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**INDEPENDENT REGULATORY REVIEW COMMISSION**  
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

July 9, 2008

Gregory Sirb, Executive Director  
State Athletic Commission  
2601 North 3rd Street  
Harrisburg, PA 17110

Re: Regulation #16-41 (IRRC #2694)  
State Athletic Commission  
Mixed Martial Arts

Dear Mr. Sirb:

Enclosed are the Commission's comments for consideration when you prepare the final version of this regulation. These comments are not a formal approval or disapproval of the regulation. However, they specify the regulatory review criteria that have not been met.

The comments will be available on our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). If you would like to discuss them, please contact me.

Sincerely,

Kim Kaufman  
Executive Director

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Enclosure

cc: Honorable Jeffrey E. Piccola, Chairman, Senate State Government Committee  
Honorable Anthony H. Williams, Minority Chairman, Senate State Government Committee  
Honorable Babette Josephs, Majority Chairman, House State Government Committee  
Honorable Matthew E. Baker, Minority Chairman, House State Government Committee

# Comments of the Independent Regulatory Review Commission



## State Athletic Commission #16-41 (IRRC #2694)

### Mixed Martial Arts

July 9, 2008

We submit for your consideration the following comments on the proposed rulemaking published in the May 10, 2008 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the State Athletic Commission (Commission) to respond to all comments received from us or any other source.

#### **1. General. – Protection of the public health, safety and welfare; Implementation procedures; Clarity.**

##### *Referees*

According to the Regulatory Analysis Form submitted with the proposed rulemaking, the Commission anticipates that 100 professional and 180 amateur mixed martial arts (MMA) contestants will seek licenses to compete in Pennsylvania. In addition, the Commission estimates that five or six referees will become licensed and that 15 to 20 MMA events will be held each year. We have two concerns. First, if the number of professional and amateur contestants and the number of events held each year is greater than the estimates noted above, will there be enough qualified referees to officiate all of the matches?

Second, we believe that having a sufficient number of qualified referees familiar with the regulation and other safety protocols is essential to protecting the health and safety of the contestants. What implementation procedures are in place to ensure that a sufficient number of qualified referees are available for this new form of competition? We understand that the rules for boxing referees found at 58 Pa. Code § 21.11 would apply to MMA referees. Are those regulations sufficient to ensure that MMA referees are adequately trained and prepared to officiate an MMA contest?

##### *Commission approvals*

Several places in this regulation state that approval from the Commission is needed for contestant equipment, ring set-up and other match-related items. However, it is not clear how these approvals will be granted by the Commission. The final-form regulation should specifically state how contestants and promoters must obtain the approvals required through this

regulation. The approvals in question include Sections 29.4(b)(4), (c)(4) and (c)(6), 29.9(a) through (d), 29.25(a) and (b), 29.26(a) and 29.27(a) through (f).

**2. Section 29.3. General requirements. – Clarity.**

*Fees*

Subsection (b) requires a professional contestant to be licensed by the Commission. Commission staff indicates that the fees for boxing apply also to MMA contestants. For clarity, the Commission should add a cross-reference to the appropriate boxing fees.

*Commission-approved forms*

Subsection (c) requires a debut professional contestant to complete a “Commission-approved form.” The final-form regulation should state how this form is obtained. A similar concern applies to debut amateur contestants under Section 29.22(d).

**3. Section 29.4. Ring or fenced area requirements. – Reasonableness; Clarity.**

Subsection (d) requires the promoter to “thoroughly clean” the ring area after each match. However, it is not clear what constitutes a “thorough” cleaning. Does the Commission intend for the ring area to be disinfected or merely washed down between matches? The final-form regulation should specify acceptable methods for cleaning the ring.

**4. Section 29.5. Duration of rounds. – Clarity.**

Subsections (a) and (b) both include the phrase “except with the permission of the Commission or the Executive Director.” Is written permission required or can it be oral? The final-form regulation should clarify this point.

**5. Section 29.12. Acts constituting fouls. – Clarity.**

It is not clear what constitutes a “flagrant foul” under Subsection (a). We note that the term is not defined in this section, in Section 29.2 (relating to Definitions) or in the Athletic Code relating to Boxing (5 Pa.C.S.A. § 302). To be clear, this term should be defined in the final-form regulation. A similar concern applies to Section 29.29(a).

**6. Section 29.17. Promoter licensing and bonding requirements. – Clarity.**

Subsection (3) requires that the Commission be given at least ten days notice prior to an event and that the promoters must receive written approval from the Commission in order to hold that event. We have two concerns. First, it is not clear whether the notification should be received by the Commission “at least 10 days in advance of the event” or if it merely should be postmarked by that date. This notice requirement should be clarified in the final-form regulation.

Second, in what timeframe will the Commission respond in order to allow enough time for the promoter to receive “written approval” before the event?

# Facsimile Cover Sheet



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INDEPENDENT REGULATORY REVIEW COMMISSION  
333 MARKET STREET, 14<sup>TH</sup> FLOOR, HARRISBURG, PA 17101

To: Gregory Sirb  
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Fax: 3-0824  
Date: July 9, 2008  
Pages: 4

INDEPENDENT REGULATORY  
REVIEW COMMISSION

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**Comments:** We are submitting the Independent Regulatory Review Commission's comments on the State Athletic Commission's regulation #16-41 (IRRC #2694). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by: \_\_\_\_\_

Date: \_\_\_\_\_

7-9-08