

**MEMORANDUM**

TO: Bernie Profato, Ohio Athletic Commission

FROM: Chris Smyke, Executive Assistant

DATE: January 13, 2017

RE: CSI Review – Five Year Review (OAC 3773-1-01 through 3773-1-13, 3773-2-01 through 3773-2-27, 3773-3-01 through 3773-3-09, 3773-4-01 through 3773-4-07, 3773-5-01 through 3773-5-06, 3773-6-01 through 3773-6-09, 3773-7-01 through 3773-7-24, 3773-8-01 through 3773-8-03, and 3773-9-01 through 3773-9-06)

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of 22 amended, 1 rescinded and 81 no-change rules proposed by the Ohio Athletic Commission. The rule package was filed for its statutorily-required five-year review on October 25, 2016 and the public comment period was held open until November 11. No comments were submitted during the CSI public comment period.

The rule package includes all nine chapters of rules set forth by the Athletic Commission, covering the entire scope of its activities, which includes regulating boxing matches/exhibitions, tough person contests, mixed martial arts and professional wrestling. The Commission also sets forth rules for boxers, promoters and officials.

No changes are being proposed to the chapters covering the Ohio Administrative Code (OAC) chapters for general provisions (3773-1), professional wrestling (3773-8) and personal information maintained by the Commission (3773-9). The chapter governing boxing matches and exhibitions (3773-2) includes the adoption of the Association of Combative Sports Commissions uniform

championship rules. The chapter that regulates promoters (3773-3) is amended to remove a sentence that permits the Commission to regulate events not exempted by OAC 3773-3-04. Chapter 3773-4 regulates boxers and includes changes to physical and medical examination requirements. Chapter 3773-5 regulates officials and the amended rule requires the licensure of physicians and inspectors as they relate to public fighting events. Chapter 3773-6 covers tough person contests and its amendments remove the second day weigh-in requirement for tough person and super tough person contests; the proposal also makes adjustments to the requirement for promoters to submit their social security number, instead requiring only the last four digits of the social security number. Chapter 3773-7 regulates mixed martial arts and proposes changes to promoter responsibilities, amateur rule differences and medical requirements. In addition, the amended rules include minor language changes, reference updates and adjustments to the rules of sport. The rescinded rule (OAC 3773-2-17) prohibits unauthorized blinding lights and camera flashes around the ringside.

As described in the BIA, the Commission conducted stakeholder outreach with promoters, managers, trainers, contestants, physicians, inspectors, referees and judges. They explain where changes were made in agreeance with the stakeholders and where they chose to keep the rules as the Board had them. No comments were submitted during the CSI review process.

The BIA identifies the impacted business community as promoters and professional contestants. The BIA quantifies the impact with a list of fees for promoter licenses (\$30-\$200), drug testing (\$100-\$400), medical tests (\$50-\$500) and medical/death insurance (\$800-\$1,500 for coverage of \$10,000 for medical and death), as well as the cost for officials (\$1,400-\$1,800). The Commission justifies the rules by citing the need for Ohio to comply with the unified rules of the Association of Boxing Commissions and the Association of Combat Sports Commissions in order to promote a safe competitive environment for contestants.

After reviewing the proposed rules and the BIA, the CSI Office has determined that the rules satisfactorily meet the standards espoused by the CSI Office, and the purpose of the rule package is justified.

Recommendations

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Athletic Commission should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office