

APA-1
07/04

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control No. 165 Department or Agency Alabama Athletic Commission
Rule No. 165-x-1-.04
Rule Title: Medical Requirements
 New x Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 412223, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Brandon Quinn

Date 12-15-2014

(DATE FILED)
(STAMP)

APA-2
07/04

Alabama Athletic Commission

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama Athletic Commission

RULE NO. & TITLE: 165-X-1-.04 Medical Requirements

INTENDED ACTION: Amended Rule

SUBSTANCE OF PROPOSED ACTION:

To bring Alabama's consecutive losses rule in line with other states

TIME, PLACE, MANNER OF PRESENTING VIEWS:

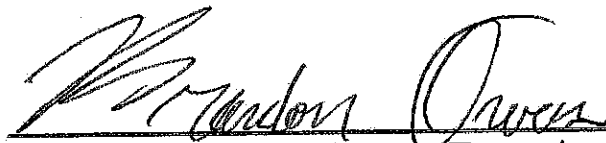
Oral or written comments should be addressed to the Alabama Athletic Commission at the address or phone number below and must be received no later than Thursday, February 5, 2015

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

February 5, 2015

CONTACT PERSON AT AGENCY:

Ashley McGhee
260 Commerce St, Fourth Floor
Montgomery, AL 36104
(334)245-4374



Brandon Owens, Executive Director
Alabama Athletic Commission

165-X-1-.04 Medical Requirements.

(1) Medical Examinations

(a) Neurological Examination

1. All boxers intended to compete in Alabama who have competed in over two-hundred (200) rounds during their professional career, according to the number of rounds disclosed on such boxer's official ring record, and prior to competing in Alabama, must submit to the Commission the results of a detailed neurological examination performed within the precious twelve (12) months by a board certified and state licensed neurologist.

2. Such examination shall include a careful examination for signs of any trauma-induced neurological damage along with any other specific test or tests requested by the neurologist.

3. Any boxer not submitting said results prior to the match may be allowed to compete provided however that such boxer's license will, at the conclusion of the match, be medically suspended until such time as his/her neurological examination requirement is fulfilled.

(b) Eye Examination.

1. All boxers intending to compete in Alabama who have competed in over two-hundred (200) rounds during their professional career, according to the number of rounds disclosed on such boxer's official ring record, and prior to competing in Alabama, must submit to the Commission results from a complete ophthalmological examination performed within the previous twelve (12) months by a board certified state licensed optometrist or ophthalmologist.

2. Such examination shall include a careful dilated examination of the retinal periphery utilizing indirect ophthalmoscope sufficient to identify any sign of previous trauma or retinal damage along with any other specific test or tests requested by said ophthalmologist.

3. Any boxer not submitting said results prior to the match may be allowed to compete provided however that such boxer's license will, at the conclusion of the match, be medically suspended until such time as this ophthalmological requirement is fulfilled.

(i) The Commission may require updated examinations pursuant to sub-paragraphs (a) and (b) of this rule after each successive fifty (50) fought rounds after the previous submission, as disclosed on such boxer's official ring record.

(2) Pre-Fight Examination. At the time of weigh-in, or at such other time as is then announced, all boxers must pass a pre-fight medical examination and a commission designated physician must complete a Pre-Fight Medical Examination Form. The examining physician shall deliver all Pre-Fight Examination Forms to the Athletic Commission or to its authorized representative on the day of the weigh-in.

(a) Pregnancy Testing.

1. Each female boxer, during the pre-fight physical, will be required to submit to a pregnancy test administered under the direction of the examining physician, or such physician's authorized assistant. The cost of such test, unless the boxer's contract or bout agreement states otherwise, shall be the responsibility of the promoter. Pregnant fighters may not fight.

2. Female boxers submitting written documentation acceptable to the examining physician may be waived from the pre-fight physical pregnancy test requirement. Such documentation shall be limited to:

(i) A copy of a lab report from a recognized clinical laboratory and dated within ten (10) days of the pre-fight physical attesting that the boxer is not pregnant, or

(ii) A statement from a state licensed physician, on such physician's letterhead stationery, stating that the boxer has undergone certain medical procedures rendering her medically improbable of bearing children.

(b) Failed Pre-Fight Physical.

1. Whenever a boxer's examination indicates that he or she is unfit for competition, because of any weakness or disability discovered by the physician, an immediate report of such evidence must be made to the Commission. In such case, the boxer shall be prohibited from participating in the match.

2. The examining physician shall deliver all pre-fight examination reports to the Commission or to its authorized representative immediately after the weigh-in.

3. Any contestant who fails his or her pre-fight physical for medical reasons or for lack of general conditioning shall be placed on immediate medical suspension and reported to the Commission.

(c) Hydration Testing.

1. At the official weigh-in, all boxers' hydration shall be examined by the pre-fight physician.

(d) Minimum Uncorrected Visual Acuity.

1. A boxer must have a minimum uncorrected visual acuity of 20/200 in both eyes. Any person who applies for a license or renewal of license to compete as a professional boxer in Alabama may, upon the request of the Commission, be required to present evidence of his/her visual acuity.

(e) Additional Medical Examinations.

1. Upon recommendation of the examining physician or the medical advisory panel, the Commission may require a boxer to undergo additional medical examinations performed by a state licensed physician to determine the boxer's medical fitness to compete.

(i) The Commission shall require re-examinations submitted after each successive fifty (50) professional rounds after the previous submission, as disclosed on such boxer's official ring record.

(f) Medical Suspensions by Other Commissions.

1. Medical suspensions. Other athletic commissions recognized by the Association of Boxing Commissions and which are published by any boxing registry approved for such purposes by the Association of Boxing Commissions shall be recognized by the Commission.

2. Medical examinations after suspensions. A boxer who is under medical suspension in another state shall submit to any medical examination listed in this chapter as requested by the Commission prior to competing in a contest or exhibition in this state.

(g) Drugs Prohibited.

1. The administration or use of any drugs, alcohol, stimulants, or injections in any part of the boxer's body, either prior to or during a match, is prohibited unless such drugs are administered by a physician and with the approval of the commission.

(i) The Commission may order a boxer to undergo a drug screening at any time. A Drug Screen Form must be completed by an approved laboratory and submitted to the Commission within seven (7) days of the order.

(h) Post Contest Inactive Period.

1. No boxer shall be permitted to engage in another contest or exhibition in this state for a period of seven (7) days after competing in a contest or exhibition.

(i) Head Injury.

1. Any boxer who suffers a knock out, concussion, or other serious head injury shall be examined by the Ringside Physician. The Physician shall immediately report to the Commission or its representative, the condition of such boxer and whether or not additional medical attention is advised.

(j) Knock Out and Technical Knock Out.

1. When a boxer is defeated by knock out, that boxer's license shall be placed on an immediate sixty (60) day medical suspension.

2. Upon a boxer's second defeat by knock out, the boxer's license shall be placed on an immediate ninety (90) day medical suspension and the boxer shall submit to a medical examination.

3. A Post-Knock Out Examination Form shall be completed by a physician and submitted to the Commission along with request for medical clearance for thirty (30) days prior to participating in a contest or exhibition in this state. Any boxer losing by knock out in two (2) or more consecutive fights shall be placed on immediate medical suspension for a period of six (6) months.

4. Unless otherwise ordered by the attending ringside physician, there shall be a minimum thirty (30) day medical suspension after a technical knockout.

5. Technical knock outs caused by a severe cut shall result in either a forty-five (45) day or sixty (60) day medical suspension.

6. Submissions with injury may also warrant a medical suspension as determined by the ringside physician.

7. Completing a suspension may require approved medical evaluations as determined by the ringside physician.

(k) Under-Conditioned Fighter.

1. A boxer deemed under-conditioned by the referee, the Commission, or any designated representative of the Commission, shall be immediately disqualified and suspended for ninety (90) days.

(i) If it should be determined by the referee, any member of the Commission present, or any designated representative of the Commission present that a boxer did not give a good faith effort to display his or her skills, then that boxer shall be subject to disciplinary action.

(ii) A disqualified boxer may be disciplined by the Commission.

(1) Consecutive Losses.

~~1. Six or More Consecutive Losses. A boxer who has lost six (6) consecutive fights, according to the boxer's official ring record compiled and maintained by the boxing registry, shall be summarily suspended. Suspension will be listed as "Indefinite Pending Hearing."~~

21. Three or More Consecutive Losses by TKO, KO, or DQ. A boxer who has lost three (3) consecutive fights by knock-out, technical knock-out, or disqualification, according to the boxer's official ring record compiled and maintained by the boxing registry, shall be summarily suspended pending a hearing by the Commission. Suspension will be listed as "Indefinite Pending Hearing."

32. History of Poor Performance. Any boxer whose has a history of poor performance ~~is evidenced by consecutive losses, listed above,~~ shall not be approved to compete against any other boxer, except another boxer who has a similar history of poor performance in the same weight class.

(m) Verification of Contestant Experience.

1. The trainer or manager for a boxer that meets the following criteria shall submit an affidavit that the boxer is prepared for a professional contest:

(i) Boxer is making is pro debut

(ii) Boxer has not competed in the last twelve (12) months

(iii) Boxer has lost his or her last six (6) consecutive events

(iv) Boxer has lost three (3) consecutive events by TKO, KO, or DQ

(n) General Responsibilities and Provisions.

1. During the performance of any promotion, it shall be the promoter's responsibility to ensure the compliance with all laws and rules governing professional boxing in Alabama. Such responsibilities shall include, but will not be limited to the following:

(i) Medical Insurance.

(I) The promoter shall provide for the boxers' insurance covering ambulance services, medical, surgical, and hospital care with a minimum limit of \$20,000 for injuries sustained while participating in said program and for a \$20,000 death benefit awarded to the estate of any contestant should death occur from injuries received while participating in the contest or exhibition.

(ii) Physician.

(I) A ringside physician shall be present at all events. A Commission designated ringside physician must be at ringside each bout. A Commission designated ringside physician shall be either a M.D. or D.O.

(iii) Ambulance Service.

(I) The promoter shall provide continuous ambulance service with a state-certified EMT attendant and state-certified paramedic, who shall provide a resuscitator, stretcher, backboard, oxygen, and such other medical equipment reasonably expected for immediate trauma care, and who shall be present before the start of each contest and shall remain on site until the end of the program.

(II) For the purposes of this section, a program of boxing begins with the commencement of the first contest or exhibition and ends when the last boxer leaves the site of the program.

(III) The chief referee and/or Commission appointed supervisor shall meet with the EMT and paramedic prior to the beginning of the match, contest, or exhibition. During such meeting the chief referee or Commission supervisor will instruct the EMT and paramedic concerning the match, contest, or exhibition, placement of the stretcher and any other information necessary to ensure prompt and appropriate immediate care.

(IV) An ambulance shall be able and available to immediately transport any severely injured boxer to an appropriate medical facility. No other scheduled contest or exhibition may proceed until there is an ambulance and paramedic at the facility, that has met with the chief referee and/or the Commission appointed supervisor as proscribed in subparagraph (III), above.

(iV) Hepatitis and HIV Testing.

(I) Blood borne pathogen testing. All boxers in all bouts shall be tested for Hepatitis B, Hepatitis C, and HIV by a laboratory approved by the Commission. The initial test for Hepatitis B, Hepatitis C, and HIV detection shall be conducted within (180) days prior to competition.

I. In addition to the pre-competition test, any boxer shall be re-tested for Hepatitis B, Hepatitis C, and HIV prior to his or her participation in each boxing match, contest, or exhibition in Alabama if the match, contest, or exhibition is scheduled to occur more than (180) days after the date of the most recent test. The results must be submitted to the Commission with the show date request prior to the official weigh-in.

(II) Positive tests for blood-borne pathogens. Any boxer who tests positive for Hepatitis B, Hepatitis C, or HIV shall appear before the medical advisory panel, which after verifying the results of the test, shall advise the Commission as to whether the boxer's participation in a match, contest, or exhibition would pose a threat to the health and safety of a participant, official, or spectator.

I. Any boxer that tests positive for Hepatitis B, Hepatitis C, or HIV who is scheduled for competition must disclose to the promoter that he or she has tested positive for Hepatitis B, Hepatitis C, or HIV.

Authors: J. Matt Bledsoe, Brandon Owens, Casey Sears

Statutory Authority: Code of Ala. 1975, §41-9-1024.

History: New Rule: Filed December 27, 2013;
effective January 31, 2014.