

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 165 Department or Agency Alabama Athletic Commission

Rule No. 165-X-6-.05

Rule Title: Conduct of Promotions

 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? NO

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-6-.05: Conduct of Promotions

INTENDED ACTION:

Amend the AAC Rules and Regulations.

SUBSTANCE OF PROPOSED ACTION:

Fixes grammatical errors and audit findings.

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-6-.05 Conduct of Promotions.

(1) General Safety. It shall be the promoter's responsibility to ensure safety for the contestants, officials, media, and fans and to comply with all safety stands 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. At a minimum, two (2) sworn off duty law enforcement officers shall be retained for security.

(b) Obtaining a Ring. The promoter will provide a ring for the match and that ring must pass the certification requirements established by the Commission.

(c) Extra Gloves. Each promoter must have an extra set of gloves, of the appropriate weight, available to be used in case a glove is broken or otherwise damaged during the course of the match of kickboxing.

(d) Ring and Glove Certification. It is the promoter's responsibility to ensure that the ring and gloves selected for use during each event meets the Commission's rules and regulations concerning proper certification and should be resolved no less than ten (10) days prior to the date of the show.

(e) 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 their possession a written commitment from said contestant or celebrity and before said promoter has filed a copy of such written commitment with the Commission.

(f) 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 kickboxing event will be donated to a charitable organization without first complying with the Commission's rules governing "programs for charity."

(g) Main Event Start Time. The final bout for all kickboxing events sanctioned by the Alabama Athletic Commission shall start by 11:59pm on the date for which the event permit is approved.

(2) Ringside Physician.

(a) Providing a Physician. It shall be the responsibility of the Commission representative to assign one or more physicians at ringside during each kickboxing match.

1. The physicians assigned must be on the roster of physicians authorized to conduct pre-fight physicals and serve ~~at~~ as ringside physicians created by the Commission and must meet the physician requirements in these Rules.

2. At least one ringside physician must have in their possession any medical supplies and equipment reasonably anticipated to provide first-aid medical assistance for the type of injuries reasonably anticipated to occur in professional kickboxing matches, contests, or exhibitions.

3. The promoter shall procure the physicians to be used at the event and compensate the ringside physicians in an amount mutually agreed upon by the promoter.

(3) Arena.

(a) Drinks. No kickboxing match 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 kickboxing match will be allowed to commence or continue in any arena which appears to the Commission-appointed supervisor ~~has if they have~~ 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.

(c) Dressing Rooms. The only people allowed in the Contestant's dressing room are the contestants, managers, trainers, seconds, Commission representatives, Commissioners, referees, and approved physician(s).

1. Promoters shall be required by the Commission-appointed supervisor to post a guard or Commission-appointed inspector at the entrance to the dressing rooms to aid in enforcement of dressing room security.

2. A separate dressing area shall be provided for all referees, judges, and all other Commission-appointed representatives.

(4) Media Guidelines.

(a) Promoter Responsibilities for Media Personnel. It shall be the responsibility of the promoter to provide access to any sanctioned event to media professionals for print, television, radio, and online media. The promoter has a duty to provide access to media professionals while ensuring their personal safety at the event.

1. Promoters of kickboxing events shall provide media personnel with easily identifiable credentials that are clearly visible to state inspectors.

2. Promoters of kickboxing events shall provide a four-foot (4') wide open buffer zone between credentialed media and the ring apron.

3. Promoters shall ensure the safety of credentialed media professionals by requiring them to remain outside the four-foot (4') open buffer zone at all times.

(i) Promoters shall provide security in the general area of credentialed media to ensure they are allowed to perform their job functions with a clear view of the action and without hindrance from ticket holders, fight staff, or others.

(b) Media Access to Restricted Areas. Promoters may provide access to credentialed media inside the ring immediately following a bout, upon clearance from an official.

1. Following an individual bout or at the close of an event, promoters may allow access to credentialed reporters and photographers directly outside the dressing rooms or staging areas restricted for fighters, fight staff, and state officials.

2. Promoters shall ensure the personal safety of any credentialed media by providing a police officer in any area designated for interviews, photographs, or press conferences.

(5) Violation: Penalties.

(a) Promoters or contestants that violate any section of this chapter shall be referred to the investigations hearing of the Commission for further action. Provided however that any action taken as a result of the hearing or by the full Commission to enforce or attempt to enforce the provision of this chapter will be taken only after notice and hearing according to the Alabama Administrative Procedure Act. Either paragraph (a) or (b) within this subsection shall be subject to disciplinary action by the Commission.

(6) Match.

(a) Marketing Prohibited Without Prior Commission Approval. Commission approval or authorization must be obtained prior to selling tickets, making announcements, or distributing advertisements concerning any event, event date, contestants, or matches, bouts, or exhibitions of professional kickboxing. Violations shall be referred to the Commission for disciplinary action.

(b) Professional Rounds Scheduled.

1. Unless otherwise approved by the Commission, promoters shall schedule no less than twenty (20) rounds of kickboxing on one (1) program. An emergency bout must be provided in case any of the scheduled bouts are not held.

(i) The number of rounds may be split amongst the distinct combative disciplines in cross-promotional events.

2. No professional kickboxing match shall have any rounds lasting longer than three (3) minutes.

(i) All non-title matches, contests, or exhibitions in professional kickboxing featuring male kickboxers will have three (3), three (3) minute rounds, with a one (1) minute rest period between each round.

(ii) All non-title matches, contests, or exhibitions in professional kickboxing featuring female kickboxers will have three (3), two (2) minute rounds, with a one (1) minute rest period between each round.

(iii) All title matches, contests, or exhibitions in professional kickboxing featuring male kickboxers will have five (5), three (3) minute rounds, with a one (1) minute rest period between each round.

(iv) All title matches, contests, or exhibitions in professional kickboxing featuring female kickboxers will have five (5), two (2) minute rounds, with a one (1) minute rest period between each round.

3. No professional kickboxing matches, contests, or exhibitions shall be permitted for more than three (3) rounds, except in a championship match, which shall not exceed five (5) rounds.

(c) Card Approval. Requests for preliminary approval of kickboxing cards should be received by the Executive Director of the Commission or the Commission-appointed supervisor no less than ten (10) days prior to the start of the event. The names, birthdates, and verifiable records, with suspension histories, of all competitors must be included and shall be typed. No handwritten requests shall be accepted. The final card must be received by the Executive Director or Chief Inspector no less than three (3) days prior to the date of the event.

1. Substitutions to the final card will only be allowed after sufficient written evidence documenting the reason why such substitution is required. The information must be written on a form provided by the Commission and then signature must be witnessed by the Executive Director, Commission-appointed supervisor, or a State of Alabama notary public. Failure to provide sufficient evidence will result in the cancellation of the scheduled bout and/or disciplinary action by the Commission.

2. No substitution will be allowed during the final twelve (12) hours prior to the beginning of the event.

(i) No bout will be allowed to take place without the prior approval of the Chief Inspector or Executive Director.

(7) Purse.

(a) Method of Payment. Except as otherwise stated below, purses shall be paid by check, certified or cashier's check immediately after the contest. Cash payments may be required of new and/or first time promoters, if the Commission is unable to obtain a letter of good standing from another recognized Commission. Payments of percentage contracts shall be made as soon as the amount can be determined. If requested by the Commission or by any Contestant, All purse payments shall be made in the presence of the authorized Commission representative.

1. After notification and approval by the Commission, arrangement for the payment of any purse greater than \$50,000.00 shall be mutually agreed to by the promoter and the Contestant.

2. Should a promoter default on payments to Contestants, only that amount disclosed on the contract or bout agreement filed with the Commission in advance of the bout will be covered by any bond on file with the Commission.

(b) Minimum Payment per Contracted Round. All contestants shall be guaranteed a purse equal to or exceeding \$100 per contracted round. No "cash equivalent" substitutions for the payment of the minimum contracted amount including tickets in lieu of payment shall be allowed.

Contestants shall be paid by check or money order only. Violations shall be referred to the Commission for disciplinary action.

(c) Authorized Purse Deductions. Promoters may deduct from any contestant's purse, the total amount of fees or fines owed to the Commission by said Contestant, including but not limited to fees required to issue to such contestant a federal identification card and/or state license, where such fees or fines have not previously been paid by said contestant. Any such deduction shall immediately be remitted to the Commission.

(8) Contracts.

(a) Contract or Bout Agreement: Unless agreed upon in advance by the Alabama Athletic Commission, all bout agreements must be on the form approved by the Commission.

1. All bout agreements will state the following in bold type:

(i) The amount of guarantee or percentage promised; the number and time limit of rounds; when and where the official weigh-in will be conducted; when and where the Contestants are scheduled to appear; weight; and all other reasonably expected to be an issue of agreement within professional kickboxing contracts and agreements.

(I) Weights expressed on bout agreements for all three (3) and five (5) round bouts shall allow no less than a +/-2 pounds variance of the contracted weight.

(II) Weights expressed on bout agreements for all championship matches shall be absolute and shall not allow for any variance.

(ii) Signature of the promoter or their designated representative, and the Contestant or their designated representative.

(iii) Each Contestant applying for a license is required to obtain on their own a Hepatitis B, Hepatitis C, and HIV blood test and must present to the commission representative no later than at the weigh-in the results of such test conducted within 365 days of the proposed match.

(b) Contract or Bout Agreement: Required Form for Submission. All information appearing on any written agreements or contracts shall be typed.

(c) Contract or Bout Agreement: File with Commission. One (1) copy of each signed written agreement or contract, once executed by both parties and within three (3) calendar days of such execution, shall be filed with the Commission or the Commission appointed representative.

1. No kickboxing match shall be allowed to commence prior to execution of a signed contract or bout agreement by both parties or before said contract or bout agreement is submitted to the Commission or the Commission appointed representative.

(d) Violations: Grounds for Suspension. Violation by either party of any written bout agreement or contract may be grounds for suspension of any license issued by the Commission and shall in addition to such suspension result in a fine or other disciplinary action imposed by the Commission. Violations shall be referred to the Commission for disciplinary action.

(9) Failure to Perform.

(a) Promoter Failure to Perform. The failure of a promoter to perform according to the terms of the contract; to produce contestants or special added attractions as advertised; to pay the contestants their contractual guarantee, or percentage; or the failure of a promoter to live up to their agreement with their contestants or performers who did perform as scheduled is prohibited and violations shall be referred to the Commission for disciplinary action.

(b) Contestant Failure to Perform. The failure of a contestant under contract with a licensed promoter to perform according to the terms of said contract; or the failure of a contestant to live up to their agreement with a person to which the contestant is under contractual agreement is prohibited. Violations shall be referred to the Commission for disciplinary action.

(C) Violation: Penalties.

(i) Violation of either paragraph (a) or (b) within this subsection may, for the first offense, be grounds for administrative suspension of not less than 90 days and a fine of not more than the contracted purse amount disclosed on the bout agreement or contract. Violations shall be referred to the Commission for disciplinary action.

(ii) The second and/or any subsequent violation by any person of either paragraph (a) or paragraph (b) within this subsection may, in addition to any suspension by the Commission, subject the violator to a fine of not more than the contracted purse amount as disclosed on the bout agreement or contract plus not more than an additional \$10,000. Said fine to be imposed by the Commission. Violations shall be referred to the Commission for disciplinary action. Additional disciplinary action may be imposed.

(iii) Any person or license holder violating on three (3) or more occasions either sub-paragraph (a) or sub-paragraph (b) within this subsection shall have their license suspended indefinitely. Provided however that any action by the Commission to enforce or attempt to enforce the provisions of this sub-paragraph will be taken only after notice and hearing according to the Alabama Administrative Procedure Act.

(10) Split or Different Styles.

(a) Cards split between professional and amateur matches, contests, and exhibitions, including mixed professional and amateur kickboxing cards, as well as cross-promotional boxing and

kickboxing (professional), and mixed martial arts (professional) and kickboxing (professional). Mixed cards of any type shall be left to the discretion of the Commission. All amateur shows shall reflect the amateur status of the event in all advertising in a way approved by the Executive Director. A card split between professional and amateur kickboxing matches shall be advertised as "Pro-Am," and shall include a minimum of three (3) professional bouts on the card. Failure to provide the minimum number of professional bouts will result in action against the promoter by the Commission.

1. Cross-promotional cards, consisting of professional boxing with kickboxing (professional only), shall be advertised as "Pro Boxing and Kickboxing," and shall include a minimum of four (4) professional bouts from each combative discipline on the card.
2. Cross-promotional cards, consisting of mixed martial arts (professional only) and kickboxing (professional only), shall be advertised as "Pro MMA and Kickboxing," and shall include a minimum of four (4) professional bouts from each combative discipline on the card.
3. Amateur kickboxing shall only be allowed on a mixed card with professional kickboxing, so long as the card meets the standards listed above in (10)(a).

Authors: Joseph B. McCormick, J. Matt Bledsoe, Stan D. Frierson, Shane T. Sears

Statutory Authority: Code of Ala. 1975, §41-9-1024

History: New Rule: Filed November 30, 2016; Effective February 13, 2017