

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 165 Department or Agency Alabama Athletic Commission
Rule No. 165-X-5
Rule Title: Conduct of Promotion
 New Amend X Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

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

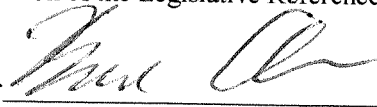
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

.....
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 41-22-23, 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 9/19/2013

(DATE FILED)
(STAMP)

ALABAMA ATHLETIC COMMISSION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Athletic Commission

RULE NO. & TITLE:

165-X-1	Professional Boxing	Repealed & New
165-X-2	Professional Mixed Martial Arts	Repealed & New
165-X-3	Amateur Mixed Martial Arts	Repealed & New
165-X-4	Medical Requirements	Repealed
165-X-5	Conduct of Promotion	Repealed
165-X-6	Ring and Equipment	Repealed
165-X-7	Officials: Corner Inspectors, Referees, Judges and Timekeepers	Repealed
165-X-8	Officials: Conduct of Contest, Match, or Exhibition	Repealed
165-X-9	Forms	Repealed
165-X-10	Functions of Commission	Repealed
165-X-11	Martial Arts Definition	Repealed
165-X-12	Bout Results	Repealed
165-X-13	Mixed Martial Arts Ring and Equipment	Repealed
165-X-14	Amateur Mixed Martial Arts Standards	Repealed
165-X-15	Amateur Mixed Martial Arts Competition Rules	Repealed
165-X-16	Amateur Mixed Martial Arts Additional Competition Guidelines	Repealed
165-X-17	Foul Procedures	Repealed
165-X-18	Injuries Sustained During Competition That will Terminate the Bout	Repealed
165-X-19	Types of Bout Results	Repealed
165-X-20	Licensing for Amateur MMA Sanctioning Organizations	Repealed
165-X-21	Officials Responsibilities	Repealed
165-X-22	Medical Requirements	Repealed
165-X-23	Match Permits	Repealed
165-X-24	Additional Requirements	Repealed
165-X-25	Mixed Martial Arts Licensing Procedures	Repealed
Appendices		Repealed

INTENDED ACTION: Repealed and New

SUBSTANCE OF PROPOSED ACTION: The Commission will repeal rules that are redundant and condense these rules into 3 chapters.

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 ~~November 7~~, 2013.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: November 7, 2013

CONTACT PERSON AT AGENCY:

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



Brandon Owens
Executive Director

REPEAL

Athletic Commission

Chapter 165-X-5

STATE OF ALABAMA
ALABAMA ATHLETIC COMMISSION
ADMINISTRATIVE CODE

CHAPTER 165-X-5
CONDUCT OF PROMOTION

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165-X-5-.01 **General Safety.** It shall be the promoter's responsibility to insure safety for the Contestants, officials, media and fans and to comply with all safety standards required by the commission.

(a) **Arena Security.** Arena security is the responsibility of the promoter and such security measures provided by the promoter shall be sufficient to maintain order. At a minimum, 2 sworn off duty law enforcement officers shall be retained for security

(b) **Obtain Ring.** The promoter will provide a ring for the show and that the ring or cage must pass the certification requirements established the commission.

(c) **Extra Gloves.** Each promoter must have an extra set of gloves of the appropriate weight available to be used in case a glove is broken or otherwise damaged during the course of the contest or exhibition of boxing or mixed martial arts.

(d) **Ring & Glove Certification.** It is the promoter's responsibility to ensure that the ring or cage and gloves selected for use during each show meet the commission's rules and regulations concerning proper certification should be resolved no less than ten (10) days prior to the date of the show.

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(e) **Advanced Advertising.** In addition to the requirements in this Chapter, no contestant or celebrity shall be advertised by any promoter before said promoter has in his or her possession a written commitment from said contestant or celebrity and before said promoter has filed a copy of such written commitment with the commission.

(f) **Suggesting Benefits for Charitable Organization.** No promoter may advertise, hold out, or suggest in any fashion that a portion of the proceeds of any proposed boxing or mixed martial arts show will be donated to a charitable organization without first complying with the commission's rules governing "programs for charity."

(g) **Main Event Start Time.** The final bout for all boxing or mixed martial arts events sanctioned by the Alabama Athletic and Entertainment Commission shall start by 11:59pm on the date for which the event permit is approved.

Author: Casey C. Sears

Authority: Code of Ala. 1975, §41-9-1033.

History: New Rule: Filed February 10, 2012; effective March 16, 2012.

165-X-5-.02

Ringside Physician.

(a) **Providing a physician.** It shall be the responsibility of the commission representative to assign one or more physicians at ringside during each boxing or mixed martial arts contest.

1. The physicians assigned must be on the roster of physicians authorized to conduct pre-fight physicals and serve as ringside physicians created by the Alabama Athletic Commission.

2. At least one ringside physician must have in his or her possession any medical supplies and equipment reasonably anticipated to provide first-aid medical assistance for the type of injuries reasonably anticipated to occur in professional boxing or professional mixed martial arts matches.

3. The promoter shall compensate assigned ringside physicians in an amount to be mutually agreed upon by the promoter.

Author: Casey C. Sears

Authority: Code of Ala. 1975, §41-9-1033.

History: New Rule: Filed February 10, 2012; effective March 16, 2012.

165-X-5-.03 Arena.

(a) **Drinks.** No boxing or mixed martial arts match will be allowed to commence or continue, without specific authorization from the commission, in any arena where concessionaires dispense or serve beverages in containers other than plastic or paper cups.

(b) **Arena safety.** No boxing or mixed martial arts match will be allowed to commence or continue in any arena which appears to the commission appointed supervisor to be unsafe or where the commission appointed supervisor has reason to believe that such building or location does not conform to any applicable laws, ordinances and regulations in the city or unincorporated county area.

(c) **Dressing rooms.** The only people allowed in the Contestant's dressing room are the contestants, managers, seconds, commission representatives including appointed commissioners and approved physician(s).

1. Promoters shall be required by the commission appointed supervisor to post a Guard or commission appointed inspector at the entrance to the dressing rooms to aid in enforcement of dressing room security.

2. A separate dressing area shall be provided for all referees and judges and all other commission appointed representatives.

Author: Casey C. Sears

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

History: New Rule: Filed February 10, 2012; effective March 16, 2012.

165-X-5-.04 Media Guidelines.

(a) **Promoter Responsibilities For Media Personnel.** It shall be the responsibility of the promoter to provide access to any sanctioned event to media professionals for print, television, radio and online media. The promoter has a duty to provide unencumbered access to media professionals while ensuring their personal safety at the event.

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1. Promoters of boxing and mma events shall provide media personnel with easily identifiable credentials that are clearly visible to state inspectors.

2. Promoters of boxing events shall provide a 4-foot wide open buffer zone between credentialed media and the ring apron or the equivalent space outside the cage of an mma event.

3. Promoters shall ensure the safety of credentialed media professionals by requiring them to remain outside the 4-foot buffer zone at all times.

(i) Promoters shall provide security in the general area of credentialed media to insure they are allowed to perform their job functions with a clear view of the action and without hindrance from ticket holders, fight staff or others.

(b) **Media Access To Restricted Areas.** Promoters may provide credentialed media inside the ring or cage immediately following a bout.

1. Following an individual bout or at the close of an event, promoters may allow access to credentialed reporters and photographers directly outside the dressing rooms or staging areas restricted for fighters, fight staff and state officials.

2. Promoters shall ensure the personal safety of any credentialed media by providing a police officer in any area designated for interviews, photographs or press conferences.

(c) **Violation: Penalties.**

(i) Promoters or contestants that violate any section of this chapter shall be referred to the investigations hearing of the Alabama Athletic commission for further action. Provided however that any action taken as a result of the hearing or by the full commission to enforce or attempt to enforce the provisions of this chapter will be taken only after notice and hearing according to the Alabama Administrative Procedure Act. either paragraph (a) or (b) within this subsection shall be subject to disciplinary action by the commission.

Author: Casey C. Sears

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

History: New Rule: Filed February 10, 2012; effective March 16, 2012.

165-X-5-.05 **Violation: Penalties.**

Supp. 3/31/12

165-X-5-.06 Show

(a) **Marketing Prohibited Without Prior Commission**

Approval. Commission approval or authorization must be obtained prior to selling tickets, making announcements, or distributing advertisements concerning any show, show date, contestants, or matches of professional boxing or professional mixed martial arts. Violations shall be referred to the investigations hearing of the commission for disciplinary action.

(b) **Professional Rounds scheduled.**

1. Unless otherwise approved by the commission, promoters shall schedule no less than 25 rounds of boxing on one program. An emergency bout must be provided in case any of the scheduled bouts are not held.

2. No boxing match shall have any rounds lasting longer than three (3) minutes.

(i) All contests or exhibitions in professional boxing featuring male boxers will be required to have 3 minute rounds with 1 minute rest periods between rounds.

(ii) All contests or exhibitions in professional boxing featuring female boxers will be required to have 2 minute rounds with 1 minute rest periods between rounds.

3. No boxing or exhibition shall be permitted for more than 10 rounds duration, except in a championship match, which shall not exceed 12 rounds.

(c) **Professional Mixed Martial Arts Round length**

1. Each non-championship mixed martial arts contest shall be three rounds, of five minutes duration, with a one minute rest period between each round.

2. Each championship mixed martial arts contest shall be five rounds, of five minutes duration, with a one minute rest period between each round.

(d) **Card Approval.** Requests for preliminary approval of boxing or mma cards should be received by the Executive Director of the commission or commission appointed supervisor no

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less than ten days prior to the start of the event. The names and federal identification numbers or federal mma tracking and verification numbers of all competitors must be included and shall be typed. No hand written requests shall be accepted. The Final card must be received by the commission appointed supervisor or Chief Inspector no less than three days prior to the date of the contest.

1. Substitutions to the final card will only be allowed after sufficient written evidence documenting the reason why such substitution is required. The information must be written on a form provided by the commission and the signature must be witnessed by the Executive Director, commission appointed supervisor or a state of Alabama notary public. Failure to provide sufficient evidence will result in the cancellation of the scheduled bout and/or disciplinary action by the commission.

2. No substitution will be allowed during the final twelve hours prior to the beginning of the event. (i) No bout will be allowed to take place without the prior approval of the Chief Inspector or commission appointed supervisor for the event.

Author: Casey C. Sears

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

History: **New Rule:** Filed February 10, 2012; effective March 16, 2012.

165-X-5-.07 **Purse.**

(a) **Method of Payment.** Except as otherwise stated below, purses shall be paid by check, certified or cashier's check immediately after the contest. No cash shall be accepted. Payments of percentage contracts shall be made as soon as the amount can be determined. If requested by the commission or by any Contestant, All purse payments shall be made in the presence of the authorized commission representative.

1. After notification and approval by the commission, arrangement for the payment of any purse greater than \$50,000.00 shall be mutually agreed to by the promoter and the Contestant.

2. Should a promoter default on payments to Contestants, only that amount disclosed on the contract or bout agreement filed with the commission and in advance of the bout will be covered by any bond on file with the commission.

(b) **Minimum Payment per Contracted Round.** All contestants shall be guaranteed a purse equal to or exceeding

\$100 per contracted round. No "cash equivalent" substitutions for the payment of the minimum contracted amount including tickets in lieu of payment shall be allowed. Contestants shall be paid by check or money order only. Violations shall be referred to an investigative hearing of the commission for disciplinary action.

(c) **Authorized Purse Deductions.** Promoters may deduct from any contestant's purse, the total amount of fees or fines owed to the commission by said Contestant, including but not limited to fees required to issue to such contestant a federal identification card and/or state license, where such fees or fines have not previously been paid by said contestant. Any such deduction shall immediately be remitted to the commission.

Author: Casey C. Sears

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

History: **New Rule:** Filed February 10, 2012; effective March 16, 2012.

165-X-5-.08 **Contracts.**

(a) Contract or Bout Agreement: Unless agreed upon in advance by the Alabama Athletic Commission, all bout agreements must be on the form approved by the Commission.

1. The amount of guarantee or percentage promised; the number and time limit of rounds; when and where the official weigh-in will be conducted; when and where the Contestants are scheduled to appear; weight; and all other reasonably expected to be an issue of agreement within professional boxing and mixed martial arts contracts and agreements.

(i) Weights expressed on bout agreements for all four and six round bouts shall allow no less than a +/-2 pounds variance of the contracted weight.

(ii) Weights expressed on bout agreements for all championship (12 rounds) matches shall be absolute and shall not allow for any variance.

2. Signature of the promoter or his or her designated representative, and the Contestant or his or her designated representative.

3. All bout agreements will state the following in bold type: Each Contestant applying for a license is required to obtain on their own a Hepatitis B and Hepatitis C blood test and must present to the commission representative no later than at

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the weigh-in the results of such test conducted within 180 days of the proposed match.

(b) **Contract or Bout Agreement: Required Form for Submission.** All information appearing on any written agreements or contracts shall be typed.

(c) **Contract or Bout Agreement: File with Commission.** One copy of each signed written agreement or contract, once executed by both parties and within three calendar days of such execution, shall be filed with the commission or the commission appointed representative.

1. No boxing or mixed martial arts match shall be allowed to commence prior to execution of a signed contract or bout agreement by both parties or before said contract or bout agreement is submitted to the commission or the commission appointed representative.

(e) **Violations: Grounds for Suspension.** Violation by either party of any written bout agreement or contract may be grounds for suspension of any license issued by the commission and shall in addition to such suspension result in a fine or other disciplinary action imposed by the commission. Violations shall be referred to the investigations hearing of the commission for disciplinary action.

Author: Casey C. Sears

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

History: New Rule: Filed February 10, 2012; effective March 16, 2012.

165-X-5-.09 Failure To Perform.

(a) **Promoter Failure to Perform.** The failure of a promoter to perform according to the terms of the contract; to produce contestants or special added attractions as advertised; to pay the contestants their contractual guarantee, or percentage; or the failure of a promoter to live up to his or her agreement with his or her contestants or performers who did perform as scheduled is prohibited and violations shall be referred to an investigative hearing of the commission for disciplinary action.

(b) **Contestant Failure to Perform.** The failure of a contestant under contract with a licensed promoter to perform according to the terms of said contract; or the failure of a contestant to live up to his or her agreement with a person to

which the contestant is under contractual agreement is prohibited. Violations shall be referred to an investigative hearing of the commission for disciplinary action.

(c) **Violation: Penalties.**

(i) Violation of either paragraph (a) or (b) within this subsection may, for the first offense, be grounds for administrative suspension of not less than 90 days and a fine of not more than the contracted purse amount disclosed on the bout agreement or contract. Violations shall be referred to an investigative hearing of the commission for disciplinary action.

(ii) The second and/or any subsequent violation by any person of either paragraph (a) or paragraph (b) within this subsection may, in addition to any suspension by the commission, subject the violator to a fine of not more than the contracted purse amount as disclosed on the bout agreement or contract plus not more than an additional \$10,000. Said fine to be imposed by the commission. Violations shall be referred to an investigative hearing by the commission for disciplinary action. Additional disciplinary action may be imposed.

(iii) Any person or license holder violating on three or more occasions either sub-paragraph (a) or sub-paragraph (b) within this subsection shall have his or her license suspended indefinitely. Provided however that any action by the commission to enforce or attempt to enforce the provisions of this sub-paragraph will be taken only after notice and hearing according to the Alabama Administrative Procedure Act.

Author: Casey C. Sears

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

History: New Rule: Filed February 10, 2012; effective March 16, 2012.