

Dear Senators MCKENZIE, Fulcher, Malepeai, and
Representatives LOERTSCHER, Crane, Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the State Athletic Commission:

IDAPA 03.01.01 - Rules of the State Athletic Commission (Docket No. 03-0101-1201) (Fee Rule).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 10/12/2012. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/09/2012.

The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-4845, or send a written request to the address on the memorandum attached below.



Jeff Youtz
Director

Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate State Affairs Committee and the House State Affairs Committee
FROM: Principal Legislative Research Analyst - Brooke Murdoch
DATE: September 24, 2012
SUBJECT: State Athletic Commission

IDAPA 03.01.01 - Rules of the State Athletic Commission (Docket No. 03-0101-1201) (Fee Rule)

The State Athletic Commission, through the Bureau of Occupational Licenses, submits fee rulemaking at IDAPA 03.01.01 for the following purposes:

- (1) To remove a provision that requires combatants applying for license renewal to be examined by a physician;
- (2) To prohibit male combatants under 13 years of age from being subject to a drug test for licensure;
- (3) To increase the fee for a sanction permit from \$200.00 to \$1,000.00;
- (4) To remove provisions relating to annual renewal fees;
- (5) To specify that all application, license and permit fees are nonrefundable;
- (6) To prohibit female combatants under 13 years of age from being subject to a drug test for licensure and to provide that, at the discretion of the physician, such combatants may be required to submit a pregnancy test prior to a contest;
- (7) To specify that the physical examination of a female combatant under 13 years of age shall not include a breast or pelvic examination;
- (8) *To remove requirements for the annual renewal of licenses, to remove reinstatement provisions, to provide that all licenses expire annually and to provide for the re-issuance of a license upon submission of a new application;
- (9) To require event promoters to accurately report the results of all combatant contests within 30 days after the event to relevant national reporting organizations, as designated by the Commission, at the promoters' expense;
- (10) To require that, for the main and semi main events, boxing gloves be furnished by the promoter; and

(11) To provide that MMA gloves must be sanitary and that each promoter must have an extra set of gloves available at the glove table.

*Section 150 of the fee rule, page 62, provides that "all issued licenses expire annually in accordance with Section 67-2614, Idaho Code." This section of the Commission's rulemaking seeks to strike the renewal requirements and provide, instead, a reapplication requirement. The Commission's reference to Section 67-2614, Idaho Code, is misplaced as that code section mandates annual renewal of licenses that have been issued by the Bureau of Occupational Licenses. We suggest the Commission strike reference to Section 67-2614, Idaho Code.

The "Cost/Benefit Analysis Form" submitted with the fee rule states that "the sanctioning permit fee is being increased...to offset the Commission's expenses incurred in approving and overseeing an event."

The Commission's fee rule is authorized pursuant to the provisions of Sections 54-406 and 54-416, Idaho Code.

cc: Bureau of Occupational Licenses
Tana Cory, Bureau Chief, and Cherie Simpson

IDAPA 03 - ATHLETIC COMMISSION

03.01.01 - RULES OF THE STATE ATHLETIC COMMISSION

DOCKET NO. 03-0101-1201 (FEE RULE)

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-416, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2012.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Athletic Commission is changing its rules to clarify requirements for male and female combatants age twelve and under. The Commission is adding a rule requiring promoters to report event results and injuries to a relevant reporting organization. Glove requirements for combatants are also being clarified. The term of a license and fees are being clarified to establish there is no penalty for non-renewal. The sanctioning event permit fee is being increased from \$200 per event to \$1,000 per event to offset the Commission's expenses incurred in approving and overseeing an event.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

Fees are being clarified to establish that an applicant pays a combined application license fee each year. The sanctioning event permit fee is being increased from two hundred dollars (\$200) per event to one thousand dollars (\$1,000) per event.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

There is no impact on the general fund. The sanction permit fee is being increased from \$200 per event to \$1000 per event to offset the Commission's expenses incurred in approving and overseeing an event.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the Athletic Commission discussed the proposed changes in scheduled noticed Commission meetings.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at (208) 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2012.

DATED this 30th day of August, 2012.

Tana Cory, Bureau Chief
Bureau of Occupational Licenses
700 W State

Boise, ID 83702
(208) 334-3233 Ph.
(208) 334-3945 fax

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 03-0101-1201

103. PHYSICAL EXAMINATION OF COMBATANT (RULE 103).

01. **Examination by Physician.** Any combatant who has applied for a license ~~or a renewal of his license~~ must be examined by a physician. The physician will establish the combatant's physical and mental fitness for competition. ~~(5-8-09)~~()

02. **Additional Examination.** Any combatant licensed by the Commission who participates in a contest outside of the state of Idaho may be required to take this examination again before being allowed to compete in Idaho. (3-26-08)

03. **Drug Abuse.** The Commission will not issue a license to an athlete who has a recent history of drug abuse, without proof of participation in a recognized drug rehabilitation program and/or submission to urinalysis. (3-3-94)

04. **Blood Testing.** The Commission will not issue a license to an athlete, or allow an athlete to compete in an event, if the athlete, within the six (6) months immediately preceding the application for licensure or the event at which the licensee wishes to compete, has tested positive for the HIV virus, Hepatitis B Surface Antigen and Hepatitis C Antibody, or illegal drugs or other substances. Accordingly, when an athlete applies for a license, the athlete must submit with the application a blood test report from a blood test conducted within the six (6) months preceding the application date. The blood test must have tested the athlete for HIV virus, Hepatitis B Surface Antigen, Hepatitis C Antibody, and illegal drugs and substances. Additionally, each combatant who is to compete in an event shall, at the start of the event, provide the Commission with a blood test report from a blood test conducted within the six (6) months immediately preceding the event. Additional blood tests may be requested by the Commission in its discretion. (3-29-10)

~~05. **Male Combatant Age Twelve and Under.** A male combatant age twelve (12) or under shall not be subject to a drug test for a license. ()~~

104. FEES (RULE 104).

01. **Application/License or Permit Fee.** ~~The combined~~ Application/License or Permit fee: ~~(3-26-08)~~()

a. Combatant - one hundred fifty dollars (\$150). (3-21-12)

b. Non-combatant - one hundred fifty dollars (\$150). (3-21-12)

c. Matchmaker - two hundred fifty dollars (\$250). (3-21-12)

d. Promoter - one thousand dollars (\$1000). (3-21-12)

e. Sanction permit - ~~two hundred~~ one thousand dollars (~~\$200~~1,000). ~~(3-21-12)~~()

f. Ring official - one hundred fifty dollars (\$150). (3-21-12)

02. ~~Renewal of License/Permit Refund of Fees.~~ ~~Annual renewal fee:~~ All application and license or permit fees submitted shall be non-refundable regardless of issuance of a license or permit. ~~(3-26-08)~~()

~~a. Combatant - one hundred fifty dollars (\$150). (3-21-12)~~

~~b. Non-combatant - one hundred fifty dollars (\$150). (3-21-12)~~

~~c. Matchmaker - two hundred fifty dollars (\$250). (3-21-12)~~

- ~~d. Promoter—seven hundred fifty dollars (\$750). (3-21-12)~~
~~e. Ring official—one hundred fifty dollars (\$150). (3-21-12)~~

(BREAK IN CONTINUITY OF SECTIONS)

107. FEMALE COMBATANTS (RULE 107).

- 01. Qualifications.** A female combatant must be qualified to perform as a combatant before she enters a contest. (3-26-08)
- 02. Limitation.** A female combatant will not engage in a contest with a male combatant. (5-8-09)
- 03. General Requirements.** In addition to meeting such requirements of this chapter as are applicable to combatants generally, a female must: (5-8-09)
- a.** Submit to pregnancy test within fourteen (14) days of the contest. (5-8-09)
- b.** Use a mouthpiece specially designed for her mouth; (3-3-94)
- c.** Wear ten (10) ounce gloves in a boxing contest; (3-26-08)
- d.** Wear a breast protector as a binder; (3-3-94)
- e.** Have her hair secured in a manner that does not interfere with the vision or safety of either combatant; and (3-26-08)
- f.** For each contest in which she competes, have two (2) uniforms in contrasting colors, each uniform consisting of a body shirt, blouse, and shorts. (3-3-94)
- 04. Addendum Requirement.** A female combatant must, in addition to signing the contract, sign an addendum certifying that the combatant is not pregnant and that the contest will not take place during a menstrual period. (5-8-09)
- 05. Limitation on Contest.** A contest between female combatants must be limited to ten (10) rounds of two (2) minutes duration. (3-26-08)
- 06. Separate Dressing Rooms.** The promoters of a contest between female combatants must provide them with adequate separate dressing rooms. (5-8-09)
- 07. Annual Physical Examination.** The annual physical examination of a female combatant must include an examination of the pelvis. Before each contest, the examining physician must make an abdominal examination and must examine the breasts and note any masses. (5-8-09)
- 08. Female Combatants Twelve and Under.** A female combatant age twelve (12) and under shall not be subject to a drug test for a license but the submission of a pregnancy test prior to a contest shall be at the discretion of the physician. The physical examination of a female combatant age twelve (12) and under shall not include a breast or pelvic examination. ()

(BREAK IN CONTINUITY OF SECTIONS)

111. REQUIREMENTS FOR LICENSE AS RING OFFICIAL (RULE 111).

- 01. Qualifications.** To qualify for a license as a ring official of contests, an applicant must: (5-8-09)
- a.** Be at least twenty-one (21) years of age. The Commission may, for good cause shown, lower the minimum age limit for a particular applicant to eighteen (18) years of age; (3-29-10)
 - b.** Have no record of conviction of a felony or other crime involving moral turpitude unless approved by the commission; (3-26-08)
 - c.** Have had at least one (1) year experience in either amateur or professional contest as a ring official; (5-8-09)
 - d.** Submit verifications from three (3) persons of his proficiency as a ring official; and (5-8-09)
 - e.** Provide proof that the applicant meets the other requirements of the commission law and rules. (3-26-08)
- 02. Equivalent Qualifications.** In lieu of the above qualifications, the Commission may accept satisfactory evidence of equivalent qualifications possessed by an applicant who: (5-8-09)
- a.** Is currently licensed in another state or country; or (3-3-94)
 - b.** Formerly held an Idaho license which lapsed in good standing. (3-26-08)
- 03. Other Functions.** A person holding a current Idaho license or who formerly held an Idaho license which lapsed in good standing may be licensed by the Commission without examination or internship to perform an officiating function other than that for which he is or was licensed if the Commission determines that he is qualified to perform that function. (3-3-94)
- 04. Ring Officials Determination.** The Commission will determine when additional ring officials are needed and when licensing examinations for ring officials will be conducted. (3-3-94)
- ~~**05. Validity of Licenses.** Each license issued by the commission is annually renewable in accordance with Section 67-2614, Idaho Code. The renewal of a license is not automatic. The applicant's past performance and abilities may be considered in evaluating an application for renewal. (5-8-09)~~

(BREAK IN CONTINUITY OF SECTIONS)

150. RENEWAL ~~OR REINSTATEMENT~~ OF LICENSE (RULE 150).

- ~~**01. Expiration Date.** All issued licenses expire ~~and must be renewed~~ annually in accordance with Section 67-2614, Idaho Code. ~~Licenses not renewed prior to expiration shall be cancelled. A license may be re-issued upon submission of a new application and subject to the terms of these rules.~~ (3-26-08)()~~
- ~~**02. Reinstatement.** Any license canceled for failure to renew may be reinstated in accordance with Section 67-2614, Idaho Code. (3-26-08)~~
- ~~**03. Cancelled License.** A license that has been canceled for a period of more than five (5) years may be re-issued in accordance with section 67-2614, Idaho Code. (3-26-08)~~

(BREAK IN CONTINUITY OF SECTIONS)

210. -- ~~2987~~. (RESERVED)

298. EVENT RESULTS AND MEDICAL REPORTING (RULE 298).

An event promoter shall accurately report the results of all combatant contests, including combatant injuries, within thirty (30) days after the event, to those relevant national reporting organizations as designated by the Commission. The event promoter shall further pay any costs or expenses associated with such event reporting. ()

(BREAK IN CONTINUITY OF SECTIONS)

731. MARTIAL ARTS AND MIXED MARTIAL ARTS (MMA) (RULE 731).

01. Regulation of Marital Arts and MMA. Except to the extent set forth under Rules 731-799, all requirements and the limitations relating to combatants and licenses (as set forth within Title 54, Chapter 4, Idaho Code, and in the remaining rules of the Commission) will apply to all martial arts and MMA contests and exhibitions. Notwithstanding the foregoing, at its sole discretion, the Commission may (by specific reference in the sanctioning permit) allow the use of other requirements and limitations during a particular martial arts contest or exhibition.

(5-8-09)

02. Practices, Belt Promotions, and Non-Contact Demonstrations. Martial arts practices, belt promotion testing and demonstrations (as used herein the term demonstrations means displays that do not involve combative contact between combatants or between participants) conducted by martial arts schools are not considered to be boxing. Such practices, testing, and demonstrations are exempt from the licensing requirements of Title 54, Chapter 4, Idaho Code, and persons do not need a license to participate in such practices, testing, and demonstrations.

(3-29-10)

03. Licensing Exemption. Martial arts schools that meet the conditions set forth within Section 54-406(3)(b), Idaho Code, may apply to the Commission for exemption from licensing and sanctioning permit requirements relating to exhibitions and contests.

(3-29-10)

04. Use of Official Rules for Art. Martial arts contests and exhibitions must be conducted pursuant to the official rules of the particular art. The sponsoring organization or promoter must file a copy of the official rules with the Commission before the Commission will issue a sanctioning permit for the contest or exhibition.

(4-6-05)

05. Boxing Gloves. The requirement set forth in Section 54-414, Idaho Code, of wearing boxing gloves applies to kickboxing but will not apply to any other form of martial art unless the use of boxing gloves is required by the official rules of that particular art. Any gloves utilized must be in good condition as approved by the commission. For the main and semi main events, gloves must be in new condition, ~~and~~ of the same brand for combatants, and furnished by the promoter. ~~(5-8-09)~~()

732. MMA EQUIPMENT (RULE 732).

The Commission is the final authority in all equipment matters. The following is a list of required equipment for MMA contests:

(5-8-09)

01. Commission Approved Mouthpiece. All combatants are required to wear a mouthpiece during the contest. It is strongly recommended that all combatants have two (2) form fitted mouthpieces available for use in each contest.

(5-8-09)

a. To Begin the Round. The round cannot begin if the mouthpiece is not inside the combatant's mouth and set in place.

(5-8-09)

b. During the Contest. The mouthpiece must be inside the combatant's mouth and properly set at all times during the contest.

(5-8-09)

c. Dislodged Mouthpiece. If the mouthpiece is dislodged during the contest, the referee will wait until the first opportune moment, without interfering with the action, call time out, and have the mouthpiece replaced. (5-8-09)

d. Violations. At the discretion of the referee, points may be deducted or a disqualification rendered in the following situations: (5-8-09)

i. When the mouthpiece is not being properly kept inside of the combatant's mouth; (5-8-09)

ii. When the mouthpiece is purposely spit out; or (5-8-09)

iii. When the corner fails to have the combatant resume competition with the mouthpiece in place or delays in replacing the mouthpiece after it becomes dislodged. (5-8-09)

02. Commission Approved MMA Gloves. (5-8-09)

a. General. The gloves must be examined by the Commission and the referee. If padding in the gloves is found to be misplaced or lumpy, or if any gloves are found to be imperfect, they must be changed before the contest starts. No breaking, roughing or twisting of gloves is permitted. (5-8-09)

b. Weight. Each combatant must wear gloves that are not less than four (4) ounces in weight; (5-8-09)

c. Specifications. Each combatant must wear open finger gloves that have no padding in the palm or fingertip area and that are appropriate in weight for the combatant's hand size. Under no circumstances will a combatant be allowed to wear bag gloves or any other gloves with metal or plastic inserts. (5-8-09)

d. Sanitary. If gloves to be used have been used before, they must be whole, clean, and in sanitary condition. The gloves are subject to inspection by the referee of the Commission. Gloves found to be unfit must be immediately discarded and replaced with gloves meeting the requirements of this section. ()

e. Extra set. Each promoter must have an extra set of gloves of the appropriate weight available at the glove table to be used in case gloves are broken or otherwise damaged. ()

03. Commission Approved Attire. (5-8-09)

a. Each combatant must wear a foul-proof groin protector. (5-8-09)

b. Each female combatant must wear Commission-approved form fitting breast support protection. Supports may not have brace, metal or hard material of any kind. (5-8-09)

c. For male combatants, no body shirts or pants are allowed. Female combatants must wear fighting shorts and rash guard. (5-8-09)

d. Combatant may only use soft materials to tie hair. (5-8-09)

04. Prohibited Equipment and Attire. (5-8-09)

a. The following equipment and attire are prohibited: (5-8-09)

i. Shoes; (5-8-09)

ii. Facial hair, if determined by the Commission to pose a health, safety or sanitary issue; (5-8-09)

iii. Tar material on any part of the body; (5-8-09)

iv. Henna-type tattoos; (5-8-09)

- v. Piercing accessories; and (5-8-09)
- vi. Makeup of any kind. (5-8-09)
- b. Masks, costumes, and props must be approved by the Commission prior to usage. (5-8-09)
- c. Fingernails and toenails must be cut and trimmed prior to a contest. (5-8-09)

(BREAK IN CONTINUITY OF SECTIONS)

803. WRESTLERS -- PHYSICAL EXAMINATION (RULE 803).

Any person applying for ~~or renewing~~ a license as a wrestler must first be examined by a physician approved by the Commission to establish physical and mental fitness. A wrestler will be furnished a list of approved examining physicians by the Commission. The Commission may order the examination of any wrestler for the purpose of determining whether the wrestler is fit and qualified to engage in further exhibitions. ~~(3-3-94)~~()

COST/BENEFIT ANALYSIS FORM
Idaho Bureau of Occupational Licenses

Docket Number: 03-0101-1201

Agency Contact: Tana Cory
Phone: (208) 334-3233

Date Analysis Completed: 9/7/12

IDAPA Chapter Number and Title: IDAPA 03.01.01, "Rules of the State Athletic Commission"

Fee Rule Status: Proposed

Instructions:

Section 67-5223(3), Idaho Code, adopted by the 2010 Legislature, requires that all proposed rules in which a fee or charge is imposed or increased must include a cost/benefit analysis of the rule change at the time the rule text is submitted for publication. This analysis needs to include an estimated cost to the agency to implement the rule and an estimated cost to be borne by citizens, or the private sector, or both. This statute change is effective July 1, 2010, and must be completed for fee rules published in the Idaho Administrative Bulletin after that date.

Cost/Benefit Analysis For This Rule Change:

Increase in Fees

Section 54-416, Idaho Code allows for the setting of fees collected for licenses, renewals, applications, and permits. Rule 104 is being clarified to establish that an applicant pays a combined application license fee each year. The sanctioning permit fee is being increased from \$200 per event to \$1000 per event to offset the Commission's expenses incurred in approving and overseeing an event.