

PUBLIC PROTECTION CABINET
Boxing and Wrestling Commission
(Amended After Comments)

201 KAR 27:023. Drug testing for boxing, kickboxing, mixed martial arts, and wrestling, ~~and elimination event~~ shows.

RELATES TO: KRS ~~229.025, 229.071, 229.081, 229.091,~~ 229.111, 229.171, ~~229.180,~~
~~229.200, 229.991, EO 2016-270~~

STATUTORY AUTHORITY: KRS 229.171, ~~229.180~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 229.171(1) authorizes the ~~commission~~ ~~authority~~ to exercise sole jurisdiction over all boxing, kickboxing, mixed martial arts, and wrestling shows, exhibitions, and licensees in the commonwealth. ~~Executive Order 2016-270, effective May 16, 2016, abolished the Kentucky Boxing and Wrestling Authority and established the Kentucky Boxing and Wrestling Commission.~~ This administrative regulation establishes the policies, procedures, and penalty guidelines associated with drug testing for participants in boxing, kickboxing, mixed martial arts, and wrestling, ~~and elimination event~~ shows and exhibitions.

Section 1. Definitions.

- (1) "In-competition" means the period commencing twelve (12) hours before the beginning of a bout, match, or exhibition of unarmed combat in which the licensee is scheduled to participate through the end of the bout, match, or exhibition and the sample collection process related to the bout match or exhibition.
- (2) "Out-of-competition" means any period that is not in-competition.
- (3) "Prohibited List" means the World Anti-Doping Agency Prohibited List dated January 2024.

Section 2. Applicability. This administrative regulation shall apply to all contestants, judges, and referees in boxing, kickboxing, mixed martial arts, wrestling, and elimination events.

Section 3. Prohibitions.

- (1) The Prohibited List shall be used in conjunction with this administrative regulation.
- (2) Except as established in Section 4 of this administrative regulation, the substances and methods listed in the following classes of the Prohibited List shall be prohibited in-competition and out-of-competition:
 - (a) S0. Non-approved substances;
 - (b) S1. Anabolic agents;
 - (c) S2. Peptide hormones, growth factors, and related substances and mimetics;
 - (d) S3. Beta-2 agonists;
 - (e) S4. Hormone and metabolic modulators;
 - (f) S5. Diuretics and masking agents;
 - (g) M1. Manipulation of blood and blood components;
 - (h) M2. Chemical and physical manipulation; and
 - (i) M3. Gene Doping.
- (3) Except as established in Section 4 of this administrative regulation, the following substances listed in the Prohibited List shall be prohibited only while a licensee is in-competition:
 - (a) S6. Stimulants;
 - (b) S7. Narcotics;
 - (c) S8. Cannabinoids;
 - (d) S9. Glucocorticoids; and
 - (e) P1. Alcohol.

Section 4. Approved Substances. The following types of drugs or injections are approved:

- (1) Antacids, such as Maalox;
- (2) Antibiotics, antifungals, or antivirals for which the licensee has a prescription;
- (3) Antidiarrheals, such as Imodium, Kaopectate, or Pepto-Bismol;
- (4) Antihistamines for colds or allergies, such as Bromphen, Brompheniramine, Chlorpheniramine Maleate, Chlor-Trimeton, Dimetane, Hismal, PBZ, Seldane, Tavist-1, or Teldrin;
- (5) Antinauseants, such as Dramamine or Tigan;
- (6) Antipyretics, such as Tylenol;
- (7) Antitussives, such as Robitussin, if the antitussive does not contain codeine;
- (8) Antiulcer products, such as Carafate, Pepcid, Reglan, Tagamet, or Zantac;
- (9) Asthma products in aerosol form, such as Brethine, Metaproterenol (Alupent), or Salbutamol (Albuterol, Proventil, or Ventolin);
- (10) Asthma products in oral form, such as Aminophylline, Cromolyn, Nasalide, or Vanceril;
- (11) Ear products, such as Auralgan, Cerumenex, Cortisporin, Debrox, or Vosol;
- (12) Hemorrhoid products, such as Anusol-HC, Preparation H, or Nupercainal;
- (13) Laxatives, such as Correctol, Doxidan, Dulcolax, Efferyllium, Ex-Lax, Metamucil, Modane, or Milk of Magnesia;
- (14) Nasal products, such as AYR Saline, HuMist Saline, Ocean, or Salinex; and
- (15) The following decongestants and any decongestant that is pharmaceutically similar:
 - (a) Afrin; or
 - (b) Oxymetazoline HCL Nasal Spray.

Section 5. Testing Requirement. (1) A licensed boxer, kickboxer, professional mixed martial artist, amateur mixed martial artist, wrestling, or elimination event contestant, judge, or referee shall submit to a blood test, urinalysis, or chemical test at any time, in-competition or out-of-competition, if the commission or a representative of the commission directs him or her to do so.

Section 6. Violations and Penalties.

- (1) A licensee who violates any provision of this administrative regulation shall be subject to a penalty issued by the commission.
- (2) A blood test shall not be required within seven (7) days of the bout, competition, or exhibition unless directed by the commission upon finding of probable cause that a violation of Section 3 of this administrative regulation has occurred.
- (3)
 - (a) In addition to any other penalty issued by the commission, if a contestant who won or drew a bout is found to have violated the provisions of this administrative regulation, the commission may change the result of that bout to a no decision loss if the commission finds that the drug used may have affected the result.
 - (b) A note shall be placed on the contestant's record that the change in decision was the result of testing positive for a banned substance or prohibited method.
- (4) The commission shall investigate each alleged violation of this administrative regulation.

Section 7. Penalty Guidelines. The guidelines for use in determining a penalty pursuant to 201 KAR 27:105, Section 3 shall be as follows:

- (1) For cannabis or cannabinoids:
 - (a) 1st offense: six (6) month suspension and a fine of fifty (50) dollars;
 - (b) 2nd offense: twelve (12) month suspension and a \$100 fine;
 - (c) 3rd offense: twenty-four (24) month suspension and a \$250 fine; or
 - (d) 4th offense: lifetime ban and a \$500 fine;

- (2) For sedatives, muscle relaxants, sleep aids, anxiolytics, opiates, or opioids:
 - (a) 1st offense: eighteen (18) month suspension and a \$100 fine;
 - (b) 2nd offense: twenty-four (24) month suspension and a \$250 fine;
 - (c) 3rd offense: thirty-six (36) month suspension and a \$500 fine; or
 - (d) 4th offense: lifetime ban and a \$1,000 fine;
- (3) For diuretics being used to cut weight:
 - (a) 1st offense: twenty-four (24) month suspension and a \$250 fine;
 - (b) 2nd offense: thirty-six (36) month suspension and a \$500 fine; or
 - (c) 3rd offense: lifetime ban and a \$1,000 fine;
- (4) For stimulants:
 - (a) 1st offense: twenty-four (24) month suspension and a \$250 fine;
 - (b) 2nd offense: thirty-six (36) month suspension and a \$500 fine; or
 - (c) 3rd offense: lifetime ban and a \$1,000 fine;
- (5) For anabolic steroids:
 - (a) 1st offense: thirty-six (36) month suspension and a \$500 fine;
 - (b) 2nd offense: forty-eight (48) month suspension and a \$750 fine; or
 - (c) 3rd offense: lifetime ban and a \$1,000 fine; or
- (6) For avoiding or refusing testing or detection, altering or adulterating a urine or blood sample, providing a urine or blood sample not from the contestant, or using any masking agent:
 - (a) 1st offense: forty-eight (48) month suspension and a \$750 fine; or
 - (b) 2nd offense: lifetime ban and a \$1,000 fine.

Section 8. Incorporation by Reference.

- (1) "World Anti-Doping Agency Prohibited List", January 2024, is incorporated by reference.
- (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 <https://www.wada-ama.org/en/resources/world-anti-doping-code-and-international-standards/prohibited-list>.

MATT BYRD, Executive Director
RAY A. PERRY, Secretary

APPROVED BY AGENCY: August 15, 2024

FILED WITH LRC: August 15, 2024 at 10:35 a.m.

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REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Doug Hardin

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This regulation establishes definitions, procedures, and penalties related to drug testing and prohibited substances for unarmed combat events.

(b) The necessity of this administrative regulation:

This regulation is necessary to have clear guidelines, procedures, and penalties for banned substances and procedures for testing to ensure that contestants are not using banned substances.

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

KRS 229.171 vests the Commission with sole jurisdiction over boxing, kickboxing, mixed martial arts, and wrestling shows.

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

Clear testing procedures will ensure that licensees compete safely and in compliance with the law.

(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:

N/A

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

N/A

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

N/A

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

N/A

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

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:

This regulation provides licensees with a list of banned substances that contestants must refrain from ingesting prior and procedures that contestants must comply with

to ensure they are not using a banned substance.

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

There will be no cost to these licensees to comply with the regulation.

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

A clear list of banned substances with clear testing procedures and penalties for violations will provide licensees with guidance for how to train and prepare for competitions and ensure that competitions are as fair and safe as possible.

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

(a) Initially:

There will be no new costs to the Commission or its licensees.

(b) On a continuing basis:

There will be no new costs to the Commission or its licensees.

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

The Commission purchases drug testing kits as part of its ordinary operating budget, which is funded by licensee fees and the promoter tax on ticket sales to shows and events.

(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:

No additional funding will be necessary to implement this regulation.

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

This administrative regulation does not increase any fees.

(9) TIERING: Is tiering applied?

Tiering does not apply because the list of banned substances testing procedures, and penalties equally apply to all licensees.

FISCAL IMPACT STATEMENT

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

KRS 229.171 vests the Commission with sole jurisdiction over boxing, kickboxing, mixed martial arts, and wrestling shows.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:

Kentucky Boxing & Wrestling Commission

(a) Estimate the following for the first year:

Expenditures:None

Revenues:None

Cost Savings:None

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

This regulation is not likely to affect any local government entities.

(a) Estimate the following for the first year:

Expenditures:None

Revenues:None

Cost Savings:None

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

The Commission does not anticipate any expenditures, revenue, or cost savings related to this regulation.

(4) Identify additional regulated entities not listed in questions (2) or (3):

The Commission's licensees, particularly contestants and promoters, will be affected by this regulation.

(a) Estimate the following for the first year:

Expenditures:None.

Revenues:None

Cost Savings:None

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

The Commission does not anticipate any expenditures, revenue, or cost savings related to this regulation.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

This regulation is not likely to have a significant fiscal impact.

(b) Methodology and resources used to determine the fiscal impact:

The Commission already employs inspectors. This regulation will not result in any new employee hires.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)

This regulation will likely have no economic impact on these entities.

(b) The methodology and resources used to reach this conclusion:

The costs associated with drug testing are already included in the Commission's ordinary operations budget.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate.

N/A

(2) State compliance standards.

N/A

(3) Minimum or uniform standards contained in the federal mandate.

N/A

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?

N/A

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.

N/A