

# Comments of the Independent Regulatory Review Commission



## State Athletic Commission Regulation #16-53 (IRRC #2958)

### Amateur Mixed Martial Arts Waiver

September 26, 2012

We submit for your consideration the following comments on the proposed rulemaking published in the July 28, 2012 *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 (Athletic Commission) to respond to all comments received from us or any other source.

#### **1. Protection of the public health, safety and welfare.**

This proposal would allow an amateur mixed martial arts (MMA) contestant who has completed three or more amateur bouts to petition the Athletic Commission to waive the “striking to the head while on the ground” provision and the shin/instep pad requirement of the existing regulations. A commentator has suggested that the decision to implement this proposal should be “informed by the recent medical literature on the very severe and sometimes permanent damage that could occur as a result of a single severe blow or numerous blows the head.” We agree that this rulemaking should be based on the most recent medical literature available. As the Athletic Commission moves forward with this proposal, we ask it to consider and provide citations to the most recent medical studies on the potential dangers associated with head injuries, such as chronic traumatic encephalopathy. Additionally, we seek explanation from the Athletic Commission on why it believes the rulemaking adequately protects the health and safety of the contestants.

Another concern is that promoters of amateur MMA events may not provide contests to amateur contestants unless they agree to waive the protections noted above. We recommend that language be added to the rulemaking to prevent promoters from requiring potential contestants from requesting these waivers. It may also be beneficial to require contestants seeking the waiver to affirm that they are doing so because they plan to transition from amateur MMA status to professional MMA status.

Finally, why has the Athletic Commission determined that the waiver provision should be authorized after three amateur bouts? Would the health and safety of the contestants be better protected if they had more experience?

**2. Section 29.30. Waiver of rule for contestants with three or more amateur bouts. – Implementation procedures; Clarity.**

We have several concerns and questions related to clarity and how this rulemaking will be implemented. First, how would a contestant petition the Athletic Commission to apply for a waiver? Would the contestant have to complete a form? Second, if one contestant applies for a waiver, how would the second contestant become aware of the request? Would both contestants have to apply for the waiver at the same time? Third, how soon before a contest would a contestant have to apply for a waiver and how long would the Athletic Commission take to review and decide on the request? Finally, would the contestants be notified in writing of the decision of the Athletic Commission?

In order to improve the clarity of the waiver rule, we suggest that the rulemaking be amended to address these concerns and answer these questions.