

PUBLIC PROTECTION CABINET
Kentucky Boxing and Wrestling Commission
(Amendment)

201 KAR 27:005. Definitions for 201 KAR Chapter 27.

RELATES TO: KRS 229.011, 229.031, 229.111, 229.131, 229.155, 229.171(1)

STATUTORY AUTHORITY: KRS 229.171(1), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 229.171(1) authorizes the commission to exercise sole control, authority, and jurisdiction over all unarmed combat shows in the commonwealth. KRS 229.171(2) authorizes the commission to promulgate administrative regulations it considers necessary or expedient for the performance of its functions provided in KRS Chapter 229. This administrative regulation establishes the definitions used in 201 KAR Chapter 27.

Section 1. Definitions.

- (1) "Battle royal" means an unarmed combat show involving more than two (2) contestants competing in a "last man standing wins" format.
- (2) "Bout" means a single competition or exhibition of unarmed combat pitting two (2) opponents against one another in which the contestants strive earnestly and in good faith to win, are judged, and a winner declared.
- (3) "Boxing" is defined by KRS 229.011(2).
- (4) "Card" means a series of bouts, matches, or exhibitions scheduled or occurring as part of a single program.
- (5) "Commission" is defined by KRS 229.011(3).
- (6) "Contestant" means any person engaging in a show of unarmed combat coming under the commission's jurisdiction.
- (7) "Exhibition" is defined by KRS 229.011(4).
- (8) "Grounded Opponent" means a contestant participating in a match or bout who has any part of the body, other than the sole of the feet, touching the floor of the fenced area prescribed by 201 KAR 27:016 Section 5(4). To be found to be grounded by a referee in accordance with 201 KAR 27:016 Section 18, a flat palm of one hand must be down, or any other body part must be touching the fighting area floor, other than the sole of the feet. For example, a single knee or arm makes the fighter grounded without having to have any other body part in touch with the fighting area floor. The referee shall have the sole authority to determine whether a contestant is a grounded opponent in accordance with this definition.
- (9) ~~[(8)]~~ "Healthcare professional" means any person licensed in Kentucky as a physician, chiropractor, podiatrist, nurse practitioner, physician assistant, registered nurse, physical therapist, paramedic, emergency medical technician, or athletic trainer.
- (10) ~~[(9)]~~ "Inspector" means any person assigned by the executive director of the commission or the executive director's designee to supervise shows coming under the commission's jurisdiction.
- (11) ~~[(10)]~~ "Judge" means an official licensed by the commission to score bouts and cast a vote in determining the winner of any bout.
- (12) ~~[(11)]~~ "Kickboxing" is defined by KRS 229.011(5).
- (13) ~~[(12)]~~ "Manager":
 - (a) Means a person who:
 1. Undertakes to represent the interest of another person, in procuring, arranging, or conducting a professional bout or exhibition in which the person is to participate as a contestant;
 2. Directs or controls the professional unarmed combat activities of a contestant;

3. Receives or is entitled to receive ten (10) percent or more of the gross purse or gross income of any professional contestant for services relating to participation of the contestant in a professional bout or exhibition; or
4. Receives compensation for service as an agent or representative of a bout; and
- (b) Does not mean an attorney licensed to practice in this state if his or her participation in these activities is restricted solely to legal representation of the interests of a contestant as his or her client.
- ~~(14)~~ ~~[(13)]~~ "Match" means a single event or exhibition in wrestling pitting two (2) or more opponents against one another.
- ~~(15)~~ ~~[(14)]~~ "Medical advisory panel" means the Kentucky Boxing and Wrestling Medical Advisory Panel created by KRS 229.260.
- ~~(16)~~ ~~[(15)]~~ "Mixed martial arts" is defined by KRS 229.011(6).
- ~~(17)~~ ~~[(16)]~~ "Promoter" means any individual, corporation, association, partnership, or club that is licensed to promote or conduct professional boxing, wrestling, mixed martial arts, or kickboxing shows within the commonwealth and who is responsible for the arranging, organizing, matchmaking, and booking of a show.
- ~~(18)~~ ~~[(17)]~~ "Ring official" means any person who performs an official function during a bout, match, or exhibition, including an announcer, judge, healthcare professional, referee, or timekeeper.
- ~~(19)~~ ~~[(18)]~~ "Second" means any person aiding, assisting, or advising a contestant during a show.
- ~~(20)~~ ~~[(19)]~~ "Serious physical injury" means physical injury that creates a substantial risk of death or causes serious and prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ.
- ~~(21)~~ ~~[(20)]~~ "Show" is defined by KRS 229.011(9).
- ~~(22)~~ ~~[(21)]~~ "Technical knockout" means the ending of a bout by the referee or physician on the grounds of one (1) contestant's inability to continue, the opponent being declared the winner.
- ~~(23)~~ ~~[(22)]~~ "Trainer" means any person who participates in the guidance and instruction of any contestant so as to make that individual proficient or qualified to engage in unarmed combat, if the training occurs within this commonwealth.
- ~~(24)~~ ~~[(23)]~~ "Unarmed combat" is defined by KRS 229.011(10).
- ~~(25)~~ ~~[(24)]~~ "Wrestling event staff" means anyone other than a wrestler or referee permitted to be inside the six (6) foot barrier around the ring during a wrestling event. This is to certify that the Kentucky Boxing and Wrestling Commission has reviewed and recommended this administrative regulation, as required by KRS 229.025 and KRS 229.171.

MATT BYRD, Executive Director
RAY A. PERRY, Secretary

APPROVED BY AGENCY: June 14, 2023
FILED WITH LRC: June 15, 2023 at 10 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Thursday, August 24, 2023, at 1:00 PM Eastern Time at the Mayo-Underwood Building, Room 133CE, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you

do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through August 31, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Doug Hardin, Staff Attorney, Kentucky Boxing and Wrestling Commission, 500 Mero Street 218 NC, Frankfort, Kentucky 40601, phone (502) 782-8204, fax (502) 573-6625, email doug.hardin@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Doug Hardin, Staff Attorney

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This regulation provides definitions for terms used throughout the Kentucky Boxing and Wrestling Commission's administrative regulations.

(b) The necessity of this administrative regulation:

This regulation is necessary to clearly articulate the regulatory requirements established in Kentucky Boxing and Wrestling Commission's administrative regulations.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 229.025 authorizes and requires the Commission to promulgate administrative regulations for licensing participants, officials, and physicians for unarmed combat shows.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

The Boxing & Wrestling Commission is charged with the responsibility of licensing and regulating unarmed combat shows. This administrative regulation is necessary to clearly articulate the definitions for terms used in the administrative regulations.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

This amendment corrects some typographical errors, clarifies language in some of the existing definitions, and adds a definition for "grounded opponent."

(b) The necessity of the amendment to this administrative regulation:

"Grounded opponent" was not previously defined, and this is a term that should be clearly defined with objective criteria to ensure fairness and consistency in matches and bouts across the Commonwealth.

(c) How the amendment conforms to the content of the authorizing statutes:

These amendments conform to the content of the authorizing statute because this regulation sets forth licensing requirements as permitted by KRS 229.025

(d) How the amendment will assist in the effective administration of the statutes:

The amendments provide better terminology and objective standards for the terms defined.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

As of February 2023, the Boxing & Wrestling Commission licenses and regulates over 800 licensees that will be affected by this administrative regulation, as follows: Over 679 licensed contestants (includes boxers, kickboxers, amateur mixed martial artists, professional mixed martial artists, and wrestlers); Over 185 licensed non-contestants (includes judges, trainers, managers, referees, timekeepers, and seconds). Over 6 licensed medical providers (includes physicians and healthcare professionals) Over 40 licensed promoters

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

Participants and officials will need to understand the definition of "grounded opponent" in order to adequately participate in or officiate matches and bouts.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

These amendments will impose no new costs on licensees or other participants.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

These amendments will impose no new costs on licensees or other participants.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

There will be no additional cost to the Commission to implement this administrative regulation initially.

(b) On a continuing basis:

There will be no additional cost to the Commission to implement this administrative regulation on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

There is no additional funding necessary to implement this amendment to the administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

The implementation of this administrative regulation requires no increase in fees or funding. The compensation required by this amendment is paid by licensed promoters.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This administrative regulation neither directly nor indirectly increases any fees.

(9) TIERING: Is tiering applied?

No, tiering is not applied because the definitions set forth in this administrative regulation apply equally to all licensees and participants.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Kentucky Boxing & Wrestling Commission is the agency responsible for implementing this regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 229.025, 229.031, 229.055, 229.111, 229.131, 229.155, 229.171, 15 U.S.C. 6304, 6305(a), (b)

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

This administrative regulation is not intended to generate revenue for any state or local government agency.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

This administrative regulation is not intended to generate revenue for any state or local government agency.

(c) How much will it cost to administer this program for the first year?

There is no cost to administer this administrative regulation for the first year.

(d) How much will it cost to administer this program for subsequent years?

There is no cost to administer this administrative regulation for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):None

Expenditures (+/-):None

Other Explanation:

None

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

This administrative regulation is not intended to generate cost savings for regulated entities in the first year, except that certain licensed charitable gaming facilities will have a reduced annual fee if they do not host regularly scheduled bingo sessions.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

This administrative regulation is not intended to generate cost savings for regulated entities in the first year.

(c) How much will it cost the regulated entities for the first year?

This administrative regulation is not intended to generate costs for regulated entities in the first year.

(d) How much will it cost the regulated entities for subsequent years?

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):None

Expenditures (+/-):None

Other Explanation:

None

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)]. This administrative regulation is not intended or anticipated to have a major economic impact as defined by KRS 13A.010(13).