



COLORADO

**Department of
Regulatory Agencies**

Colorado Office of Policy, Research &
Regulatory Reform

**2016 Sunset Review:
Colorado Professional Boxing Safety Act**

October 14, 2016





COLORADO

**Department of
Regulatory Agencies**

Executive Director's Office

October 14, 2016

Members of the Colorado General Assembly
c/o the Office of Legislative Legal Services
State Capitol Building
Denver, Colorado 80203

Dear Members of the General Assembly:

This year, Colorado's sunset review process celebrates its 40th anniversary with the publication of the 2016 sunset reports. The Colorado General Assembly established the sunset review process in 1976 as a way to analyze and evaluate regulatory programs and determine the least restrictive regulation consistent with the public interest. Since that time, Colorado's sunset process has gained national recognition and is routinely highlighted as a best practice as governments seek to streamline regulation and increase efficiencies.

The Colorado Office of Policy, Research and Regulatory Reform (COPRRR), located within my office, is responsible for fulfilling these statutory mandates. To emphasize the statewide nature and impact of this endeavor, COPRRR recently launched a series of initiatives aimed at encouraging greater public participation in the regulatory reform process, including publication of a new "Citizen's Guide to Rulemaking" (available online at www.dora.colorado.gov/opr).

Section 24-34-104(5)(a), Colorado Revised Statutes (C.R.S.), directs the Department of Regulatory Agencies (DORA) to:

- Conduct an analysis of the performance of each division, board or agency or each function scheduled for termination; and
- Submit a report and supporting materials to the office of legislative legal services no later than October 15 of the year preceding the date established for termination.

Accordingly, COPRRR has completed the evaluation of the Colorado Professional Boxing Safety Act. I am pleased to submit this written report, which will be the basis for COPRRR's oral testimony before the 2017 legislative committee of reference.

The report discusses the question of whether there is a need for the regulation provided under Article 10 of Title 12, C.R.S. The report also discusses the effectiveness of the Office Director of the Office of Boxing within DORA's Division of Professions and Occupations, the Colorado State Boxing Commission and staff, in carrying out the intent of the statutes and makes recommendations for statutory changes in the event this regulatory program is continued by the General Assembly.

Sincerely,

Joe Neguse
Executive Director



COLORADO

Department of Regulatory Agencies

Colorado Office of Policy, Research &
Regulatory Reform

2016 Sunset Review Colorado Professional Boxing Safety Act

SUMMARY

What Is Regulated?

The sport of boxing, which the Colorado Professional Boxing Safety Act (Act) defines to include kickboxing and mixed martial arts (MMA), is subject to regulation under the Act.

Why Is It Regulated?

Boxing is a combat sport and inherently dangerous: regulation protects the health and safety of participants.

Boxing is also a potentially lucrative sport that is vulnerable to corruption and fraud. Regulation protects both participants and promoters from financial losses and provides assurance to the public that boxing events are legitimate and fair.

How Is It Regulated?

The Office of Boxing within the Division of Professions and Occupations (Division) within the Colorado Department of Regulatory Agencies (DORA) issues licenses to boxing participants; seconds (who provide support and assistance to participants); promoters, who produce boxing events; and officials, who oversee such events. The Office also issues permits for scheduled boxing events. The seven-member Colorado State Boxing Commission possesses the authority to promulgate rules to enforce the Act.

Who Is Regulated?

In June 2016, there were a total of 1,511 licensed individuals, including:

- 676 participants,
- 787 seconds,
- 28 officials; and
- 20 promoters.

What Does It Cost?

In fiscal year 14-15, the total cost of regulation was \$214,626, and there were 1.15 full-time equivalent employees associated with the program.

What Disciplinary Activity Is There?

From fiscal year 10-11 to 14-15, the Director took a total of seven disciplinary actions against licensees: one suspension, three stipulations, and three letters of admonition.

KEY RECOMMENDATIONS

Continue the Colorado Professional Boxing Safety Act for nine years, until 2026.

By making sure boxing participants are medically fit to fight and are well-matched with their opponents; placing injured participants on medical suspension to prevent them from fighting until they have recovered; requiring the use of protective equipment; licensing qualified officials to officiate at boxing events; and requiring that a physician be ringside for events, the Act protects the health and safety of participants. By imposing insurance requirements and spelling out what areas contracts must address, as well as defining prohibited conduct, the Act protects both participants and promoters from financial losses and provides assurance to the public that boxing events are legitimate and fair. The Act also meets the requirements laid out in the 1996 federal Professional Boxing Safety Act and provides the sole regulatory framework for MMA, which unlike boxing, lacks federal oversight.

Redefine “Director” to mean the Division Director or his or her designee, create a new definition for “Office Director,” and clarify that the Division Director has the authority to recognize boxing sanctioning authorities.

Currently, the Act does not adequately differentiate between the Office Director and the Division Director, and there is an outdated reference to the Executive Director. Making the recommended changes would clarify the structure of the boxing regulatory program and reflect current administrative practices.

METHODOLOGY

As part of this review, staff of the Colorado Office of Policy, Research and Regulatory Reform attended Commission meetings, interviewed Division staff and Commission members, reviewed Division records and Commission minutes, interviewed officials national professional associations, interviewed stakeholders, reviewed Colorado statutes and rules, and reviewed the laws of other states.

MAJOR CONTACTS MADE DURING THIS REVIEW

Association of Boxing Commissions
Colorado Boxing Commission
Colorado Office of Boxing
Missouri Office of Athletics
Oklahoma State Athletic Commission

What is a Sunset Review?

A sunset review is a periodic assessment of state boards, programs, and functions to determine whether they should be continued by the legislature. Sunset reviews focus on creating the least restrictive form of regulation consistent with protecting the public. In formulating recommendations, sunset reviews consider the public's right to consistent, high quality professional or occupational services and the ability of businesses to exist and thrive in a competitive market, free from unnecessary regulation.

Sunset Reviews are prepared by:
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Background

Introduction

Enacted in 1976, Colorado's sunset law was the first of its kind in the United States. A sunset provision repeals all or part of a law after a specific date, unless the legislature affirmatively acts to extend it. During the sunset review process, the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) within the Department of Regulatory Agencies (DORA) conducts a thorough evaluation of such programs based upon specific statutory criteria¹ and solicits diverse input from a broad spectrum of stakeholders including consumers, government agencies, public advocacy groups, and professional associations.

Sunset reviews are based on the following statutory criteria:

- Whether regulation by the agency is necessary to protect the public health, safety and welfare; whether the conditions which led to the initial regulation have changed; and whether other conditions have arisen which would warrant more, less or the same degree of regulation;
- If regulation is necessary, whether the existing statutes and regulations establish the least restrictive form of regulation consistent with the public interest, considering other available regulatory mechanisms and whether agency rules enhance the public interest and are within the scope of legislative intent;
- Whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures and practices and any other circumstances, including budgetary, resource and personnel matters;
- Whether an analysis of agency operations indicates that the agency performs its statutory duties efficiently and effectively;
- Whether the composition of the agency's board or commission adequately represents the public interest and whether the agency encourages public participation in its decisions rather than participation only by the people it regulates;
- The economic impact of regulation and, if national economic information is not available, whether the agency stimulates or restricts competition;
- Whether complaint, investigation and disciplinary procedures adequately protect the public and whether final dispositions of complaints are in the public interest or self-serving to the profession;
- Whether the scope of practice of the regulated occupation contributes to the optimum utilization of personnel and whether entry requirements encourage affirmative action;

¹ Criteria may be found at § 24-34-104, C.R.S.

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- Whether the agency through its licensing or certification process imposes any disqualifications on applicants based on past criminal history and, if so, whether the disqualifications serve public safety or commercial or consumer protection interests. To assist in considering this factor, the analysis prepared pursuant to paragraph (a) of subsection (5) of this section must include data on the number of licenses or certifications that were denied, revoked, or suspended based on a disqualification and the basis for the disqualification; and
 - Whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest.

Types of Regulation

Consistent, flexible, and fair regulatory oversight assures consumers, professionals and businesses an equitable playing field. All Coloradans share a long-term, common interest in a fair marketplace where consumers are protected. Regulation, if done appropriately, should protect consumers. If consumers are not better protected and competition is hindered, then regulation may not be the answer.

As regulatory programs relate to individual professionals, such programs typically entail the establishment of minimum standards for initial entry and continued participation in a given profession or occupation. This serves to protect the public from incompetent practitioners. Similarly, such programs provide a vehicle for limiting or removing from practice those practitioners deemed to have harmed the public.

From a practitioner perspective, regulation can lead to increased prestige and higher income. Accordingly, regulatory programs are often championed by those who will be the subject of regulation.

On the other hand, by erecting barriers to entry into a given profession or occupation, even when justified, regulation can serve to restrict the supply of practitioners. This not only limits consumer choice, but can also lead to an increase in the cost of services.

There are also several levels of regulation.

Licensure

Licensure is the most restrictive form of regulation, yet it provides the greatest level of public protection. Licensing programs typically involve the completion of a prescribed educational program (usually college level or higher) and the passage of an examination that is designed to measure a minimal level of competency. These types of programs usually entail title protection - only those individuals who are properly licensed may use a particular title(s) - and practice exclusivity - only those individuals who are properly licensed may engage in the particular practice. While these requirements can be viewed as barriers to entry, they also afford the highest level of consumer protection in that they ensure that only those who are deemed competent may practice and the public is alerted to those who may practice by the title(s) used.

Certification

Certification programs offer a level of consumer protection similar to licensing programs, but the barriers to entry are generally lower. The required educational program may be more vocational in nature, but the required examination should still measure a minimal level of competency. Additionally, certification programs typically involve a non-governmental entity that establishes the training requirements and owns and administers the examination. State certification is made conditional upon the individual practitioner obtaining and maintaining the relevant private credential. These types of programs also usually entail title protection and practice exclusivity.

While the aforementioned requirements can still be viewed as barriers to entry, they afford a level of consumer protection that is lower than a licensing program. They ensure that only those who are deemed competent may practice and the public is alerted to those who may practice by the title(s) used.

Registration

Registration programs can serve to protect the public with minimal barriers to entry. A typical registration program involves an individual satisfying certain prescribed requirements - typically non-practice related items, such as insurance or the use of a disclosure form - and the state, in turn, placing that individual on the pertinent registry. These types of programs can entail title protection and practice exclusivity. Since the barriers to entry in registration programs are relatively low, registration programs are generally best suited to those professions and occupations where the risk of public harm is relatively low, but nevertheless present. In short, registration programs serve to notify the state of which individuals are engaging in the relevant practice and to notify the public of those who may practice by the title(s) used.

Title Protection

Finally, title protection programs represent one of the lowest levels of regulation. Only those who satisfy certain prescribed requirements may use the relevant prescribed title(s). Practitioners need not register or otherwise notify the state that they are engaging in the relevant practice, and practice exclusivity does not attach. In other words, anyone may engage in the particular practice, but only those who satisfy the prescribed requirements may use the enumerated title(s). This serves to indirectly ensure a minimal level of competency - depending upon the prescribed preconditions for use of the protected title(s) - and the public is alerted to the qualifications of those who may use the particular title(s).

Licensing, certification and registration programs also typically involve some kind of mechanism for removing individuals from practice when such individuals engage in enumerated proscribed activities. This is generally not the case with title protection programs.

Regulation of Businesses

Regulatory programs involving businesses are typically in place to enhance public safety, as with a salon or pharmacy. These programs also help to ensure financial solvency and reliability of continued service for consumers, such as with a public utility, a bank or an insurance company.

Activities can involve auditing of certain capital, bookkeeping and other recordkeeping requirements, such as filing quarterly financial statements with the regulator. Other programs may require onsite examinations of financial records, safety features or service records.

Although these programs are intended to enhance public protection and reliability of service for consumers, costs of compliance are a factor. These administrative costs, if too burdensome, may be passed on to consumers.

Sunset Process

Regulatory programs scheduled for sunset review receive a comprehensive analysis. The review includes a thorough dialogue with agency officials, representatives of the regulated profession and other stakeholders. Anyone can submit input on any upcoming sunrise or sunset review on COPRRR's website at: dora.colorado.gov/opr.

The functions of the Office of Boxing (Office) within DORA's Division of Professions and Occupations (Division) and the Office Director as enumerated in Article 10 of Title 12, Colorado Revised Statutes (C.R.S.), shall terminate on July 1, 2017, unless continued by the General Assembly. During the year prior to this date, it is the duty of COPRRR to conduct an analysis and evaluation of the Office's administration of the Colorado Professional Boxing Safety Act pursuant to section 24-34-104, C.R.S.

The purpose of this review is to determine whether the currently prescribed regulation of boxing should be continued and to evaluate the performance of the Office and its Director. During this review, the Office Director must demonstrate that the program serves the public interest. COPRRR's findings and recommendations are submitted via this report to the Office of Legislative Legal Services.

Methodology

As part of this review, COPRRR staff attended Colorado State Boxing Commission (Commission) meetings; reviewed Commission and Office records and minutes, including disciplinary actions; interviewed Division staff, Commission members, representatives of national professional associations, and other stakeholders; and reviewed Colorado statutes and rules and the laws of other states.

Profile of the Industry

The sport of boxing has a long and storied history: from ancient times, when it first became an Olympic event, through the modern era, where it grew into a multimillion dollar industry governed by a network of state and federal regulations and private sanctioning bodies.

Under Colorado law, boxing refers to the traditional sport as well as the disciplines of kickboxing, which draws upon martial arts fighting techniques using the hands and feet,² and mixed martial arts (MMA), which combines boxing and martial arts techniques such as grappling, kicking, and striking.³

A match, exhibition, or contest between any two boxing, kickboxing, or MMA participants is called a bout.⁴ In addition to the participants, also known as fighters or contestants, a bout includes seconds (also called corners), individuals who advise, coach, and assist participants inside and outside the ring; and officials, who keep time during the bout, assure that participants comply with all rules regarding attire and conduct, and referee and score the bout.

While there is considerable overlap among the three disciplines and how they are regulated, they are distinct sports featuring unique tactics and rules.

Boxing

In modern boxing, two participants wearing padded gloves meet in a roped, square ring to fight with their fists.

Generally, participants must weigh within about five pounds of each other. There are 17 weight classifications for boxing and kickboxing participants, ranging from minimum weight (for participants between 105 and 107 pounds) to heavyweight (191 pounds and above).⁵

A boxing bout typically has a maximum of 10, three-minute rounds, with a one-minute rest period between rounds. Championship bouts may have up to 12 rounds.⁶

During a bout, the referee may deduct points from participants for engaging in any tactics defined as fouls, including:⁷

- Hitting below the belt or after the bell has terminated the round;
- Hitting an opponent who is down or who is getting up after being down;
- Holding an opponent or deliberately maintaining a clinch;

² § 12-10-103(9), C.R.S.

³ § 12-10-103(10.5), C.R.S.

⁴ 4 CCR § 740-1-1.1 A, Colorado State Boxing Commission Rules.

⁵ 4 CCR § 740-1-5.1, Colorado State Boxing Commission Rules.

⁶ 4 CCR § 740-1-5.2, Colorado State Boxing Commission Rules.

⁷ 4 CCR § 740-1-5.14 and 7.4 B, Colorado State Boxing Commission Rules.

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- Holding an opponent with one hand and hitting with the other hand;
 - Butting with the head or shoulder or using a knee;
 - Hitting with the glove laces or the heel of the hand, the wrist, or elbow;
 - Hitting or flicking with an open glove, or thumbing;
 - Wrestling or pushing an opponent;
 - Spitting out the mouthpiece or going down without being hit;
 - Striking deliberately the part of the body over the kidneys;
 - Hitting an opponent during intervention by the referee;
 - Hitting an opponent who is entangled in the ropes;
 - Biting or any unsportsmanlike conduct;
 - Abusive or profane language;
 - Failing to obey the referee; and
 - Engaging in any physical action which may injure a participant, except by fair, sportsmanlike boxing.

A referee may end a bout before all scheduled rounds have been completed if any of the following occur:

- **Knockout.** A knockout occurs when a participant falls in the ring and fails to rise after a count of 10, or when the referee determines that a participant is unable to continue.⁸
- **Technical knockout.** A technical knockout occurs when a referee has ruled that a participant was knocked down three times in a single round,⁹ or when a participant sustains an injury severe enough to terminate the bout.¹⁰
- **Disqualification.** If a participant commits an intentional foul that injures his or her opponent so severely that officials must immediately terminate the bout, the participant loses the bout by disqualification.¹¹

When a bout goes for all scheduled rounds, judges' scores determine the winner. Three judges score each professional bout using the 10-point must system, wherein the winner of each round receives 10 points and the opponent receives a proportionately lower number. If the round is even, each participant receives 10 points.¹² The participant with the higher number of points, according to at least two of the three judges, at the end of the bout is declared the winner. There are four possible outcomes to a bout:¹³

- **Unanimous decision**, where all three judges score the same participant as the winner.
- **Split decision**, where two of the three judges score the same participant as the winner, with the third judge ruling for the other participant.

⁸ 4 CCR § 740-1-14.16, Colorado State Boxing Commission Rules.

⁹ 4 CCR § 740-1-5.11, Colorado State Boxing Commission Rules.

¹⁰ 4 CCR § 740-1-5.12, Colorado State Boxing Commission Rules.

¹¹ 4 CCR § 740-1-5.5 A, Colorado State Boxing Commission Rules.

¹² 4 CCR § 740-1-14.22 B, Colorado State Boxing Commission Rules.

¹³ iSport: Boxing. *How the Pro Boxing Scoring System Works*. Retrieved on August 31, 2016, from <http://boxing.isport.com/boxing-guides/how-the-pro-boxing-scoring-system-works>

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- **Majority decision**, where two of the three judges score the same participant as the winner, with the third judge ruling the bout a draw.
 - **Draw**, where the scores of at least two judges indicate the participants tied. A draw also occurs when one judge rules for one participant, the second judge rules for the other participant, and the third judge has scored a draw.

Kickboxing

Kickboxing combines the punching and striking of boxing with the kicks associated with martial arts. Kickboxing bouts typically occur in a roped, square ring, similar to a boxing ring. Kickboxing uses the same 17 weight classifications as boxing does, ranging from minimum weight (for participants between 105 and 107 pounds) to heavyweight (191 pounds and above).¹⁴

Kickboxing bouts must have at least 3 and no more than 12 rounds.¹⁵ Generally, participants must deliver at least eight hard kicks per round.¹⁶

Kickboxing is scored in a similar manner to boxing. Fouls unique to kickboxing include:¹⁷

- Striking the groin, the spine, the throat, collarbone, or that part of the body over the kidneys;
- Kicking into the knee or striking below the belt in any unauthorized manner;
- Striking or applying leverage against any joint;
- Grabbing or holding onto an opponent's leg or foot;
- Checking the opponent's leg or stepping on the opponent's foot to prevent the opponent from moving or kicking;
- Throwing or taking an opponent to the floor in an unauthorized manner;
- Failing to throw eight kicks in a given round;
- Intentionally evading contact; and
- Executing any techniques which are deemed malicious and beyond the scope of reasonably accepted techniques in an athletic event.

Mixed Martial Arts

MMA combines techniques and tactics from boxing, wrestling, and various martial arts such as muay thai, karate, and tae kwon do. MMA bouts may take place in a ring, but more typically they occur in an octagonal cage. MMA has 11 weight classifications, from minimum weight (for participants weighing less than 124 pounds) to super heavyweight (for participants weighing 265 pounds or more).¹⁸

¹⁴ 4 CCR § 740-1-5.1, and 6.5, Colorado State Boxing Commission Rules.

¹⁵ 4 CCR § 740-1-6.1 A, Colorado State Boxing Commission Rules.

¹⁶ 4 CCR § 740-1-6.4 A, Colorado State Boxing Commission Rules.

¹⁷ 4 CCR § 740-1-6.3, Colorado State Boxing Commission Rules.

¹⁸ 4 CCR § 740-1-7.6, Colorado State Boxing Commission Rules.

Non-championship MMA bouts must have at least three, but no more than four, five-minute rounds, with a one-minute rest period between each round. Championship bouts have five, five-minute rounds.¹⁹

MMA is scored in a similar manner to boxing. Fouls unique to MMA include:²⁰

- Eye gouging of any kind;
- Biting or spitting at an opponent;
- Hair pulling;
- Striking the spine or back of the head;
- Clawing, pinching, or twisting the flesh or grabbing the clavicle;
- Kicking or kneeing the head of a grounded fighter;
- Stomping a grounded fighter;
- Attacking an opponent on or during the break; and
- Attacking an opponent under the referee's care.

Just as in boxing or kickboxing, MMA participants may win a bout by knockout, technical knockout, or decision, but the “tap out” is unique to MMA. A tap out occurs when a participant forces his or her opponent into submission, typically by holding the opponent on the mat in a lock or hold, resulting in the opponent clearly signaling to the participant that he or she is conceding the bout.

¹⁹ 4 CCR § 740-1-7.1 A and B, Colorado State Boxing Commission Rules.

²⁰ 4 CCR § 740-1-7.3, Colorado State Boxing Commission Rules.

Legal Framework

History of Regulation

Regulation of boxing began in 1927, when the Colorado General Assembly created a three-member State Boxing Commission, which had jurisdiction over all professional and amateur matches. In 1947, the General Assembly renamed the State Boxing Commission the Colorado State Athletic Commission, which continued to regulate the sport until the General Assembly discontinued regulation following a 1977 sunset review. Between 1977 and 2000, when the General Assembly created the existing regulatory program, the Department of Regulatory Agencies' Colorado Office of Policy, Research, and Regulatory Reform (COPRRR) conducted two sunrise reviews of the boxing profession. In both cases, COPRRR recommended against regulation, finding that it was not necessary to protect the public.

In 1996, the United States Congress passed the Professional Boxing Safety Act (Federal Act), which established a basic regulatory framework and safety measures for the sport. The Federal Act also stipulated that any state failing to create a boxing commission by July 1, 1997, would be compelled to have a boxing commission from another state oversee boxing events occurring within its borders. Accordingly, following the passage of the Federal Act, the Colorado Boxing Alliance—a boxing industry group affiliated with the national Association of Boxing Commissions—coordinated the oversight of boxing events in Colorado by bringing teams of out-of-state regulators to Colorado.

In 2000, the Colorado General Assembly determined that it was in Colorado's best interest to create its own entity to oversee boxing and kickboxing and passed House Bill 1183, known as the Colorado Professional Boxing Safety Act (Act). The Act created the Colorado Office of Boxing (Office), headed by an Office Director (Office Director), and reconstituted the State Boxing Commission (Commission) as a seven-member advisory board. The Act directed the Commission to promulgate rules addressing licensing requirements for boxers, promoters, judges, and referees; insurance and bonding requirements; guidelines for participant compensation, contracts, and financial arrangements; and other areas.

In 2002, the General Assembly passed House Bill 1078, which established grounds for discipline and disciplinary procedures for people licensed under the Act and directed the Commission to promulgate rules establishing licensing requirements for boxing inspectors and seconds.

In 2004, the General Assembly passed Senate Bill 24, which standardized statutory language among the regulatory programs within the Division of Professions and Occupations (Division). Among other changes, this bill granted the Office Director the authority to issue letters of admonition and further defined disciplinary and renewal procedures.

The General Assembly granted the Office Director the authority to issue cease and desist orders and confidential letters of concern in 2006, when it passed House Bill 1264.

In 2009, the Commission underwent a sunset review; subsequently, the General Assembly passed House Bill 10-1245. Notable changes in the bill included adding to the Act specific language addressing mixed martial arts (MMA) and clarifying that anyone wishing to participate in, judge, referee, promote, or second a boxing match must be licensed under the Act.

Legal Summary

Federal Law

The Federal Act lays out standards for state regulation of boxing and establishes safety precautions.

If a state does not have its own boxing commission, it may not hold a boxing event unless the match is supervised by a boxing commission from another state and is conducted in accordance with that state's professional boxing rules and the recommended regulatory guidelines of the Association of Boxing Commissions (ABC).²¹

Before a professional boxing match may occur,²² a physician must examine each boxer to determine whether the boxer is physically fit to compete safely. During matches, an ambulance must be continuously present on the site and a physician must be continuously present at the ringside. Promoters must provide boxers with health insurance that provides medical coverage for any injuries sustained in the ring.²³

Boxers must register with a boxing commission,²⁴ and commissions must issue identification cards to registered boxers.²⁵ When issuing the identification cards, commissions must disclose to boxers the health and safety risks associated with the sport, particularly the risk of brain injury, and advise boxers to undergo periodic medical procedures to detect brain injury.²⁶ Boxers must present their identification cards to the commission at the time of weigh-in.²⁷

The Federal Act requires state boxing commissions to establish procedures to:²⁸

- Evaluate the professional records and physician's certification of each boxer and to deny authorization for a boxer to fight when appropriate.

²¹ 15 U.S.C. § 6303(a).

²² If a state boxing commission has rules that provide equivalent protection, it is acceptable to hold an event in accordance with those rules rather than the federal rules (15 U.S.C § 6304).

²³ 15 U.S.C. § 6304.

²⁴ 15 U.S.C. § 6305(a).

²⁵ 15 U.S.C. § 6305(b)(1).

²⁶ 15 U.S.C. § 6305(c).

²⁷ 15 U.S.C. § 6305(b)(3).

²⁸ 15 U.S.C. § 6306(a).

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- Ensure that no boxer is permitted to box while under suspension from any boxing commission due to:
 - a recent knockout or series of consecutive losses;
 - an injury, requirement for a medical procedure, or physician denial of certification;
 - the failure of a drug test;
 - a falsification, or an attempt to falsify, official identification cards or documents; or
 - unsportsmanlike conduct or other inappropriate behavior inconsistent with generally accepted methods of competition in a professional boxing match.²⁹
 - Provide due process procedures for licensees who wish to appeal a suspension; and
 - Terminate a suspension.

Commissions must report the results of any boxing match, as well as any related suspensions, to any ABC-certified entity for the purposes of maintaining records and identification of boxers³⁰ within 48 hours of the match's conclusion.³¹

The Federal Act also directs the ABC to develop minimum contractual provisions for bout agreements and boxing contracts,³² as well as guidelines for the ratings of professional boxers.³³

The Federal Act puts in place numerous safeguards against conflicts of interest;

- Commission personnel must not contract with or receive any compensation from any promoter or anyone having a financial interest in an actively registered boxer.³⁴
- Sanctioning organizations,³⁵ promoters,³⁶ judges, and referees³⁷ must disclose to boxing commissions certain information, including financial information, before being entitled to compensation related to any boxing match.
- Promoters may not have a direct or indirect financial interest in the management of a boxer.³⁸
- Managers must not have a direct or indirect financial interest in the promotion of a boxer, or be employed by or receive compensation from a promoter beyond that specified in the manager's contract with the boxer.³⁹

²⁹ A commission may approve a boxer who is under suspension in another state to box if the boxer was suspended for any reason other than the ones listed here, as long as the commission consults with the suspending commission before granting approval, or if the boxer successfully appeals the suspension to the ABC. (15 U.S.C. § 6306(b)).

³⁰ 15 U.S.C. § 6301(3).

³¹ 15 U.S.C. § 6307.

³² 15 U.S.C. § 6307a.

³³ 15 U.S.C. § 6307c(a).

³⁴ 15 U.S.C. § 6308(a).

³⁵ 15 U.S.C. § 6307d.

³⁶ 15 U.S.C. § 6307e.

³⁷ 15 U.S.C. § 6307f.

³⁸ 15 U.S.C. § 6308(b)(1)(A).

³⁹ 15 U.S.C. § 6308(b)(1)(B).

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- Sanctioning organizations must not receive, directly or indirectly, any gifts or compensation from a promoter, boxer or manager. This does not apply to the reimbursement of reasonable expenses incurred in connection with sanctioning a professional boxing match or to the receipt of a gift or benefit of minimal value.⁴⁰

People found to have violated the provisions of the Federal Act are subject to fines and imprisonment.⁴¹

Colorado Law

The Colorado laws governing boxing regulation are housed within Article 10 of Title 12, Colorado Revised Statutes (C.R.S.), and are known collectively as the “Colorado Professional Boxing Safety Act” (Act).

In creating the Act, the General Assembly intended to create an effective and efficient system that protects the safety of participants and promotes public confidence in the conduct of professional boxing.⁴²

The Act defines “boxing” as fighting, striking, forcing an opponent to submit, or disabling an opponent. Boxing includes the disciplines of kickboxing—defined as engaging in martial arts techniques using the hands and feet, the object of which is to win by decision, knockout, or technical knockout—and mixed martial arts, which refers to the combined techniques of boxing and martial arts disciplines such as grappling, kicking, and striking, including the use of full, unrestrained physical force.⁴³

Section 12-10-105, C.R.S., creates the seven-member Commission. All members must be Colorado residents of good character and not have been convicted of any felony or match-related offense.⁴⁴ Of the five voting members, three are appointed by the Governor, one by the President of the Senate, and one by the Speaker of the House of Representatives. The remaining two members are non-voting, advisory members, and must be licensed physicians. One is appointed by the President of the Senate and the other by the Speaker of the House of Representatives.⁴⁵

Commission members serve three-year terms.⁴⁶ They elect one member to serve as chair.⁴⁷

Commission meetings must be held at least annually.⁴⁸ Members are not entitled to compensation for their service but are eligible for reimbursement of expenses incurred in the performance of their duties.⁴⁹

⁴⁰ 15 U.S.C. § 6308(c).

⁴¹ 15 U.S.C. § 6309(b).

⁴² § 12-10-102(2), C.R.S.

⁴³ § 12-10-103(2), (9), and (10.5) C.R.S.

⁴⁴ § 12-10-105(2)(a), C.R.S.

⁴⁵ § 12-10-105(2), C.R.S.

⁴⁶ § 12-10-105(2)(b), C.R.S.

⁴⁷ § 12-10-105(2)(c), C.R.S.

The Commission's core duty is to promulgate rules governing the conduct, promotion, and performance of boxing matches in Colorado. The rules must be consistent with applicable federal law and must address these specific areas:⁵⁰

- Requirements for issuance of licenses and permits for boxers, seconds, inspectors, promoters, judges, and referees;
- Regulation of ticket sales;
- Physical requirements for participants, including classification by weight and skill;
- Provisions for supervision of contests and exhibitions by referees and licensed physicians;
- Requirements for insurance covering participants and bonding of promoters;
- Guidelines for compensation of participants and licensees;
- Guidelines for contracts and financial arrangements between promoters and participants;
- Prohibition of dishonest, unethical, and injurious practices;
- Guidelines for reports of fraud;
- Responsibilities of participants; and
- Regulation of facilities.

The Office Director, who bears responsibility for the day-to-day operations of the Office, must be of good character and not have been convicted of any felony or match-related offense, and cannot be engaged in any other profession or occupation that would present a conflict of interest with the Office Director's duties.⁵¹ The Division Director appoints and supervises the Office Director.⁵²

The Office Director's statutory responsibilities include:⁵³

- Directing and supervising the Commission's administrative and technical activities;
- Administering the operation of matches in accordance with the Act and Commission rules;
- Attending Commission meetings;
- Advising the Commission on rules and procedures to improve the conduct of boxing; and
- Enforcing the Act and investigating allegations of potential violations of the Act.

The Office Director issues licenses to:

- Participants, or contestants, who engage in boxing matches;⁵⁴
- Seconds, who assist participants during a bout;
- Officials, who perform an official function during a contest;⁵⁵ and

⁴⁸ § 12-10-105(3), C.R.S.

⁴⁹ § 12-10-106(2), C.R.S..

⁵⁰ § 12-10-106(1), C.R.S.

⁵¹ § 12-10-107(2), C.R.S.

⁵² § 12-10-107(1), C.R.S.

⁵³ § 12-10-107(3), C.R.S.

⁵⁴ § 12-1-103(12), C.R.S

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- Promoters, which includes any association, organization, or corporation that promotes boxing events.⁵⁶

In order to participate, officiate, judge, referee, promote, or second a boxing match in Colorado, a person must hold a license under the Act.⁵⁷

The Office Director also issues permits to promoters for each scheduled boxing event, defined as a compilation of bouts that occur at one location during a single day.⁵⁸

Bout review process and requirements for participants.

Before any bout, the Office Director conducts a bout review to determine whether an applicant is eligible for a participant license. As part of this process, the Office Director considers many factors, including the applicant's age, record of wins and losses, overall physical and mental fitness, and recent injuries, knockouts, or technical knockouts; as well as any history of administrative actions by any athletic or boxing commission, bad faith dealings with any promoters or commissions, or any conduct that discredits a Commission-regulated sport in which the applicant wished to compete.⁵⁹

Participants must be at least 18 years old, except that the Office Director may approve the applications of applicants under the age of 18 if they provide a signed verification and waiver to the Office Director.⁶⁰ All participants must obtain a national identification card within seven days of a scheduled bout.⁶¹

Participants must be weighed in the presence of a Commission representative no less than 6 and no more than 30 hours prior to a scheduled event.⁶² Participants failing to make weight at the scheduled weigh-in time may be disqualified and subject to disciplinary action.⁶³ In order to participate in a boxing event, participants must undergo a physical examination and be deemed fit to compete by the examining physician. Physical examinations must, at a minimum:⁶⁴

- Measure the participant's weight, temperature, pulse, and blood pressure;
- Test the participant for venereal disease and hernia; and
- Evaluate the participant's heart, lungs, and general physical condition.

Within 48 hours of weigh-in, participants must provide medical test results demonstrating acceptable results for human immunodeficiency virus, hepatitis B, and hepatitis C.⁶⁵

⁵⁵ 4 CCR § 740-1-1.1 G, Colorado State Boxing Commission Rules.

⁵⁶ 4 CCR § 740-1-1.1 J, Colorado State Boxing Commission Rules.

⁵⁷ § 12-10-106.3, C.R.S.

⁵⁸ 4 CCR § 740-1-1.1 C, Colorado State Boxing Commission Rules.

⁵⁹ 4 CCR § 740-1-3.2, Colorado State Boxing Commission Rules.

⁶⁰ 4 CCR § 740-1-2.3, Colorado State Boxing Commission Rules.

⁶¹ 4 CCR § 740-1-4.1, Colorado State Boxing Commission Rules.

⁶² 4 CCR § 740-1-2.4 A, Colorado State Boxing Commission Rules.

⁶³ 4 CCR § 740-1-2.5, Colorado State Boxing Commission Rules.

⁶⁴ 4 CCR § 740-1-3.3 C, Colorado State Boxing Commission Rules.

⁶⁵ 4 CCR § 740-1-3.4, Colorado State Boxing Commission Rules.

Female participants must also provide evidence of a negative pregnancy test dated within seven days of the scheduled event.⁶⁶

Participants must also comply with all rules regarding personal appearance, attire, mouthpiece and glove requirements.⁶⁷ Participants may not use drugs, alcohol, or stimulants before or during a bout.⁶⁸

All participants who are scheduled to compete in any scheduled event are subject to preannounced or random, unannounced testing for the use of any prohibited drugs, substances, or methods identified by the World Anti-Doping Agency. If the Office Director has probable cause to believe that a participant may have used any prohibited drug, substance, or method, the Office Director may order a participant to undergo testing.⁶⁹

Chapters 2, 3, 4, 5, 6, and 7 of the Commission's Rules outline participants' qualifications in detail and establish the specific rules of conduct for participation in boxing, kickboxing, and MMA.

Requirements for seconds.

Seconds support participants by taping the participant's hands before a bout, tending to cuts between rounds, and providing coaching and guidance during rounds. A participant may have up to three seconds.⁷⁰ Seconds must possess all necessary materials to assist the participant during the bout.⁷¹

Chapter 8 of the Commission Rules outlines seconds' responsibilities in detail.

Requirements for officials.

Licensed officials may serve in three different roles: as inspectors, judges, and referees.⁷²

To qualify to serve as an inspector or judge, an applicant must have three years of applicable amateur experience or one year of applicable professional experience earned with a state or tribal athletic commission that is a member of the ABC.⁷³

⁶⁶ 4 CCR § 740-1-2.14 B, Colorado State Boxing Commission Rules.

⁶⁷ 4 CCR § 740-1-2.6, 2.7, 2.8, 2.9, Colorado State Boxing Commission Rules.

⁶⁸ 4 CCR § 740-1-2.10, Colorado State Boxing Commission Rules.

⁶⁹ 4 CCR § 740-1-3.6, Colorado State Boxing Commission Rules.

⁷⁰ 4 CCR § 740-1-8.5, Colorado State Boxing Commission Rules.

⁷¹ 4 CCR § 740-1-8.4, Colorado State Boxing Commission Rules.

⁷² 4 CCR § 740-1-1.1 G, Colorado State Boxing Commission Rules.

⁷³ 4 CCR § 740-1-14.2 C, Colorado State Boxing Commission Rules.

To qualify to serve as a referee, an applicant must have four years of applicable amateur experience or one year of applicable professional experience earned with a state or tribal athletic commission that is a member of the ABC. Potential referees must attest that they have read and understand the Act and the corresponding rules, as well as the rules of the appropriate sanctioning body. While the Office Director may require an applicant to pass a written and a physical examination,⁷⁴ generally, the Office Director requires only a written examination.

Chapter 14 of the Commission Rules outlines officials' responsibilities in detail.

Requirements for promoters.

Promoters must not advertise or sell tickets for an event until they have obtained a promoter license and an event permit that authorizes the promoter to hold the event at a specific time, date, and location.⁷⁵ Promoters are responsible for paying, in guaranteed funds, all officials' fees.⁷⁶

Chapter 10 of the Commission's Rules establishes what information a contract between a participant and a promoter must contain, including the type of bout, the number of rounds, participant weight requirements, and the purse amount. Participants must also include a statement acknowledging the inherent risk of engaging in the sport and waiving the Office, the officials, and the State of Colorado of any liability.⁷⁷

Promoters must hold at least \$10,000 in medical coverage and a \$10,000 life insurance policy for each contracted participant.⁷⁸

Chapter 9 of the Commission's Rules outlines promoters' responsibilities in detail.

⁷⁴ 4 CCR § 740-1-14.2 A and C, Colorado State Boxing Commission Rules.

⁷⁵ 4 CCR § 740-1-9.3 B, Colorado State Boxing Commission Rules.

⁷⁶ 4 CCR § 740-1-9.3 C ii B, Colorado State Boxing Commission Rules.

⁷⁷ 4 CCR § 740-1-10.1, Colorado State Boxing Commission Rules.

⁷⁸ 4 CCR § 740-1-9.5, Colorado State Boxing Commission Rules.

Program Description and Administration

The Director of the Office of Boxing (Office), located within the Division of Professions and Occupations (Division) of the Colorado Department of Regulatory Agencies, is vested with the authority to regulate the sport of boxing, which is defined in statute to include kickboxing and mixed martial arts (MMA). The Colorado State Boxing Commission (Commission) bears responsibility for promulgating rules to govern the industry.

Table 1 illustrates, for the five fiscal years indicated, the expenditures and staff associated with boxing regulation.

Table 1
Agency Fiscal Information

Fiscal Year	Total Program Expenditures	FTE
10-11	\$270,779	1.23
11-12	\$200,643	1.23
12-13	\$213,529	1.23
13-14	\$212,616	1.15
14-15	\$214,626	1.15

The decrease in expenditures from fiscal year 10-11 to 11-12 reflects a decrease in personal services expenditures.

In July 2016, there were 1.05 full-time equivalent (FTE) employees devoted to the program, including:

- 1.0 FTE Program Management I (Office Director): administers all day-to-day operations of the Office.
- 0.05 FTE Program Management II (Program Director): assists with management issues and serves as a liaison with the Division.

The number of FTE above does not include employees in the centralized offices of the Division, which provide licensing, administrative, technical, and investigative support to the Office. However, the cost of those employees is reflected in the Total Program Expenditures.

Table 2 illustrates, for the five fiscal years indicated, the fees associated with the Office.

**Table 2
Fees**

License Type	Fiscal Year	Original	Renewal	Reinstatement
Participant	10-11	\$30	0	0
	11-12	0	0	0
	12-13	0	0	0
	13-14	0	0	0
	14-15	0	0	0
Second	10-11	\$30	0	0
	11-12	0	0	0
	12-13	0	0	0
	13-14	0	0	0
	14-15	0	0	0
Official	10-11	\$100	\$35	\$53
	11-12	\$100	\$35	\$53
	12-13	\$100	\$35	\$53
	13-14	\$100	\$35	\$53
	14-15	\$100	\$35	\$53
Promoter	10-11	\$250	\$100	\$123
	11-12	\$250	\$100	\$118
	12-13	\$250	\$100	\$118
	13-14	\$250	\$100	\$118
	14-15	\$250	\$100	\$118

Promoters also pay additional, event-specific fees. When applying for an event permit, the promoter also pays a \$600 event permit fee. When the Office approves an event permit, the promoter is committed to promoting the event on the prescribed date and the Office is committed to overseeing it. Promoters also pay an event surcharge that is either seven percent of total ticket sales or, if the event tickets are priced so that the surcharge would total less than \$1 per ticket, the surcharge is \$1 per attendee.

Notably, the table above reveals there were no fees associated with the participant and second license types from fiscal year 11-12 to 14-15. During this time period, the Office raised the promoters' event fees to cover the costs associated with regulating these two license types. Ultimately, however, the event fee increase was insufficient to cover the cost of regulation. Beginning in fiscal year 15-16, the Division reinstated the original license fee and created a new renewal fee for participants and seconds. Both the original license fee and the renewal fee are \$50.

Licensing and Permits

Generally speaking, applicants for any boxing-affiliated license must complete an application and pay a fee. The Office Director issues licenses to boxing participants and seconds as part of the bout approval process in the days leading up to the scheduled event. The licensing process for boxing officials and promoters resembles that for other license types within the Division.

All license types may apply for a license online.

Table 3 illustrates, for the five fiscal years indicated, the number of licensees for each license type.

**Table 3
Licensees**

License Type	Fiscal Year	Original	Renewal	Reinstatement	Total
Participant	10-11	625	0	0	625
	11-12	757	0	0	757
	12-13	447	0	0	447
	13-14	326	0	0	326
	14-15	384	0	0	384
Second	10-11	641	0	0	641
	11-12	866	0	0	866
	12-13	518	0	0	518
	13-14	355	0	0	355
	14-15	641	0	0	641
Official	10-11	1	30	1	32
	11-12	6	30	3	39
	12-13	3	30	0	33
	13-14	3	20	5	28
	14-15	5	24	3	32
Promoter	10-11	9	27	6	42
	11-12	1	43	1	45
	12-13	5	45	1	51
	13-14	10	12	3	25
	14-15	3	10	5	18

The number of participants and seconds fluctuates depending on the number of permitted boxing events in a given year.

All licenses expire on June 30th. Historically, official and promoter licenses were eligible for renewal at that time, but participant and second licenses were not, partly because participants and seconds were more likely to be based out of state and often obtained a license for a single event, while officials and promoters were more likely to be based locally and promote or work numerous events per year. Beginning in 2016, the participant and second licenses are renewable.

The Office also issues permits for boxing events. Generally, promoters must apply for a permit at least 30 days before the date of the event. When determining whether to issue the permit, the Office Director may consider the number of permitted events occurring on or near the proposed date, the availability of officials to oversee the event, the adequacy of the proposed event venue, and other factors.

Table 4 illustrates, for the five fiscal years indicated, the number of permitted events held for boxing and MMA events. Sometimes the Office will issue a permit for an event that the promoter ends up canceling: the below table reflects only those events that actually took place.

**Table 4
Permitted Events Held**

Fiscal Year	Boxing Events	Kickboxing Events	MMA Events	Total Events
10-11	7	2	51	60
11-12	10	1	60	71
12-13	15	0	57	72
13-14	16	0	43	59
14-15	10	2	43	55

MMA is by far the most prevalent event type. The number of permitted events held increased from fiscal year 10-11 to 11-12 and dropped back down again in 13-14, which might reflect the narrow profit margins promoters face. Boxing events are expensive to produce, and slow ticket sales can translate to significant financial losses. Promoters experiencing losses one year might produce fewer events in subsequent years.

Complaints/Disciplinary Actions

Table 5 shows, for the five fiscal years indicated, the number of complaints the Office received.

Table 5
Complaints Received

Fiscal Year	Total Complaints	License Types Complained Against
10-11	2	Second
11-12	0	Not applicable
12-13	3	Participant
13-14	1	Participant
14-15	1	Participant

The Office received no complaints against officials or promoters during the five-year sunset reporting period.

The low number of complaints is at least partially due to the fact that licensees interact neither with the public nor with other state agencies, both of which are primary sources of complaints fielded by other Division programs.

Table 6 shows, for the five fiscal years indicated, the nature of the complaints the Office received.

Table 6
Nature of Complaints

Nature of Complaints	FY 10-11	FY 11-12	FY 12-13	FY 13-14	FY 14-15
Improper Conduct	1	0	0	0	0
Submitting fraudulent medical results	2	0	0	0	0
Submitting inaccurate pre-fight physical information	1	0	0	0	0
Use of a prohibited substance	0	0	1	0	0
Unprofessional conduct (overweight or failing to make weight)	0	0	1	1	0
Illegal boxing event	0	0	1	0	0
Having an unapproved object in mouth during competition	0	0	0	0	1
TOTAL	4	0	3	1	1

According to Table 5, there were two complaints filed in fiscal year 10-11, while Table 6 shows that there were four. This is because both cases reflected on Table 5 contained more than one allegation.

Most of the complaints were related to health and safety issues on or near the day of the boxing event.

Table 7 shows, for the five fiscal years indicated, the final actions taken against licenses.

**Table 7
Final Actions**

Nature of Complaints	FY 10-11	FY 11-12	FY 12-13	FY 13-14	FY 14-15
Revocations	0	0	0	0	0
Suspensions	0	0	0	1	0
Stipulations	1	0	2	0	0
Letters of Admonition	2	0	0	0	1
Other - Cease and Desist	0	0	0	0	0
TOTAL DISCIPLINARY ACTIONS	3	0	2	1	1
Dismiss	1	0	1	0	0

All of the above actions were taken against participants, except that in fiscal year 10-11, the Office issued one letter of admonition to a second.

Table 8 shows, for the five fiscal years indicated, the fines levied against licensees.

**Table 8
Fines**

Fiscal Year	Amount of Fines Collected
10-11	\$1,000
11-12	0
12-13	\$7,727
13-14	\$300
14-15	0

All of the above fines were levied against participants. The two most significant fines—\$5,000 for use of a prohibited substance and \$2,727 for failure to make weight— occurred in fiscal year 12-13. The Office determines fines on a case-by-case basis, taking into account the licensee’s cooperation—or lack of cooperation—and the amount of the purse at stake for the particular boxing event.

Collateral Consequences – Criminal Convictions

Section 24-34-104(9)(b)(IX), C.R.S., requires the Colorado Office of Policy, Research and Regulatory Reform to determine whether the agency under review, through its licensing processes, imposes any disqualifications on applicants or licensees based on past criminal history, and if so, whether the disqualifications serve public safety or commercial or consumer protection interests.

Section 12-10-107.1(1)(c), C.R.S., grants the Office Director the authority to deny applicants a license, or to suspend, revoke, place on probation, or issue a letter of admonition to licensees, if they have been convicted of or pled nolo contendere to a felony. However, the Office Director has never denied a license or suspended, revoked, or taken any other disciplinary action against a licensee based upon criminal history.

Analysis and Recommendations

Recommendation 1 – Continue the Colorado Professional Boxing Safety Act for nine years, until 2026.

The sport of boxing, including the disciplines of kickboxing and mixed martial arts (MMA), is subject to regulation under the Colorado Professional Boxing Safety Act (Act). The Act creates the Office of Boxing (Office) within the Division of Professions and Occupations (Division) at the Department of Regulatory Agencies (DORA), and vests its Office Director with the authority to supervise and administer boxing events in the state. The Act vests the seven-member Colorado State Boxing Commission (Commission) with the authority to promulgate rules necessary to enforce the Act.

In a typical Division program, the purpose of regulation is to protect the public from unsafe, incompetent, or dishonest practitioners. In this program, promoters contract with participants to step into the ring with the express intent of harming each other. There is little or no public interaction. What, then, is the purpose of regulation?

Boxing is a combat sport and inherently dangerous: participants may be injured, possibly fatally, in the ring. By making sure participants are medically fit to fight and are well-matched with their opponents in terms of weight, age, and ability; placing injured participants on medical suspension to prevent them from fighting until they have recovered; requiring the use of gloves, mouth guards, and other protective equipment; licensing qualified officials to officiate at boxing events; and requiring that a physician be ringside for events, the Office protects the health and safety of participants.

Boxing is also a potentially lucrative sport that is vulnerable to corruption and fraud. By imposing insurance requirements and spelling out what areas contracts must address, as well as defining prohibited conduct, the Office protects both participants and promoters from financial losses and provides assurance to the public that boxing events are legitimate and fair.

The Office Director enforces the Act by imposing fines and other discipline on licensees who violate the Act or Commission rules.

The Act also meets the requirements laid out in the 1996 federal Professional Boxing Safety Act, which established a basic regulatory framework for the sport and provided that states without a boxing commission would be compelled to enlist a boxing commission from another state to oversee their boxing events. The Act ensures that Colorado maintains clear regulatory authority over boxing events within its borders.

The Act also provides a regulatory framework for MMA, which unlike boxing, lacks federal oversight. Since the Ultimate Fighting Championship, the most well-known MMA promotion company, held its first event in Denver in 1993, MMA has overtaken boxing as the most popular combat-related sport in Colorado, with far more permitted events per year: in fiscal year 14-15, there were 14 boxing events and 43 MMA events, and in in fiscal year 15-16, there were 13 boxing and 38 MMA events. The Act provides the sole regulatory structure for the sport in Colorado.

The Office Director, through his or her licensing and enforcement activities and the oversight of contracts, permits, and the conduct of boxing events, and the Commission, through its rulemaking activities, serve to protect the public health and maintain the integrity of the boxing industry in Colorado. Therefore, the General Assembly should continue the Act for nine years, until 2026.

Recommendation 2 – Change the statutory definition of “Director” to mean the Division Director or his or her designee, create a new definition for “Office Director,” and clarify that the Division Director has the authority to recognize boxing sanctioning authorities.

In 2002, the Office was moved from DORA’s Executive Director’s office to the Division. Following the 2009 sunset review, the General Assembly revised the Act to clarify that the Division Director, not DORA’s Executive Director, has the authority to appoint and oversee the position of Office Director. This aligned the boxing program with other “Director model” programs within DORA, which typically vest the Division Director or his or her designee with all licensing, rulemaking and enforcement authority.

Currently, the Act does not adequately differentiate between the Office Director and the Division Director, and there is an outdated reference to the Executive Director. Making the following changes would clarify the structure of the boxing regulatory program and reflect current administrative practices.

Section 12-10-103(6), Colorado Revised Statutes (C.R.S.), defines “Director” as the Director of the Office. To clarify that the Division Director bears ultimate responsibility for boxing regulation, this definition should be amended to read:

“Director” is the Director of the Division of Professions and Occupations within the Department of Regulatory Agencies or his or her designee.

Revising this definition would clarify the lines of authority while allowing the Office Director to continue to manage the day-to-day operations of the Office.

Second, sections 12-10-107(1) and (2), C.R.S, describe the appointment and necessary qualifications of the Office Director. To clarify that the Division Director and the Office Director are discrete positions, the General Assembly should add a new statutory definition of “Office Director” to read:

“Office Director” is the Director of the Office of Boxing created in section 12-10-104.

Finally, section 12-10-103(15), C.R.S., states that the Executive Director has the authority to recognize boxing sanctioning authorities. Because the program is now housed within the Division, not the Executive Director’s Office, the General Assembly should revise the provision to state that the Division Director possesses that authority.

Recommendation 3 – Extend Commission members’ terms to four years.

Section 12-10-105(2)(b), C.R.S., establishes that Commission members serve three-year terms.

The Office is a lean operation, with just over one full-time employee charged with implementing the Act. Commission members are an important source of institutional knowledge, and though the Commission is an advisory board, rather than an independent, policy-autonomous board, it holds the authority to promulgate rules. This makes it particularly important that Commission members possess the knowledge and experience that longer terms of service afford.

The statutes creating many boards and commissions within DORA, including the State Board of Accountancy,⁷⁹ the State Plumbing Board,⁸⁰ and the Colorado Medical Board,⁸¹ establish four-year terms for their members.

For these reasons, the terms for Commission members should be increased to four years.

Recommendation 4 – Clarify that the Office Director has the authority to suspend a participant for medical or administrative reasons, as provided in the federal Professional Boxing Safety Act.

The federal Professional Boxing Safety Act requires state boxing commissions to establish procedures that ensure participants are not permitted to box while under suspension from any boxing commission. While some suspensions stem from conduct constituting a violation of the Act and would fall into the category of disciplinary actions, others are health and safety related. For example, a boxing commission may suspend a participant due to a recent knockout, a series of consecutive losses, or an injury.⁸²

⁷⁹ § 12-2-103(1), C.R.S.

⁸⁰ § 12-58-103(3)(a), C.R.S.

⁸¹ § 12-36-103(1)(a)(II), C.R.S.

⁸² 15 U.S.C. § 6306(a).

When a commission issues such a suspension, it reports that information to a national databank. This prevents injured fighters from trying to fight in another jurisdiction while on suspension. Non-disciplinary suspensions are a critical part of protecting athletes and ensuring that injured participants are not permitted to re-enter the ring or cage prematurely.

While the Office and the Office Director have administrative procedures in place and participate in the national databank, they lack the specific statutory authority to impose, report, and terminate non-disciplinary suspensions.

To codify the Office Director's authority to issue non-disciplinary suspensions and to forge a clear relationship between the Act and federal law, the General Assembly should add a new section to the Act establishing that:

- The Office Director may enforce the federal Professional Boxing Safety Act of 1996, including by adopting procedures to deny or suspend authorization for a participant due to the reasons listed in the federal law.
- Denials and suspensions for the medical and administrative reasons listed in federal law are non-disciplinary and may be lifted when a participant furnishes proof:
 - Of a sufficiently improved medical or physical condition; or
 - That a suspension was not, or is no longer, merited by the facts.
- The Office Director may consult and report to the national record keeper all non-disciplinary medical and administrative denials or suspensions.

Recommendation 5 – Clarify the wording around alcohol and drug use, and create two new provisions establishing unsportsmanlike conduct and failure to comply with a license restriction as grounds for discipline.

Section 12-10-107.1, C.R.S., establishes the grounds upon which the Office Director may take disciplinary action against a licensee. The following changes to this section would remove unnecessary restrictions and enhance public protection.

Alcohol or drug use. The Office Director may take disciplinary action against a licensee who is:⁸³

[a]ddicted to or dependent upon alcohol or any controlled substance ... or is a habitual user of said controlled substance, if the use, addiction, or dependency is a danger to other participants or officials[.]

⁸³ § 12-10-107.1(1)(d), C.R.S.

This wording presents two problems. First, it can be difficult to prove conclusively that someone is addicted to or dependent on alcohol or drugs. Second, because addiction is now understood as an illness, disciplining someone for being addicted may have legal ramifications.

The “excessive use or abuse of alcohol” has been established as the standard for disciplinary action in Colorado. This standard establishes the excessive use or abuse of alcohol or drugs as grounds for discipline, rather than the condition of being addicted to or dependent on such substances. Also, the provision does not address potential danger a licensee’s drug or alcohol use could pose to licensed seconds or promoters.

Therefore, the General Assembly should amend this provision to allow the Office Director to deny a license to an applicant or take disciplinary action against a licensee who is an excessive or habitual user or abuser of alcohol or habit-forming drugs or a habitual user of a controlled substance, as defined in section 18-18-102, C.R.S., or other drugs having similar effects, if the use, addition, or dependency is a danger to other licensees.

Unsportsmanlike or dangerous conduct. Currently, the Office Director does not have the authority to take disciplinary action against licensees who endanger the public during a boxing event. The Office reported cases of participants engaging in risky behavior that put spectators at risk, such as when an MMA participant did a backflip from the cage into the audience. The Office also reported instances where promoters allowed unauthorized items—such as swords—in the ring or cage, which could have posed a hazard to spectators.

For these reasons, the General Assembly should allow the Office Director to take disciplinary action against a licensee or applicant who:

- Is guilty of an act or conduct, or is incompetent or negligent in a manner that:
 - Is detrimental to a contest or exhibition of boxing, including, but not limited to, any unsportsmanlike conduct in connection with or before a contest or exhibition of boxing; or
 - Results in injury to a person or that creates an unreasonable risk that a person may be harmed.

Failure to comply with a license restriction. Currently, the Office Director has no recourse if a licensee fails to comply with a license restriction, whether it was imposed due to disciplinary action or for non-disciplinary medical reasons, such as when a participant is barred from fighting due to a concussion. When a participant violates a license restriction without penalty, he or she is undermining the regulatory authority of the Office Director, and in the case of a medical suspension, possibly imperiling his or her own health and the integrity of the sport.

Therefore, the General Assembly should permit the Office Director to take action against an applicant or licensee who fails to comply with any limitation, restriction or condition placed on the licensee by the Office Director or any other state or national regulatory authority responsible for regulating boxing.

Recommendation 6– Repeal the requirement that letters of admonition be sent via certified mail.

Section 12-10-107.1(2)(c)(I), C.R.S., seems to require the Office Director to send letters of admonition via certified mail. While this delivery method allows Division staff to verify that a delivery attempt was made, it does not guarantee that the addressee actually receives the letter. The addressee can decline to sign for or pick up the letter, and then claim he or she never received it. This defeats the purpose of sending the letter by certified mail.

Certified mail also costs more than first-class mail.

The General Assembly should repeal the requirement that letters of admonition be sent by certified mail, requiring instead that such letters be sent via first-class mail. Making this change would save money and streamline the administrative process for letters of admonition without compromising the Office Director’s enforcement authority.

Recommendation 7 – Make technical changes to the Act.

The Act contains instances of obsolete, duplicative, and confusing language. The Law should be revised to reflect current terminology and administrative practices. These changes are technical in nature, meaning that they have no substantive impact on the regulation of boxing in Colorado.

The General Assembly should make the following technical changes:

- **Section 12-10-103(13.5), C.R.S.** Strike “physical disciplines” and replace with “boxing.”
- **Section 12-10-105(2)(a), C.R.S.** Strike references to the initial terms of Commission members, because such references are obsolete.
- **Section 12-10-105(2)(b), C.R.S.** Strike “except the initial appointees” because this reference is obsolete.
- **Section 12-10-106(1)(f), C.R.S.** Strike “participants” since the term “licensees” includes participants.
- **Section 12-10(106)(1)(j), C.R.S.** Strike “including female boxers,” since the term “participants” includes female boxers.
- **Section 12-10-107.1(f), C.R.S.** In order to align it with the wording in other Division statutes, revise this provision to read:

Provides false information in any application or attempted to obtain a license by fraud, deception, misrepresentation or concealment.