

STATEMENT OF SCOPE

Department of Safety and Professional Services

Rule No.: Chapters SPS 110 to 116, 192, and 195

Relating to: Unarmed Combat Sports

Rule Type: Emergency and Permanent

1. Finding/nature of emergency (Emergency Rule only):

This rule will, as required by 2015 Wisconsin Act 277, expand current regulation of professional boxing and mixed martial arts fighting to all other unarmed combat sports. As other forms of fighting that fall under the definition of unarmed combat sports pose a comparable risk of serious injury or death to that of professional boxing and mixed martial arts fighting, the expanded regulation provided by this rule is in the best interest of public health and safety.

As under normal rule-making procedures the expanded regulation will not be in place until after 2015 Wisconsin Act 277 takes effect on March 1, 2017, an expeditious promulgation of this rule is needed to ensure public health and safety.

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to, as required by 2015 Wisconsin Act 277, regulate all unarmed combat sports. This will involve revision of chs. 110 and 192, which regulate the unarmed combat sports of professional boxing and mixed martial arts fighting, and creation of ch. SPS 195 to regulate forms of fighting that fall under the definition of unarmed combat sports.

Chapters SPS 111 to 116 may also need to be revised to reflect the changes described above.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

The existing policies for the regulation of professional boxing are contained in chs. SPS 110 to 116. The existing policies for the regulation of mixed martial arts fighting contests are contained in ch. SPS 192. As required by 2015 Wisconsin Act 277, new policy is proposed to regulate forms of fighting that fall under the definition of unarmed combat sports.

The alternative of not updating the rules would be contrary to the requirement in 2015 Wisconsin Act 277 to regulate all unarmed combat sports.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 440.03 (1) authorizes the department to “promulgate rules defining uniform rules to be used by the department . . . for receiving, filing and investigating complaints, for commencing disciplinary proceedings and for conducting hearings.”

Section 440.03 (7m) authorizes the department to “promulgate rules that establish procedures for submitting an application for a credential or credential renewal by electronic transmission.”

Section 444.02 (2) authorizes the department to “issue, and for cause limit, suspend, or revoke, a license to conduct professional contests or amateur unarmed combat sports contests to any promoter or incorporated club formed as provided in this chapter” and to “reprimand a promoter or club for violating this chapter or any rule of the department.”

Under section 444.035, the department must “by rule require a promoter or club conducting a professional contest or unarmed combat sports contest to post a bond or other surety in a reasonable amount determined by the department to ensure payment of the promoter’s or club’s expenses in conducting the contest, including payments to contestants and to the department.”

Section 444.04 authorizes the department to “limit, suspend, revoke, or assess a forfeiture to the promoter or club” for failure to furnish an accurate written report to the Department after an unarmed combat sports contest, showing the number of tickets sold, the amount of the gross proceeds, and all other information the Department requires by rule to be included in the report.

Section 444.06 requires the department to “appoint official inspectors” for unarmed combat sports contests and states that “at least one inspector shall be present at all professional contests and all amateur unarmed combat sports contests and see that the rules are strictly observed,” and authorizes the Department to require a promoter or club to pay for inspectors.

Section 444.095 (3) requires the department to “promulgate rules that establish all of the following with respect to unarmed combat sports contests: (a) Qualifications and fees for licensure of referees and judges for unarmed combat sports contests. (b) Requirements for regular health examinations of unarmed combat sports contestants, including all of the following: 1. Annual physical examinations by physicians and annual eye examinations by physicians who are board-certified ophthalmologists. 2. Annual screening for HIV, hepatitis B, and hepatitis C. 3. For female contestants, pregnancy tests before contests. (c) Policies prohibiting contestants from using drugs, including anabolic steroids, and mandating drug testing of contestants.”

Section 444.11 authorizes the department to “grant licenses . . . to matchmakers, managers, referees . . . unarmed combat sports contestants, seconds, and timekeepers in professional contests and amateur unarmed combat sports contests.”

Section 444.19 authorizes the department to “by rule adjust the fees under this chapter to account for changes in the department’s costs in administering and enforcing this chapter.”

Section 444.22 provides the department “may promulgate any rules necessary to implement and enforce this chapter.”

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

The department estimates approximately 400 hours will be needed to develop the needed rule changes. This includes meeting with stakeholders, drafting the rule changes, and processing the changes through public hearings, legislative and gubernatorial review, and adoption. The department will assign existing staff to perform the review and develop the rule changes, and no other resources will be needed.

6. List with description of all entities that may be affected by the proposed rule :

Entities engaged in promoting and conducting unarmed combat sports contests, such as promoters, clubs, matchmakers, contestants, judges, referees, ringside physicians, seconds, inspectors, and timekeepers.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

Chapter 89 of Title 15 of the United States Code regulates the safety of professional boxing. As professional boxing and the use of boxing techniques fall under the definition of unarmed combat sports in chapter 444 of the statutes, the requirements in 15 USC chapter 89 affect the regulation of unarmed combat sports proposed by the rule. The regulations in the proposed rule will neither duplicate nor conflict with existing federal regulations.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

None to minimal.

Contact Person: Dale Kleven, Administrative Rule Coordinator, Dale2.Kleven@wisconsin.gov, (608) 261-4472