

APA-1
07/04

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 165 Department or Agency Alabama Athletic Commission
Rule No. 165-x-3-.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 

Date 2-20-2015

(DATE FILED)
(STAMP)

APA-2
07/04

Alabama Athletic Commission

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama Athletic Commission

RULE NO. & TITLE: 165-X-3-.04 Medical Requirements

INTENDED ACTION: Amended Rule

SUBSTANCE OF PROPOSED ACTION:

To bring Alabama's consecutive losses and bloodwork 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, April 5, 2015

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

April 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-3-.04 Medical Requirements

(1) **Medical Examinations.**

(a) **Neurological Examination.**

1. All mixed martial artists intended to compete in Alabama who have competed in over two-hundred (200) rounds during their career, according to the number of rounds disclosed on such mixed martial artist's official cage or 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 mixed martial artist not submitting said results prior to the match may be allowed to compete provided however that such mixed martial arts fighter'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 mixed martial fights fighters intending to compete in Alabama who have competed in over two-hundred (200) rounds during their career, according to the number of rounds disclosed on such mixed martial artist's official cage or 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 mixed martial artist not submitting said results prior to the match may be allowed to compete provided however that such mixed martial artist'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 mixed martial artist's official cage or ring record.

(2) **Pre-Fight Examination.** At the time of weigh-in, or at such other time as is then announced, all mixed martial arts fighters 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 Commission or to its authorized representative no more than five (5) days after the weigh-in.

(a) **Pregnancy Testing.**

1. Each female mixed martial artist, 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 mixed martial artist's contract or bout agreement states otherwise, shall be the responsibility of the promoter. For purposes of this sub-paragraph, the term "pass" shall mean that the contests is not pregnant.

2. Female mixed martial artists 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 mixed martial artist is not pregnant, or

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

(b) **Failed Pre-Fight Physical.**

1. Whenever a mixed martial artist'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 mixed martial artist 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 mixed martial artists' hydration shall be examined by the pre-fight physician.

(d) **Minimum Uncorrected Visual Acuity.**

1. A mixed martial artist 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 mixed martial artist 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 mixed martial artist to undergo additional medical examinations performed by a state licensed physician to determine the mixed martial artist's medical fitness to compete.

(i) The Commission shall require re-examinations submitted after each successive fifty (50) rounds after the previous submission, as disclosed on such mixed martial artist's official cage or 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 mixed martial artist 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 mixed martial art fighter'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 mixed martial artist 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 mixed martial artist 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 mixed martial artist who suffers a knock out, concussion, or other serious head injury should be examined by the Cage Side or Ringside Physician. The Physician shall immediately report to the Commission or its representative, the condition of such mixed martial artist and whether or not additional medical attention is advised.

(j) **Knock Out And Technical Knock Out.**

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

2. Upon a mixed martial artist's second defeat by knock out, the mixed martial artist's license may be placed on an immediate ninety (90) day medical suspension, with discretion given to the physician and the Commission's Executive Director.

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 mixed martial artist losing by knock out in three (3) 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 cage side or 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 a minimum sixty (60) day medical suspension.

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

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

(k) **Under-Conditioned Fighter.**

1. A mixed martial artist 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 mixed martial artist did not give a good faith effort to display his or her skills, then that mixed martial artist shall be subject to disciplinary action.

(ii) A disqualified mixed martial artist may be disciplined by the Commission.

(l) Consecutive Losses.

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

21. **Four or More Consecutive Losses by TKO, KO, or DQ.** A mixed martial artist who has four (4) consecutive fights by knock-out, technical knock-out, or disqualification, according to the mixed martial artist's official cage or ring record compiled and maintained by the mixed martial arts 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 mixed martial artist whose with a history of poor performance is evidenced by consecutive losses,

~~listed above,~~ shall not be approved to compete against any other mixed martial artist, except another mixed martial artist who has a similar history of poor performance in the same weight class.

(m) **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 mixed martial arts in Alabama. Such responsibilities shall include, but will not be limited to the following:

(i) **Medical Insurance.**

(I) The promoter shall provide for the mixed martial artists' 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. Promoters shall be responsible for paying any deductible.

(ii) **Physician.**

(I) A cage side or ringside physician shall be present at all events. A Commission-designated cage side or ringside physician must be at cage side or ringside each bout. A Commission-designated cage side or 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, 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 mixed martial arts begins with the commencement of the first contest or exhibition and ends when the last mixed martial artist leaves the site of the program.

(III) The chief referee and/or Commission-appointed supervisor shall meet with the EMT prior to the beginning of the match, contest, or exhibition. During such meeting the chief

referee or Commission supervisor will instruct the EMT 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 mixed martial artist 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 mixed martial artists 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)~~ (365) days prior to competition.

I. In addition to the pre-competition test, any mixed martial artist shall be re-tested for Hepatitis B, Hepatitis C, and HIV prior to his or her participation in each mixed martial arts match, contest, or exhibition in Alabama if the match, contest, or exhibition is scheduled to occur more than ~~(180)~~ (365) 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 mixed martial artist 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 mixed martial artist'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 mixed martial artist 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.