



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Carrie Kuruc**, Director

### MEMORANDUM

**TO:** Bernie Profato, Ohio Athletic Commission

**FROM:** Ethan Wittkorn, Regulatory Policy Advocate

**DATE:** March 11, 2019

**RE:** **CSI Review – Five-year Review - General Provisions, Boxing Matches and Exhibitions, Promoters, Boxers, and Mixed Martial Arts rules (3773-1-01, 3773-1-02, 3773-1-04, 3773-1-09, 3773-1-10, 3773-1-12, 3773-1-13, 3773-2-01, 3773-2-02, 3773-2-19, 3773-2-21, 3773-3-02, 3773-3-03, 3773-3-05, 3773-3-08, 3773-3-09, 3773-4-03, 3773-5-04, 3773-5-05, 3773-7-02, 3773-7-03, 3773-7-05, 3773-7-08)**

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On behalf of Lt. Governor Jon Husted, 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 Ohio Athletic Commission ("Commission") rule package consists of 23 rules. Of the 23 rules submitted for review 14 are no change and 9 to be amended. It was submitted to the CSI Office on February 5, 2019, and the public comment period was open through February 14, 2019.

This rule package contains the rules that are applied to promoters and contestants of sports regulated by the Commission. Many of the rules in this package remain unchanged, except for rules pertaining to protests of results, raising fees to the opponent if the opponent weighs in over the weight class, adoption of Association of Boxing Commission (ABC) championship rules to replace the phrase "male boxers" with "all boxing events," criteria for replacing an opponent, raising the requirement for insurance coverage from \$10,000-\$20,000, amending physical examination requirements for boxers and mixed martial arts contestants, and removing certain permitted moves.

During the period of early stakeholder outreach the Commission had contact with promoters,

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managers, trainers, fighters, physicians, inspectors, referees, and judges. A comment received during the stakeholder outreach period led to the change of rule 3773-7-05 regarding specific permitted moves (removed grabbing of the clavicle and permitting heel kicks to the kidney from guard position).

During the period of public comment from February 5, 2019 to February 14, 2019, no one brought forth any additional concerns.

This proposed rule package will have an impact on promoters and contestants of the sports outlined, through the levying of fees under various conditions. These fees include licensing to promoters, fees to participants and referees, permit fees to conduct matches, fees to athletic agents, and fees to athletic agents for business entities. None of these fees have been changed. The rule package also sets floors to the pay that can be allocated to event officials, and outlines requirements for drug testing, medical insurance, life insurance, and the reporting requirements for ticket sales and taxes. The Commission justifies these regulations, and the adoption of unified rules established by the Association of Boxing Commission, by citing the need for a safe environment for athletes. The authorization for the Commission to adopt these regulations is set in ORC 3773.34.

### **Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

The CSI Office concludes that the Commission should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.