

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 165 Department or Agency Alabama Athletic Commission

Rule No. 165-X-5-.04

Rule Title: Conduct of Promotion

 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? NO

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? NO

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? YES

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 Services Agency.

Signature of certifying officer Joseph M. [Signature]

Date 4/14/18

(DATE FILED)
(STAMP)

ALABAMA ATHLETIC
COMMISSION

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama Athletic Commission

RULE NO. & TITLE:

165-X-5-.04: Conduct of Promotion

INTENDED ACTION:

Amend the AAC Rules and Regulations.

SUBSTANCE OF PROPOSED ACTION:

Fixes grammatical errors and audit findings, fixes heading labels, and adds rules for "Charitable Events."

TIME, PLACE, MANNER OF PRESENTING VIEWS:

The Rules Amendment was voted on by the AAC at the Regularly Scheduled Meeting on Friday, April 13, 2018. The amendment passed Unanimously

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

June 4, 2018

CONTACT PERSON AT AGENCY:

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JOSEPH B. MCCORMICK, II
EXECUTIVE DIRECTOR

165-X-5-.04 Conduct of Promotion.

(1) **General Safety.** It shall be the promoter's responsibility to insure the 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.

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

(c) **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.

(d) **Suggesting Benefits for Charitable Organizations.** 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~~ professional wrestling show will be donated to a charitable organization without first complying with the Commission's rules governing "Programs for Charity."

1. A person who wishes to promote an event for charitable purposes must file with the Commission a letter of intent to present the match, contest or exhibition as benefiting a charitable organization. The letter of intent must contain the name of the charity, charitable fund, or organization which is to benefit from the match, contest or exhibition and the amount expected to be to be paid to the charity. The letter of intent must be signed by the promoter and co-signed by an authorized representative of the charity to benefit from the match, contest or exhibition. No match permit shall be issued for a charitable match, contest, or exhibition without full financial disclosure of all promoters and charitable organizations involved, including all contracts and proposals between all licensees, officials, and parties involved.

2. Within three (3) business days after an event benefiting a charitable organization is held, the promoter(s) and benefiting charitable organization(s) shall furnish to the Commission:

(i) A certified copy of the ticket manifest showing the number of tickets sold. The manifest shall give a breakdown disclosing the number of tickets sold in each price range and the number of complimentary tickets given for the match, contest, or exhibition;

(ii) A certified and itemized statement of the event's gross receipts from sponsorships, ticket sales, advertisements, or any other source;

(iii) A statement disclosing the itemized and total gross expenditures in connection with the event;

(iv) A statement co-signed by the promoter and the authorized representative of the Charitable organization, disclosing the net amount paid to the charitable fund or organization.

3. If the promoter or charitable organization fails to file any of these statements within the prescribed time, the Commission:

(i) Shall notify the promoter that his or her license is summarily suspended.

(ii) Shall notify the charity of the suspension.

(iii) Decline to issue a match permit to the promoter for the holding of any events until the statements are provided.

(iv) Decline to issue a match permit to any promoter to hold any future event for the benefit of the charitable organization, until the statements are provided.

(2) Required Medical Professionals.

(a) Providing an Emergency Medical Technician. It shall be the responsibility of the promoter to have a state-certified Emergency Medical Technician at all shows.

(3) Arena.

(a) Drinks. No professional wrestling ~~exhibition event~~ 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, or aluminum cans.

(b) Arena Safety. No professional wrestling exhibition 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.

~~(5)~~(4) Show.

(1) Pyrotechnics.

(a) No pyrotechnics will be allowed without the approval of the local fire marshal.

(2) Violations: Penalties.

(a) Violations of any article within this chapter may, for the first offense, be grounds for an administrative suspension of not less than ~~30~~ thirty (30) days. Violations shall be referred to an investigative hearing of the Commission for disciplinary action.

(b) The second and/or any subsequent violation of any rule within this chapter may result in suspension or revocation. Violations shall be referred to an investigative hearing by the Commission for disciplinary action. Additional disciplinary fines may be imposed.

Author(s): Matt Bledsoe; Brandon Owens; Joseph B. McCormick

Authority: Code of Ala. 1975, §41-9-1020.

History: New Rule: Filed February 10, 2012; effective March 16, 2012. **Repealed and New Rule:** Filed December 27, 2013; effective January 31, 2014.