html>

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The proposal makes many changes to conform with federal law. Examples include signed certifications for boxers, promoters, judges and referees. The boxer certification contains information regarding health and safety risks and therefore provides additional protection to the boxer. The other certifications relate to compensation and are designed to ensure that appropriate disclosures are made regarding all monies received by promoters and officials. In addition, a provision is added requiring contracts to provide minimum provisions as set forth in

the Association of Boxing Commissions Guidelines developed in accordance with federal law which will further protect boxers from unscrupulous promoters.

Clarifying changes are also made, for example, definitions that repeat statute are deleted and new definitions of terms used throughout the regulations are added. In addition, language regarding Department procedures has been deleted in some instances and clarified in other instances as appropriate. In some instances provisions are moved from one section to another to achieve clarity. In other instances, references to federal law are added for clarity.

The wrestling event fee is increased to permit the Department to recover more of the cost for providing officials for wrestling events.

A requirement for boxing referees to pass a prefight physical is added to ensure that all assigned referees can carry out their duties without risking their health.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement of the regulatory action's detail.

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 “assistant event inspector” as one who assists the event inspector. 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. Add a paragraph D to read: “The department may deny renewal of a license for the same reasons as it may refuse initial licensure or discipline a current licensee.

18 VAC 120-40-50 – Fees – Increase the wrestling event fee to cover a larger portion of the expenses associated with providing officials for the event.

18 VAC 120-40-70 – Application requirements –

D (now C). 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 or wrestling.

D.1.(now C.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 requirement for a signed certification regarding health and safety risks as required by the Muhammad Ali Boxing Reform Act effective 5/26/00 (Section 7 of the Amendments); and a requirement to provide a complete professional record.

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, including gate fees, 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 no 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, including gate fees, 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 department 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 120-40-190 – Duties of boxing referees – Add a requirement for boxing referees to pass a preflight physical.

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 120-40-430 – 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 or renewal. 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).

Issues

Please provide a statement identifying the issues associated with the final regulatory action. The term “issues” means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the 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. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

The advantage to the public and the Commonwealth resulting from the proposed regulatory changes is that the regulations will conform to federal and state law, therefore reducing confusion among the public and regulators. The regulations will also further protect the health of all regulators and officials. There are no apparent disadvantages to the proposed changes.

Statement of Changes Made Since the Proposed Stage

Please highlight any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication.

18 VAC 120-40-10. Add “non-amateur” in the second paragraph or read “including a promise of participation in a future non-amateur event.”

18 VAC 120-40-20. Add a definition of “assistant event inspector”. Add “assistant event inspector” to definition of “event officials”. Modify definition of “rabbit punch” to read “means a blow delivered by a boxer against his opponent that strikes the back of the opponent’s neck or head with a chopping motion or punch.” Change the definition of “responsible management” (subsection 3) to read “the general partners of a limited partnership.”

18 VAC 120-40-40. Add a paragraph D to read: “The department may deny renewal of a license for the same reasons as it may refuse initial licensure or discipline a current licensee.”

18 VAC 120-40-50 B. Add “scheduled” to the beginning of subsections 1 and 2 to read “scheduled events”.

18 VAC 120-40-70. Change the last sentence of the last paragraph of subsection C to read: “Subject to the provisions of § 54.1-204 of the Code of Virginia, the department may deny an application for a license if, in its judgment, the actions disclosed in subdivisions 1 and 2 of this subsection render the applicant unfit or unsuited to engage in boxing or wrestling.”

18 VAC 120-40-100. Add the following sentence: “The department shall approve and issue all licenses in accordance with the standards established by the federal Professional Boxing Safety Act of 1996 (15 USC § 6301 et seq.), as amended.”

18 VAC 120-40-110. Add the following sentence: “The department shall approve and issue all licenses in accordance with the standards established by the federal Professional Boxing Safety Act of 1996 (15 USC § 6301 et seq.), as amended.”

18 VAC 120-40-120. Add the following sentence: “The department shall approve and issue all licenses in accordance with the standards established by the federal Professional Boxing Safety Act of 1996 (15 USC § 6301 et seq.), as amended.”

18 VAC 120-40-130. Add the following sentence: “The department shall approve and issue all licenses in accordance with the standards established by the federal Professional Boxing Safety Act of 1996 (15 USC § 6301 et seq.), as amended.”

18 VAC 120-40-170. Add “comply with all procedures established by the department and” to subsection C and add a new subsection D to read “The assistant event inspector shall perform all duties assigned by the event inspector”.

18 VAC 120-40-180. Add “comply with all procedures established by the department and” to subsection D.

18 VAC 120-40-190. Add “pass a prefight physical performed by the ringside physician in accordance with 18 VAC 120-40-220, comply with all procedures established by the department and”.

18 VAC 120-40-200. Add “comply with all procedures established by the department and”.

18 VAC 120-40-210. Add “comply with all procedures established by the department and”.

18 VAC 120-40-220. Add “comply with all procedures established by the department and”. Add a new subsection 1 as follows: “Conduct a physical examination of each referee immediately before the contest to assure his fitness to act as a referee.”

18 VAC 120-40-220. In new subsection 4 change “contest” to “action”.

18 VAC 120-40-250 C. Add “and contained in the federal Professional Boxing Safety Act of 1996 (15 USC § 6301 et seq.), as amended.”

18 VAC 120-40-260 3. Change “ringside physician” to “Association of Boxing Commissions”.

18 VAC 120-40-290. Change “winding” to “roll”; change “cross the back of the hand twice” to “cover the hand”; add “not to cover the knuckles”; add a subsection E which states: “All boxing events shall be conducted in accordance with the rules set forth by the Association of Boxing Commissions. The Department may use the Championship Rules adopted by the Association of Boxing Commissions in any championship fight.”

18 VAC 120-40-380 2e. Add “or head” to read “chopping to the back of the neck or head (rabbit punch)”.

18 VAC 120-40-400. Add a subsection H to read: “Promoters must report to the department, within 24 hours of the completion of the event, the fees paid to the participants. Such report shall be on a form provided by the department or consist of copies of the contracts with the participants.”

18 VAC 120-40-430. In subsection A add “or renewal” to the first sentence to read “the same reason as it may deny licensure or renewal.” In subsection A 9 delete “in a professional boxing match” at the end of the sentence. Add a subsection A 10 to read: “Failure to meet financial obligations which results in collection proceedings against the bond required by 18 VAC 120-40-230.”

Public Comment

Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.

Commenter	Summary of Comment	Proposed Response
Greg Coleman	Section 20 - Definitions, Rabbit punch – change to read “neck or head with a chopping motion or punch” (currently reads “neck with a chopping motion”)	This change is adopted.
	Section 50 A - Fees. Raise fees for Boxer, Wrestler and Trainer, second and cutman from \$20 to \$30 and raise fee for manager from \$30 to \$40.	This change is not adopted. The Department will begin a separate regulatory review process to review fees.
	Section 50 B - Fees. Add “scheduled” to subparagraphs 1 and 2 to read “scheduled events of 42 rounds or fewer” and “scheduled events exceeding 42 rounds”. Raise the fee for events of 42 rounds or fewer, with no more than one nontitle 10- or 12-round bout from \$850 to \$1,000.	Change to add “scheduled” is adopted. The fee change is not adopted. The Department will begin a separate regulatory review process to review fees.
	Section 100 - Entry requirements for manager; Section 110 - Entry requirements for matchmaker; Section 120 - Entry requirements for promoter; Section 130 - Entry requirements for trainer, second cutman. Add a paragraph stated that the “Department shall approve and issue all licenses in accordance with the standards established by the Federal Professional Boxing and Safety Act and any following federal legislation.”	This change is adopted. The change will allow for compliance with federal law at all times without subsequent regulation changes.
Gail Carpenter	Section 20 - Definitions – Add a definition for “Assistant Event Inspector” – “means the individual assigned to assist the Event Inspector in the administration of a Professional Boxing Event. Also add “assistant event inspector” to the definition of “event officials”.	This change is adopted. The change will increase the efficiency of the supervision of events.
	Section 20 - Definitions, Rabbit punch – change to read “neck or head with a chopping motion or	This change is adopted.

	punch” (currently reads “neck with a chopping motion”)	
	Section 50 A - Fees. Raise fees for Boxer, Wrestler and Trainer, second and cutman from \$20 to \$30 and raise fee for manager from \$30 to \$40.	This change is not adopted. The Department will begin a separate regulatory review process to review fees.
	Section 50 B - Fees. Add “scheduled” to subparagraphs 1 and 2 to read “scheduled events of 42 rounds or fewer” and “scheduled events exceeding 42 rounds”. Raise the fee for events of 42 rounds or fewer, with no more than one nontitle 10- or 12-round bout from \$850 to \$1,000.	Change to add “scheduled” is adopted. Fee change is adopted. The fee change is not adopted. The Department will begin a separate regulatory review process to review fees.
	Section 100 - Entry requirements for manager; Section 110 - Entry requirements for matchmaker; Section 120 - Entry requirements for promoter; Section 130 - Entry requirements for trainer, second cutman. Add a paragraph stated that the “Department shall approve and issue all licenses in accordance with the standards established by the Federal Professional Boxing and Safety Act and any following federal legislation.”	This change is adopted. This change is adopted. The change will allow for compliance with federal law at all times without subsequent regulation changes.
	Section 170 - Duties of boxing event inspectors - Add as paragraph D – “The assistant event inspector shall perform duties in accordance with this section as instructed by the Director, Boxing and Wrestling Program Administrator, or his representative or the Event Inspector.”	This change is adopted with minor changes to conform to other provisions of the regulations. (The event inspector may be the Director or the program administrator.)
	Section 170 - Duties of boxing event inspectors; Section 180 - Duties of boxing inspectors; Section 190 – duties of boxing referees; Section 200 – Duties of boxing judges, Section 210 – Duties of boxing timekeepers; Section 220 – Duties of ringside	Change adopted with minor changes to conform to other provisions of the regulations.

	physicians – Add a paragraph to all sections as follows – “Comply with the rules, policies and or procedures set forth by the Department of Professional and Occupational Regulation.”	
	Section 190 – Duties of boxing referees – Add a requirement for referees to complete a pre-fight physical prior to each event, to be performed by the same physician conducting pre-fight physicals for the doctors.	This change is adopted and language is added to Section 220 in addition to Section 190.
Karon Winston	Section 220 – Duties of ringside physicians – change “contest” to “action” to read “enter the ring only after the referee has stopped or suspended the contest.	This change is adopted. The change will allow more flexibility in that the referee may stop the action and the contest may then continue.
	Section 250 – Promoter to provide copy of contract with boxer at weigh-in; penalty for noncompliance; contents of contract. Add “and federal legislation” at the end of paragraph C.	This change is adopted with minor changes to conform with the appropriate citation for the federal law. The change will allow for compliance with federal law at all times without subsequent regulation changes.
	Section 260 3 – Equipment to be provided by boxing seconds – strike “ringside physician” and add the “Association of Boxing Commissions” to read “a solution of a kind approved by the Association of Boxing Commissions to stop hemorrhaging”.	This change is adopted. The Association of Boxing Commissions is the entity specified in the federal Professional Boxing Safety Act to set standards.
	Section 290 A – Boxing event conduct standards – replace “winding” with “roll” (first sentence to read “shall not exceed one roll of the surgeon’s adhesive”); replace “cross the back of the hand twice” with “cover the hand” (second sentence to read “the tape may cover the hand but...”) and add “not to cover the knuckles” to the end of the fifth sentence.	These changes are adopted and help clarify the bandaging requirements.
	Section 380 2 e – Full contact karate (kick boxing) event conduct	This change is adopted and is consistent with the change made to

	standards – change to read “chopping to the back of the neck or head”.	the definition of “rabbit punch”.
	Rebuttal – agree with fee increase, the money has to come from somewhere.	This change is not adopted. The Department will begin a separate regulatory review process to review fees.
Tommy Nowlin	Section 230 – Application for a license to conduct a boxing or wrestling event – There has become a need for a professional boxing event to have a minimum number of scheduled rounds before the event should be licensed in order to protect the paying public. It is recommended that before a professional boxing event be licensed that the promoter be required to have a minimum of 24 rounds of professional boxing scheduled.	This change will not be adopted because there is no statutory basis for the change.
	Event Licensing and Conduct Standards – There have been three occasions within the last two years where the promoter failed to meet his financial obligations and the Department filed against the bond. The Department should also be able to take disciplinary action against the promoter. Suggest adding a provision stating that if the promoter fails to meet financial obligations he would be in violation of the regulations. The Department incurs expenses when action is taken against a bond. Add a provision that permits the Department to collect an additional 20% from the bonding company to cover expenses incurred by the Department.	Add a subsection 10 to Section 430 A that states “Failure to meet financial obligations which results in collection proceedings against the bond required by 18 VAC 120-40-230.” The Department has no authority to collect costs from the bonding company.
	Section 290 – Boxing event conduct standards – The rules governing boxing are mixed in with other regulations and are confusing. It is suggested that Rules 1-27 of the	It is not recommended that these rules be added for the same reason federal law is referenced rather than quoted in the regulations, it permits flexibility in the event of rule

	<p>Association of Boxing Commissions be added to the regulations.</p>	<p>changes. Add paragraph E to Section 290 to read, “All boxing events shall be conducted in accordance with the rules set forth by the Association of Boxing Commissions”. These rules may be copied and inserted into the regulation booklets or distributed in some other manner.</p>
	<p>Section 290 – Boxing event conduct standards – In order to assist in bringing sanctioning organizations into Virginia with championship fights, it is recommended that the Department add a paragraph stating “The Department may use the Championship Rules adopted by the Association of Boxing Commissions in any championship fight.”</p>	<p>This change is adopted and added to subsection E of Section 290.</p>
	<p>Section 400 – Wrestling event conduct standards – Promoters of wrestling events are not required to provide the Department with individual contracts for their participants, therefore making it difficult for the Department to determine whether the bonding requirements have been met. Add a section stating “a promoter must report to the department in writing either by individual contracts or on forms provided by the department, the fees to be paid to the participants, within 24 hours of the completion of the event.”</p>	<p>This change is adopted and will assist the department in the enforcement of 18 VAC 120-40-230.</p>
<p>Mr. Larson aka Peppy Lopez</p>	<p>Program needs more funds to better monitor southwest Virginia. Promoters have no knowledge of how to promote, should be required to know regulations, how to do paperwork and how to promote. They should know the participants are legal and able to perform and should document proper training to DPOR. Inspectors should be paid by</p>	<p>Fee changes are not adopted. The Department will begin a separate regulatory review process to review fees.</p> <p>There is no evidence to show that increased requirements for promoters would promote public health, safety and welfare. Promoters are responsible for</p>

	<p>promoters, add the fee onto the event license fee. Wrestlers should have EMT or paramedic present to inspect them. Task Force needs to instigate the Virginia liquor law when participants are too intoxicated to participate. With regard to free shows, there have been instances where the participants were paid \$3,000. Who is paying the taxes? There should be a minimum \$1000 tax. Inspectors need to ensure regulatory standards are met. Rebuttal – do not raise participant fees from \$20 to \$30, decrease to \$10, for wrestling only.</p>	<p>ensuring intoxicated wrestlers to not participate, this is enforced by the inspectors. The gate taxes are specified in statute and cannot be changed by regulation.</p>
<p>James Wells</p>	<p>Agrees with Mr. Larson and would like to be an inspector, promoters should follow the regulations.</p>	<p>No response required.</p>

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.

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 “assistant event inspector”. Add “assistant event inspector” to definition of “event officials”. 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. Modify definition of “rabbit punch” to read “means a blow delivered by a boxer against his opponent that strikes the back of the opponent’s neck or head with a chopping motion or punch.

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. Add a paragraph D to read: "The department may deny renewal of a license for the same reasons as it may refuse initial licensure or discipline a current licensee."

18 VAC 120-40-50 B. Add "scheduled" to the beginning of subsections 1 and 2 to read "scheduled events".

18 VAC 120-40-50 C. Change the wrestling event license fee from \$50 to \$75.*

18 VAC 120-40-50 D. 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 is 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. (now C.) 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 or wrestling.

D.1.(now C.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). Add a requirement for a signed certification regarding health and safety risks as required by the Muhammad Ali Boxing Reform Act effective 5/26/00 (Section 7 of the Amendments) and a requirement to provide a complete professional record. Both requirements will further protect public health, safety and welfare. Revise subsection B for clarity.

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 120-40-100. Add the following sentence: “The department shall approve and issue all licenses in accordance with the standards established by the federal Professional Boxing Safety Act of 1996 (15 USC § 6301 et seq.), as amended.”

18 VAC 120-40-110. Add the following sentence: “The department shall approve and issue all licenses in accordance with the standards established by the federal Professional Boxing Safety Act of 1996 (15 USC § 6301 et seq.), as amended.”

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, including gate fees, 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 no 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, including gate fees, 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).

In addition, add the following sentence: “The department shall approve and issue all licenses in accordance with the standards established by the federal Professional Boxing Safety Act of 1996 (15 USC § 6301 et seq.), as amended.”

18 VAC 120-40-130. Add the following sentence: “The department shall approve and issue all licenses in accordance with the standards established by the federal Professional Boxing Safety Act of 1996 (15 USC § 6301 et seq.), as amended.”

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 department 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 120-40-170. Add “comply with all procedures established by the department and” to subsection C and add a new subsection D to read “The assistant event inspector shall perform all duties assigned by the event inspector”.

18 VAC 120-40-180. Add “comply with all procedures established the department and” to subsection D.

18 VAC 120-40-190. Add “pass a prefight physical performed by the ringside physician in accordance with 18 VAC 120-40-220, comply with all procedures established by the department and”.

18 VAC 120-40-200. Add “comply with all procedures established by the department and”.

18 VAC 120-40-210. Add “comply with all procedures established by the department and”.

18 VAC 120-40-220. Add “comply with all procedures established by the department and”. Add a new subsection 1 as follows: “Conduct a physical examination of each referee immediately before the contest to assure his fitness to act as a referee.”

18 VAC 120-40-220. In new subsection 4 change “contest” to “action”.

18 VAC 120-40-230 A3. Add a reference to federal law (15 USC § 6304).

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 C. Add a provision stating that all contracts must provide minimum provisions as set forth in the Association of Boxing Commissions Guidelines and contained in the federal Professional Boxing Safety Act of 1996 (15 USC § 6301 et seq.), as amended.

18 VAC 120-40-260 3. Change “ringside physician” to “Association of Boxing Commissions”.

18 VAC 120-40-290. Change “winding” to “roll”; change “cross the back of the hand twice” to “cover the hand”; add a reference to the federal law (15 USC § 6304) to subsection D; add “not to cover the knuckles”; add a subsection E which states: “All boxing events shall be conducted in accordance with the rules set forth by the Association of Boxing Commissions. The

Department may use the Championship Rules adopted by the Association of Boxing Commissions in any championship fight.”

18 VAC 120-40-380 2e. Add “or head” to read “chopping to the back of the neck or head (rabbit punch)”.

18 VAC 120-40-400. Add a subsection H to read: “Promoters must report to the department, within 24 hours of the completion of the event, the fees paid to the participants. Such report shall be on a form provided by the department or consist of copies of the contracts with the participants.”

18 VAC 120-40-430. In subsection A, add a general provision stating that the Department may discipline a licensee for the same reasons it may deny licensure or renewal and delete language regarding denial of licensure; add a subsection A 9 regarding unsportsmanlike conduct (required by the Muhammad Ali Boxing Reform Act effective 5/26/00); add a subsection A10 to read: “Failure to meet financial obligations which results in collection proceedings against the bond required by 18 VAC 120-40-230.”

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which 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.