

PUBLIC PROTECTION CABINET
Boxing and Wrestling Commission
(New Administrative Regulation)

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

RELATES TO: KRS 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 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, 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: April 12, 2024

FILED WITH LRC: May 13, 2024 at 10:40 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 29, 2024, at 1:00 p.m., at the Mayo Underwood Building, 500 Mero Street, Frankfort, Kentucky, Room 133 CE. 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 was received by that date, the hearing may be cancelled. 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 July 31, 2024. 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, 500 Mero Street 254 CW, Frankfort, Kentucky 40601, phone (502) 782-8204, and email doug.hardin@ky.gov.