

PUBLIC PROTECTION CABINET
Kentucky Boxing and Wrestling Commission
(Amendment)

201 KAR 27:008. License requirements and fees.

RELATES TO: KRS 229.025, 229.035, 229.065, 229.171, Chapter 311, 15 U.S.C. 6304, 6305

STATUTORY AUTHORITY: KRS 229.025, 229.035, 229.065, 229.171, 15 U.S.C. 6304, 6305

NECESSITY, FUNCTION, AND CONFORMITY: KRS 229.171(1) authorizes the commission to exercise sole control, authority, and jurisdiction over all unarmed combat shows to be conducted, held, or given within 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. KRS 229.025(3) requires the commission to promulgate administrative regulations to establish license types, the eligibility requirements for each license type, the expiration date of each license type, the annual license fee, and method for submitting all applications for licensure. KRS 229.025(2) prohibits participation in an unarmed combat show in any capacity without holding a license issued by the commission. KRS 229.035 requires a promoter license and a bond approved as to form and sufficiency of sureties by the commission. KRS 229.065 requires a license by the commission for wrestling training. 15 U.S.C. 6304 requires protection of the health and safety of boxers, and includes requirements for a physical examination, a physician to be present at ringside, an ambulance or resuscitation equipment, and health insurance coverage. 15 U.S.C. 6305 requires the commission to issue an identification card to each professional boxer who registers with the commission. This administrative regulation establishes license requirements and fees for persons who conduct activities regulated by the commission.

Section 1. General Provisions.

- (1) A person shall not participate in an unarmed combat show or exhibition unless the person is licensed by the commission.
- (2) Each license shall be separate. A person shall not use a license in one (1) capacity or sport to serve in a different capacity or sport, except:
 - (a) A manager may act as a second; and
 - (b) A contestant may act as a second.
- (3)
 - (a) A promoter license shall be valid for one (1) year from the date of issuance.
 - (b) All other licenses shall be valid from January 1 through December 31.
- (4) Information provided on or with a license application shall be complete and correct. Any false statement of a material matter shall be grounds for:
 - (a) Denial of a license; or
 - (b) If the license has been issued, suspension, probation, or revocation of the license.
- (5) The commission may require an applicant to appear before the commission to answer questions or provide documents in conjunction with an application for a license if:
 - (a) The person has not been licensed by the commission within the previous five (5) years;
 - (b) The person has a history of violations in any jurisdiction;
 - (c) The applicant has not fully completed the required application; or
 - (d) The applicant's written submissions have not met the applicant's burden of proof to prove his or her qualifications for a license.

(6) A licensee shall be governed by KRS Chapter 229 and 201 KAR Chapter 27 and shall be subject to any event-related orders given by the commission or an inspector.

Section 2. Licenses, Applications, and Fees.

(1) The applicant shall complete the appropriate application as established in the table in subsection (2) of this section. The application shall be signed by the applicant under penalty of perjury.

(2) The following applications and non-refundable annual fees shall be required before any person may be licensed:

(a) Boxing and kickboxing licenses:

Boxing and Kickboxing License Type	License Application Required	License Fee
Boxer	<u>Boxing-MMA</u> Contestant Application	<u>\$40</u> [\$25]
Kickboxer	<u>Boxing-MMA</u> Contestant Application	<u>\$40</u> [\$25]
Manager	Non-Contestant Application	<u>\$40</u> [\$25]
Trainer	Non-Contestant Application	<u>\$40</u> [\$25]
Second	Non-Contestant Application	<u>\$40</u> [\$25]
Referee	<u>Referee</u> [Non-Contestant] Application	<u>\$40</u> [\$25]
Judge	Non-Contestant Application	<u>\$40</u> [\$25]
Timekeeper	Non-Contestant Application	<u>\$40</u> [\$25]

(b) Mixed martial arts licenses:

Mixed Martial Arts License Type	License Application Required	License Fee
Professional mixed martial artist	<u>Boxing-MMA</u> Contestant Application	<u>\$40</u> [\$25]
Amateur mixed martial artist	<u>Boxing-MMA</u> Contestant Application	<u>\$40</u> [\$25]
Manager	Non-Contestant Application	<u>\$40</u> [\$25]
Trainer	Non-Contestant Application	<u>\$40</u> [\$25]
Second	Non-Contestant Application	<u>\$40</u> [\$25]
Referee	<u>Referee</u> [Non-Contestant] Application	<u>\$40</u> [\$25]
Judge	Non-Contestant Application	<u>\$40</u> [\$25]
Timekeeper	Non-Contestant Application	<u>\$40</u> [\$25]

(c) Wrestling licenses:

Wrestling License Type	License Application Required	License Fee
Wrestler	<u>Wrestler</u> [Contestant] Application	<u>\$40</u> [\$25]
Referee	<u>Referee</u> [Non-Contestant] Application	<u>\$40</u> [\$25]

Wrestling event staff	Non-Contestant Application	\$40 [\$25]
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(d) Promoter license:

Promoter License Type	License Application Required	License Fee
Promoter	Promoter Application	\$300

(e) Medical Provider licenses:

Medical Provider License Type	License Application Required	License Fee
Physician	Medical Provider Application	\$40 [\$25]
Healthcare Professional	Medical Provider Application	\$40 [\$25]

(f) For all application fees, applicants that do not submit license applications via the eServices option on the Commission's Web site shall pay an additional processing fee of ten (10) dollars.

Section 3. Health Physical and Application Timing Requirements.

(1) The following applicants for licensure shall submit the form Physical Report to demonstrate the results of a physical that was completed by a physician not more than ninety (90) days before the licensing application is submitted:

- (a) Boxer;
- (b) Kickboxer;
- (c) Professional mixed martial artist;
- (d) Amateur mixed martial artist;
- (e) Boxing and kickboxing referee; and
- (f) Mixed martial arts referee.

(2) An applicant for licensure as a wrestler or wrestling referee shall submit the form Physical Report to demonstrate the results of a physical that was completed by a physician not more than (90) days before the licensing application is submitted if the applicant:

- (a) Has not held a wrestler license in the past two (2) years;
- (b) Is forty-five (45) years of age or older; or
- (c) Has had an in-patient surgical procedure or overnight hospital stay in the past one (1) year.

(3) An applicant who is subject to subsection (1) or ~~subsection (2)~~ of this section shall submit his or her physical and bloodwork to the commission no less than two (2) business days prior to the applicant's first event.

Section 4. Determination of Ability to Obtain a License as a Contestant.

(1) An applicant for a license as a boxer, kickboxer, or professional mixed martial artist shall demonstrate the ability to:

- (a) Be competitive in the sport; and
- (b) Compete without the risk of serious physical injury.

(2) An applicant for a license as a wrestler or an amateur mixed martial artist shall demonstrate that the applicant has the ability to compete without the risk of serious physical injury.

(3)

(a) Individual consideration from a member of the medical advisory panel shall be required if an applicant for licensure as a boxer, kickboxer, professional mixed martial artist, or amateur mixed martial artist:

1. Is thirty-eight (38) or more years old;
2. Has accrued six (6) consecutive losses;
3. Has lost more than twenty-five (25) fights in his or her career;
4. Has fought in 350 or more career rounds;
5. Has lost more than five (5) bouts by knockout in his or her career; or
6. Has been inactive for more than thirty (30) months.

(b) A member of the medical advisory panel may order additional medical testing if the medical evidence before it is inconclusive or incomplete.

(c) The medical advisory panel or member of the panel shall report its recommendation to the commission within forty-five (45) days of being referred a physical.

Section 5. Medical Provider License.

(1) An applicant for a physician license shall be a physician licensed pursuant to KRS Chapter 311.

(2) A person licensed or seeking licensure as a physician or healthcare professional shall maintain an active license in his or her field of practice and certification to administer cardiopulmonary resuscitation.

Section 6. Promoter License. An applicant for licensure as a promoter shall obtain a \$10,000 Surety bond. To obtain a surety the applicant shall complete and have notarized the Promoter Bond Form.

Section 7. Change from Amateur Status to Professional Status.

(1) The commission shall consider the applicant's previous fighting experience in deciding whether to permit a person licensed as an amateur to become a professional. This consideration shall include the:

- (a) Number of sanctioned bouts the applicant has competed in;
- (b) Number of sanctioned rounds the applicant has competed in;
- (c) Date of the applicant's bouts;
- (d) Applicant's performance in previous bouts, including the applicant's win-loss record; and
- (e) Level of competition the applicant has competed against.

(2) A person shall not be licensed as a professional unless the person has fought in a minimum of three (3) bouts.

(3) A licensee who seeks to change his or her status from amateur to professional shall submit his or her license application to the commission no less than fifteen (15) calendar days prior to the applicant's first professional event.

Section 8. Boxer's Federal Identification Card.

(1) To obtain a boxer's federal identification card, an applicant shall complete and submit to the commission a Boxer's Federal Identification Card Application.

(2) The fee for a boxer's federal identification card shall be ten (10) dollars, which shall be submitted with the Boxer's Federal Identification Card Application.

(3) The boxer's federal identification card shall be valid for four (4) years from the date issued.

Section 9. Change of address. A licensee shall provide his or her new address to the commission within thirty (30) days of a change in address.

Section 10. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "Boxing-MMA Contestant Application", June 2023~~[November, 2019]~~;

- (b) "Wrestler Contestant Application", June 2023;
- (c) ~~[(b)]~~ "Non-Contestant Application", June 2023~~[November, 2019];~~
- (d) ~~[(c)]~~ "Promoter Application", June 2023~~[November, 2019];~~
- (e) ~~[(d)]~~ "Medical Provider Application", June 2023~~[November, 2019];~~
- (f) ~~[(e)]~~ "Physical Report", June 2023~~[November, 2019];~~
- (g) ~~[(f)]~~ "Promoter Bond Form", June 2023~~[November, 2019];~~~~[and]~~
- (h) ~~[(g)]~~ "Boxer's Federal Identification Card Application", June 2023~~[November, 2019];~~ and
- (i) "Referee Application", June 2023.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Boxing and Wrestling Commission office at 500 Mero St, 218NC, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m., and is available online at <http://kbwa.ky.gov/Pages/Appsforms.aspx>.

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.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Doug Hardin, Staff Attorney, Kentucky Boxing & Wrestling Commission
Phone: (502) 782-8204 **Email:** doug.hardin@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This regulation establishes general requirements for licensing and establishes application fees for various licensing applications.

(b) The necessity of this administrative regulation:

This regulation is necessary so that the Boxing & Wrestling Commission may establish licensing standards and fee schedules for unarmed combat shows in Kentucky, which are authorized pursuant to KRS 229.025.

(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 establishes the process and forms necessary for licensure of participants, officials, and physicians. The regulation further establishes standards for compensation, pre-fight procedures, ring size, equipment and attire, weight classes, fight length, judging and scoring, and insurance.

(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 reflects changes made to license application forms and new forms. These amendments will also increase the application fee for all license applications except for promoter licenses from \$25 to \$40, plus a \$10 processing fee for applications that are not submitted electronically.

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

The commission created separate application forms for wrestlers apart from the form used for boxers and mixed martial artists, which were formerly contained on the same application form. Similarly, the commissioner has created a separate license application form for referees apart from other non-contestant application forms. The increase in license application fees was necessary to ensure that the Commission continues to have an adequate source of revenue to continue to meet its operational expenses and to ensure that Kentucky's fees are comparable to fees charged for similar licenses in other jurisdictions.

(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 separate application forms are intended to be more user-friendly for applicants and aid the Commission in more efficiently reviewing and processing applications. The increase in license application fees was necessary to ensure that the Commission continues to have an adequate source of revenue to continue to meet its operational expenses

(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); and •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:

Individuals applying for licensure as a wrestler or referee will have new forms specific to the license for which they are applying. All applicants except promoters will see an increase in the application fee from \$25 to \$40 with a \$10 processing fee for applications that are not submitted electronically.

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

For every license type except promoter, the application fee is \$40 with an additional \$10 processing fee for applications that are not submitted electronically. This is an increase from the \$25 fee that the Commission currently charges these applicants. The application fee for promoters is \$300.

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

Applicants that successfully complete and submit these applications who meet qualification standards will receive licenses to participate in unarmed combat events.

(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:

Although this amendment increases fees for license applications, 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:

These amendments will increase the application fee for all license applications except for promoter licenses from \$25 to \$40, plus a \$10 processing fee for applications that are not submitted electronically.

(9) TIERING: Is tiering applied?

(Explain why or why not): For every license type except promoter, the application fee is \$40, plus a \$10 processing fee for applications that are not submitted electronically. The application fee for promoters is \$300.

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 imposes license application fees on applicants, which is used

(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 amendment is not intended and not likely to result in cost savings for regulated entities This regulation will increase application fees for regulated entities.

(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?

The application fee for all licensees other than promoters will increase from \$25 to \$40, plus a \$10 processing fee for applications not submitted through the Commission's website.

(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). SUMMARY OF MATERIAL INCORPORATED BY REFERENCE IN 201 KAR 27.008 The following material is incorporated by reference in 201 KAR 27:008 "Boxing-MMA Contestant Application", June 2023; licensure form for contestants that intend to participate in boxing, kickboxing, or mixed martial arts; two (2) page form; "Wrestler Application", June 2023; licensure form for contestants that intend to participate in wrestling shows; two (2) page form; "Non-Contestant Application," June 2023; licensure form for contestants that intend to participate in wrestling shows; two (2) page form; "Promoter Application", June 2023; licensure form for individuals that intend to promote boxing, kickboxing, mixed martial arts, or wrestling shows; three (3) page form; "Medical Provider Application", June 2023; licensure form for individuals that intend to serve as medical providers for boxing, wrestling, and mixed martial arts. "Physical Report", June 2023; examination form to be completed by a medial provider to indicate whether an applicant is medically fit to compete in a boxing, kickboxing, wrestling, or mixed martial arts event; four (4) page form; "Promoter Bond Form", June 2023; form to be used by a promoter certifying that the promoter has filed a bond of \$10,000 for the event that is being promoted, as required by KRS 229.035; two (2) page form; "Boxer's Federal Identification Card Application", June 2023; form used to obtain a federal identification card for professional boxing, which is required by federal law in order to participate in professional boxing; three (3) page form; and "Referee Application", June 2023; licensure form for individuals that intend to participate as referees in boxing, wrestling, or mixed martial arts; two (2) page form. SUMMARY OF CHANGES TO MATERIAL INCORPORATED BY REFERENCE "Boxing-MMA Contestant Application", June 2023. This is a two (2) page form that the Commission is authorized to develop pursuant to KRS 229.025 and 229.171. The form has been reformatted to make it more user-friendly. Additionally, the provisions related to wrestling were removed and included in a separate form, and the option to apply as an elimination event contestant was removed. The form now only requires the applicant to

provide the last four digits of a Social Security Number, rather than all nine digits. It requires only one field for a phone number instead of having separate lines for home and work phone numbers, and it removes lines for the applicant's occupation, employer, employer address, and the name of the promotion under which the applicant will be working or training. The form now includes a field for an applicant to submit a "ring name," or a pseudonym to be used in competition. Information related to the applicant's competition history has been modified: the form now requires the applicant to submit both his or her amateur and professional record and the date the last time the contestant was knocked out, but it no longer requires the name of the applicant's previous opponent. The form also replaces the seal at the top with an updated PPC logo. The form also reflects the updated application fee. "Wrestler Application", June 2023. This is a two (2) page form that the Commission is authorized to develop pursuant to KRS 229.025 and 229.171. The form has been reformatted to make it more user-friendly. Previously the Commission used one form for all contestants, but now requires separate forms for wrestler applicants. Information on the previous contestant form that is not relevant to wrestlers, such as most recent knock out date, and won-lost record has been removed. The form also reflects the updated application fee. "Non-Contestant Application," June 2023. This is a two (2) page form that the Commission is authorized to develop pursuant to KRS 229.025 and 229.171. The provisions related to referee applicants have been removed and included in a separate application specifically for referees. The updated form adds a line for "wrestling manager," removes lines for home and work telephone numbers, requires email addresses for all applicants, and changes the Social Security Number field to only require the last four digits. Lines on the application asking for an explanation for why the applicant should be granted the license, whether the applicant has ever held a license in the past, and whether that license has ever been suspended have been removed. Instead of asking whether the applicant has ever held a license, it asks if the applicant currently holds a license. Instead of asking if the applicant has ever been convicted of a felony, it asks if the applicant has ever been convicted of an offense other than a traffic violation. The form also reflects the updated application fee. "Promoter Application", June 2023. This is a five (5) page form that the Commission is authorized to develop pursuant to KRS 229.025 and 229.171. The header has been reformatted to include the Commission's contact information and an updated PPC logo. One of the options for the applicant to select what type of license has been updated from "Boxing (includes Kickboxing and Elimination Events)" to "Boxing/Kickboxing." "Medical Provider Application", June 2023; This is a two (2) page form that the Commission is authorized to develop pursuant to KRS 229.025 and 229.171. The header has been reformatted include the Commission's contact information and the updated PPC logo. The form also reflects the updated application fee. "Physical Report", June 2023. This is a four (4) page form that the Commission is authorized to develop pursuant to KRS 229.025 and 229.171. The header has been reformatted to include the Commission's contact information and an updated PPC logo. "Promoter Bond Form", June 2023. This is a five (3) page form that the Commission is authorized to develop pursuant to KRS 229.025 and 229.171. The header has been reformatted to include the Commission's contact information and an updated PPC logo. "Boxer's Federal Identification Card Application", June 2023. This is a three (3) page form that the Commission is authorized to develop pursuant to KRS 229.025 and 229.171. The header has been reformatted to include the Commission's contact information and an updated PPC logo. "Referee Application", June 2023. This is a three (3) page form the Commission is authorized to develop pursuant to KRS 229.025. This is a new form; referee applicants previously applied using the non-contestant application. The form also reflects the updated application fee.

