

1998 SUNRISE REVIEW

Professional Boxing

Colorado Department of Regulatory Agencies



Office of Policy and Research

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Executive Summary

The Colorado Department of Regulatory Agencies (“DORA”) has prepared this report in response to a sunrise application received from the Committee for Colorado Boxing (the “Applicant”) to regulate professional boxing in the state of Colorado. DORA considered the Applicant’s concerns and the public benefit of the proposal using the required statutory criteria identified in section 24-34-104.1, C.R.S., which requires DORA to consider:

- I. Whether the unregulated practice of the occupation or profession clearly harms or endangers the health, safety or welfare of the public, and whether the potential for harm is easily recognizable and not remote or dependent on tenuous argument;
- II. Whether the public needs, and can be reasonably expected to benefit from, an assurance of initial and continuing professional or occupational competence; and
- III. Whether the public can be adequately protected by other means in a more cost-effective manner.

Scope of Proposed Regulation

The Applicant proposes to regulate the professional boxing industry through licensing, registering and certifying professional boxers and professional boxing officials. The application submitted by the Applicant originally proposed that professional kickboxing also be regulated, but this proposal was later withdrawn.

Methodology

The scope of this review was comprehensive in nature. As part of this Sunrise review process, DORA interviewed representatives of the Applicant and attended several professional boxing events. DORA performed a literature search, contacted local and national professional boxing associations, and interviewed other states’ regulators regarding the regulation of professional boxing.

DORA's Findings

The Sunrise application submitted by the Applicant for the regulation of professional boxing in Colorado does not meet the Sunrise Statute's criteria for regulation. Therefore, based on the Sunrise criteria alone, DORA cannot recommend that the General Assembly regulate professional boxing in Colorado.

However, there are reasons for regulating professional boxing by the State of Colorado:

- The federal Professional Boxing Safety Act of 1996;
 - Prevention of crime and fraud;
 - Protection of the participants in the professional boxing industry;
 - Providing positive alternatives for Colorado's youth; and
 - Colorado's status as a non-conforming jurisdiction in the professional boxing community.
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Background

Boxing is one of the oldest sports known to mankind, with its modern origins dating back to the Olympian Games of ancient Greece. The Encarta Concise Encyclopedia defines “boxing” as an:

Athletic contest between two persons who use their fists to try to knock each other unconscious or cause the opponent to quit or be judged beaten. A boxing match is conducted under established rules and procedures and has a referee, judges, and a timekeeper. The primary aim is to strike blows to the head and torso of the opponent that will knock down the boxer and render him or her incapable of rising to a standing position within ten seconds.

By the middle of the 18th century, boxing, then little more than bare-knuckle fist fighting, became popular in London. In 1857, the Queensbury Rules were adopted throughout England. The Queensbury Rules limited the length of rounds, made boxing gloves mandatory, established a one-minute rest period between rounds, and established the ten second rule for knockdowns. The Queensbury Rules primarily brought order and civility to a sport that had been largely chaotic and barbarian.

While the Queensbury Rules were adopted by U.S. fighters in 1880, over the next 30 years several states banned boxing due to the injuries sustained by the fighters. In addition, organized crime and gambling seemed to be inextricably linked with boxing.

Nevertheless, “An Act to Prevent Prize Fights” (the “Territorial Act”) became part of the Territorial Laws of Colorado in 1872. After the achievement of statehood, the Territorial Act was adopted in full by the State of Colorado. In April 1899, Colorado enacted the Cannon Bill, which prohibited prize fighting unless the activity was conducted by a locally licensed club or association and it required the participants to use gloves. Five months after its enactment, the Cannon Bill was declared unconstitutional.

Though technically illegal, by operation of the never-repealed Territorial Act, boxing’s popularity in Colorado grew. In addition, Colorado produced two world champions: Young Corbett, Featherweight Champion, 1901-1902; and Jack Dempsey, Heavyweight Champion, 1919-1926.

As boxing’s popularity grew, so too did gambling on the outcome of contests. With large amounts of cash involved, organized crime became more involved in “fixing” fights – paying the participants to achieve a desired outcome. To counter this phenomenon, New York became the first state to establish a commission to regulate boxing in 1920.

Background

History of Regulation in Colorado

In 1927, the Colorado General Assembly followed New York's lead and created the State Boxing Commission (the "Boxing Commission") to protect the health and safety of participants and to ensure spectators of the validity and fairness of the competition and of the outcome of boxing events. The Boxing Commission was given sole jurisdiction over all professional and amateur matches, and was authorized to license clubs, organizations, corporations, associations, physicians, referees, timekeepers, professional boxers, managers, trainers and seconds. In addition, fines, fees, salaries, and duties were established along with some general guidelines requiring qualification standards and rules.

The structure of the Boxing Commission remained unchanged for its fifty years of existence. There were three commission members, each appointed by the Governor for staggered six-year terms. Two of the three commission members were required to be honorably discharged from the U.S. armed forces.

However, the responsibilities of the Boxing Commission were expanded in 1933 to include the regulation of professional and amateur wrestling. In 1947, the Boxing Commission was renamed the Colorado State Athletic Commission (the "CSAC"). Under the Administrative Reorganization Act of 1968, the CSAC became an agency of the Department of Regulatory Agencies ("DORA"). The CSAC did not make any substantial changes to its rules or mode of operation between 1947 and 1977.

While the CSAC was audited in 1967 and 1971, it wasn't until 1976 that the demise of the CSAC began. In October 1976, the State Auditor submitted its Performance Audit of the CSAC to the Legislative Audit Committee. The State Auditor was highly critical of virtually every aspect of the CSAC.

Finally, in March 1977, DORA conducted a Sunset Review of the CSAC (the "1977 Report") pursuant to the newly enacted Sunset Act (effective July 1, 1976). The 1977 Report resulted in the sunseting of the CSAC amid allegations of racism, cronyism and failure to fulfill legislative mandates.

The 1977 Report criticized the CSAC's organic statute and the manner in which the CSAC was operated. The 1977 Report cited the following statutory shortcomings:

- No term limits for commission members;

At the time of the 1977 Report, two of the three CSAC members had served as such for over 25 years. The CSAC Chairman in 1977, Mr. Eddie Bohn, had served as a member of the CSAC for 43 years and as its chairman for 20 years.

Background

- CSAC members did not adequately represent Colorado's diverse population or the regulated community;

The members of the CSAC were all older Caucasian males.

- Two of the three CSAC members were required to be honorably discharged veterans; and

No justification for this requirement could be found.

- The enabling statute was vague and failed to adequately define the purpose of the CSAC.

In addition, the 1977 Report observed the following shortcomings in the operation of the CSAC:

- Inadequate office staffing;

The Executive Secretary of the CSAC was hired in violation of statute and did not maintain regular office hours. As a result, CSAC mail was often collected by the chairman who selectively shared such correspondence with the CSAC.

The clerical services of DORA were not utilized. The CSAC members did their own clerical work, leading to lengthy delays. In addition, files were either not maintained or were disorganized and useless.

- Inadequate recordkeeping;

Records that were required by statute or rule were either nonexistent or were in unusable formats.

- Failure to promulgate statutorily mandated rules;

The CSAC never promulgated rules regarding licensing qualifications and rules for amateur boxing and wrestling matches.

- Failure to establish a uniform system for processing and issuing licenses;

The CSAC had the authority to limit the number of licenses issued. The failure to establish a uniform system for processing license applications resulted in the CSAC chairman often making allegedly unilateral decisions regarding whether to issue a license. In addition, the 1977 Report cited several instances in which the chairman simply refused to provide a license application to a potential licensee, effectively denying such license without cause.

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- Failure to take enforcement action;
- Failure to collect, review and maintain statutorily mandated reports from licensees; and
- Failure to adhere to the open meetings provisions of the Colorado Sunshine Act of 1972.

It was rare for the CSAC to give notice of its meetings. Meetings were usually held in a restaurant owned by the chairman and no records of the meetings were made or maintained.

Finally, the CSAC, and particularly its chairman, Eddie Bohn, was accused of discriminating against Hispanics and other minorities in the granting of licenses for boxing officials.

In the 21 years since the CSAC was abolished, boxing and wrestling, both professional and amateur, have continued in Colorado. Sunrise applications calling for renewed regulation of professional boxing were submitted in 1988 and 1991. However, adhering, as it must, to the Sunrise Criteria outlined in the Sunrise Statute, DORA, in both instances, recommended against regulation.

Events in the last few years have lead to a renewed interest in regulating professional boxing at the state level in Colorado. In 1995, a great deal of attention was paid to what was billed as “The Ultimate Fighting Championship,” which amounted to little more than street fighting in a public arena. It was alleged that the Ultimate Fighting Championship was being held in Denver because Colorado was one of only a handful of states that did not have a boxing or athletic commission to stop it.

In 1996, Congress passed the Professional Boxing Safety Act of 1996, 15 U.S.C. § 6301 (discussed in greater detail below), which seems to place severe restrictions on boxing in those states that do not regulate boxing.

Also in 1996, the Denver Mayor’s Office of Regulatory Reform conducted a Sunrise Review to determine whether boxing should be regulated by the City and County of Denver. The report concluded, “The regulation of fighting sports at the city level is not necessary for the protection of the public health and welfare.”

Background

In 1997, Representative Mike Salaz (R-Trinidad), introduced House Bill 97-1121 (the Colorado Professional Boxing Safety Act) to the Colorado General Assembly. House Bill 97-1121 would have reconstituted the CSAC, placing it within a simultaneously created Division of Boxing to be placed in the Department of Revenue (the bill was later amended to place the division and commission in DORA). The new CSAC would have had regulatory responsibility over all persons, practices, and associations related to the operation of live professional boxing and professional kickboxing events, performances, or contests held in Colorado.

House Bill 97-1121 passed the State, Veterans and Military Affairs Committee by a vote of 12 to 1. However, the bill died in Appropriations due to a fiscal note calling for a budget of approximately \$266,000 and a staff of 4.3 FTE. This fiscal note anticipated extensive rulemaking and other start-up costs that would be expected for a new program.

Federal and Other State Regulation

Federal Regulation

In the waning days of the 104th Congress, the Professional Boxing Safety Act of 1996 (the “Federal Act”), 15 U.S.C. § 6301, et seq., sponsored by Senator John McCain (R-Arizona), passed the U.S. House of Representatives by a voice vote and the U.S. Senate by unanimous consent. The purpose of the Federal Act is:

- (1) to improve and expand the system of safety precautions that protects the welfare of professional boxers; and
- (2) to assist State boxing commissions to provide proper oversight for the professional boxing industry in the United States.

15 U.S.C. § 6302. The Federal Act can be found in Appendix A.

Among other things, the Federal Act mandates that all boxers undergo physical examinations; that physicians and emergency medical personnel be present at all boxing events; and that all boxers be provided with health insurance to cover fight-related injuries. 15 U.S.C. § 6304.

In an attempt to reduce the frequency of boxers fighting under different names in order to sidestep suspensions, the Federal Act also mandates that state boxing commissions issue identification cards bearing the picture of the boxer, the boxer’s social security number, and a boxer identification number. 15 U.S.C. § 6305. These identification cards are valid for two years and must be presented before every bout.

Background

Of particular concern to Colorado, however, is section 4 of the Federal Act, which reads:

No person may arrange, promote, organize, produce, or fight in a professional boxing match held in a State that does not have a boxing commission unless the match is supervised by a boxing commission from another State and subject to the most recent version of the recommended regulatory guidelines certified and published by the Association of Boxing Commissions as well as any additional relevant professional boxing regulations and requirements of such other State.

15 U.S.C. § 6303.

This section of the Federal Act raises several major issues for boxing in Colorado. First, since Colorado does not have a boxing commission, the Federal Act prohibits professional boxing in the state unless the event is supervised by regulators from a state that has a boxing commission.

Secondly, professional boxing in Colorado is now subject to rules, regulations and disciplinary actions that were/are not promulgated or taken pursuant to the due process protections of the Colorado State Administrative Procedure Act, § 24-4-101, et seq., C.R.S.

Finally, and most significantly, the Federal Act is constitutionally suspect. Article 4(4) of the U.S. Constitution guarantees “to every state in this Union a republican form of government.” In subjecting the people of Colorado (which does not have a commission) to laws passed by legislatures (of states which have commissions) in which the voters of Colorado have no voice, the people of Colorado are being deprived of a republican form of government.

In addition, the Tenth Amendment to the U.S. Constitution states:

The powers not delegated to the United States by the constitution nor prohibited by it to the states, are reserved to the states respectively, or to the people.

The Tenth Amendment enshrines the sovereignty of the several states. The Federal Act essentially forces boxing in non-commission states which have elected not to regulate boxing, to be regulated under the rules of a private organization (the Association of Boxing Commissions) and under the rules of other states.

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In addition, section 14 of the Federal Act states:

Nothing in this Act shall prohibit a State from adopting or enforcing supplemental or more stringent laws or regulations not inconsistent with this Act, or criminal, civil, or administrative fines for violations of such laws or regulations.

15 U.S.C. § 6313. Thus, under the Federal Act, Colorado cannot even ban boxing, should the people of Colorado choose to do so. All of this infringes upon Colorado's sovereignty and arguably violates the Tenth Amendment.

Furthermore, section 10 of the Federal Act authorizes the U.S. Attorney General to bring civil and/or criminal actions against those who violate the Federal Act. Criminal penalties include up to one year imprisonment or fines of up to \$20,000, or both. A boxer who knowingly violates the Federal Act can be fined up to \$1,000. 15 U.S.C. § 6309. Thus, Colorado citizens who choose to ignore the Federal Act face stiff penalties.

While the Federal Act arguably violates Article 4(4), the Tenth Amendment, and infringes upon Colorado's sovereignty, it is still the law of the land until successfully challenged in court and declared unconstitutional. Until this happens, Colorado's professional boxing industry must find a way to comply with the Federal Act: either continue under the *status quo* or petition the Colorado General Assembly to regulate the industry. As this report exemplifies, the industry, through the Applicant, has chosen the latter course of action.

Regulation in Other States

Only five states (Alabama, Colorado, Kansas, South Dakota and Wyoming) do not regulate professional boxing. In interviews with regulators from states that regulate professional boxing, several issues were addressed that have potential application to the future of regulation in Colorado. As part of this process, discussions were held with regulators from Arizona, Nebraska, New Mexico, Ohio, and Oklahoma.

Arizona, New Mexico and Ohio all regulate professional boxing through policy autonomous commissions. These commissions are comprised of between three and five governor appointees and have rulemaking and disciplinary authority. Their powers and authority are substantially similar to Type I boards in Colorado.

Regulation in Nebraska and Oklahoma, however, is different. In these states, regulation is primarily ministerial. These states have three member advisory boards, with rulemaking and disciplinary authority reserved to the Department of Revenue (Nebraska) and the Department of Labor (Oklahoma).

As the table below illustrates, whether a state has an autonomous commission is not necessarily determined by the number of boxing events held in that state. Rather, a state's

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regulatory scheme is determined more by the degree of regulatory oversight deemed necessary by the legislature.

State	<i>Estimated Number of Events in 1997</i>	<i>Policy Autonomous Commission?</i>
Arizona	20	Yes
Colorado	12	Not Applicable
Nebraska	25	No
New Mexico	12	Yes
Ohio	14	Yes
Oklahoma	2	No

Representatives from Oklahoma and Nebraska, the two states without autonomous commissions, indicated that their respective states used to have autonomous commissions, but due to improprieties and other problems, both states have altered their regulatory schemes. Ministerial commissions may help to minimize the opportunity for corruption and other improper conduct. Regulators from both states reported that their systems work more smoothly now.

Representatives from those states with autonomous commissions, on the other hand, espoused the virtues of having governor-appointed commissions. Most day-to-day regulatory activity is handled by administrative staff, leaving policy and disciplinary decisions for the commissions. In addition, all states have legal counsel for their commissions, helping to reduce the likelihood of improprieties.

It is not clear which regulatory scheme would better serve the people of Colorado, or help to prevent a repeat of the scandals of the old Colorado State Athletic Commission. Both regulatory schemes offer advantages and disadvantages.

After determining which regulatory model to follow, the next logical issue to address is staffing and budgets. With the exception of Nebraska, most states require their boxing or athletic commissions to be cash funded. Budgets range from a low of \$60,000 in New Mexico to a high of \$250,000 in Oklahoma (the Oklahoma commission also regulates wrestling and kickboxing).

Furthermore, most commissions have minimal staff: Nebraska and New Mexico each have 1.0 FTE; Arizona and Ohio each have 1.5 FTE; and Oklahoma has 2.5 FTE. However, all regulators stated that more staff is needed.

While most states use contract or volunteer inspectors for professional boxing events, commission staff usually serves as the official presence at an event. The extensive use of contract and volunteer workers helps to reduce staffing and budgetary needs.

The number of licensees and fees collected are also important factors in determining the ideal regulatory scheme for Colorado. Most states license the following individuals:

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- **Ring Announcers.** Ring Announcers are officials who are responsible for announcing the names, weights and records of the Boxers participating in each bout; the decisions of the Referees and Judges; and other matters required by law, by rule or requested by the Promoter.
 - **Booking Agents.** Booking Agents bring together professional Boxers and arrange professional boxing contests and exhibitions.
 - **Boxers.** Boxers are participants in unarmed combat athletic contests or boxing matches.
 - **Cornerpeople/Seconds.** A Cornerperson, or Second, assists the Boxer during the rest period between rounds in a professional boxing match by placing a stool in the corner for the Boxer to sit on; providing water, sponges and towels for the Boxer; rinsing the Boxer's mouthpiece; attending to any cuts, swelling or other minor injuries of the Boxer; and providing instruction, advice and encouragement to the Boxer.
 - **Inspectors.** Inspectors are officials who are responsible for observing and ensuring that the taping of each Boxer's hands prior to a bout is performed according to the laws and rules governing hand-wraps. Inspectors also maintain order in each Boxer's corner of the ring during the bout.
 - **Managers.** Managers act as the agents or representatives of Boxers. Managers plan, organize, coordinate, direct, contract and supervise the scheduling or other business activity of a Boxer.
 - **Matchmakers.** Matchmakers propose, select and arrange for Boxers to participate in professional boxing matches.
 - **Judges.** Judges are officials who vote to determine the winner of a professional boxing match. Tally Judges are officials who obtain the scorecards from the Judges and tally the scores of the Boxers at the conclusion of each round.
 - **Physicians.** Physicians are licensed medical doctors who are at ringside throughout a professional boxing match. They provide medical assistance as necessary.
 - **Promoters.** Promoters are primarily responsible for organizing, promoting, and producing a professional boxing match.
 - **Referees.** Referees are officials who work in the boxing ring during a bout. They are responsible for maintaining order, enforcing the rules and stopping
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Background

the bout if it appears necessary in order to protect the health and safety of the Boxers.

- **Timekeepers.** Timekeepers are officials who are responsible for ringing a bell to indicate the beginning and end of each round. Using stopwatches, Timekeepers monitor the elapsed time of each bout and the rest periods between rounds. Timekeepers are also responsible for beginning and maintaining the knockdown count until the Referee picks up the count.
- **Trainers.** Trainers provide Boxers with assistance in their physical conditioning, acquisition of boxing skills, and the creation of strategies for bouts. Trainers also provide instruction and encouragement to Boxers between rounds at bouts.

With the exception of promoters and matchmakers, license fees are usually nominal, ranging, for the most part, between \$5 and \$25 per year. Promoter and matchmaker license fees are usually higher, ranging between \$100-\$400 per year. However, it must also be noted that promoters and matchmakers generally realize the greatest level of profit.

Since licensing fees are relatively insignificant, most boxing commissions obtain their funding by collecting a percentage of ticket sales and television revenues. The following table illustrates the percentages collected from various activities.

<i>State</i>	<i>Fees Collected</i>
Arizona	4% of Gross Ticket Sales
Nebraska	10% of Net Ticket Sales 5% of Television Revenue
New Mexico	4% of Gross Ticket Sales 5% of Television Revenue
Ohio	5% of Gross Ticket Sales
Oklahoma	5% of Gross Ticket Sales/Concessions 4% of Television Revenue

Background

As the table illustrates, 5% of gross ticket sales and television revenues is common.

Although the promoter pays the officials (judges, referees, timekeepers, inspectors and announcers) who will work at an event, in most states the state regulatory agency selects the individual officials. In this manner, the promoter bears the cost but the state is ensured of a minimum level of objectivity by these individuals because the promoter does not select them.

As one regulator stated, boxing is a rather "fly-by-night" business. Historically, it has not been unusual for promoters to come into a state, set up an event, sell tickets, and then disappear without paying anyone. As a result, many states now require promoters to post bonds. If the promoter fails to fulfill its financial obligations, claims can be filed against the bond.

As the table below illustrates, bonding requirements vary from state to state.

State	Bonding Requirement
Arizona	\$5,000
Nebraska	\$5,000
New Mexico	\$10,000
Ohio	\$10,000
Oklahoma	\$5,000

However, some states, such as Connecticut, require promoters to post bonds in the amount of \$100,000, while other states, such as New York, only require bonds in the amount of \$2,000.

Various states have adopted different regulatory schemes, but most states license the same individuals at similar license fees, collect similar percentages of ticket sales and television revenues, and require promoters to post bonds. In fact, with the exception of the regulatory scheme, most states surveyed for this report were relatively uniform.

Background

Current Boxing Activity in Colorado

Although professional boxing has been unregulated by a Colorado agency since 1977, an average of 9.4 multi-bout professional boxing events have been held in the state each of the last five years. Average attendance at these events, held for the most part in the Denver Metropolitan Area, is 722 spectators.

<i>Year</i>	<i>Number of Events</i>	<i>Average Estimated Attendance</i>	<i>Estimated Gross Ticket Sales</i>
1994	7	630	\$132,000
1995	8	675	\$162,000
1996	13	1054	\$411,000
1997	12	625	\$223,000
1998*	7	625	\$131,250

* Through September 1998.

Boxing events are held at a variety of venues in and around the Denver Metropolitan Area, including: McNichols Arena, Currigan Hall, National Western Stock Show, Mammoth Event Center, LoDo Event Center (formerly the Blake Street Baseball Club), and the Adam's Mark Hotel. Boxing events have also been held in Thornton, Durango, Cripple Creek, and Ignacio.

Ticket prices at these events vary, depending upon the promoter and venue. The Applicant has provided information that ticket prices can range from an extreme low of \$12 for general admission to \$60 for premium seating. On average, however, ticket prices are usually \$20 for general admission, \$30 for reserved seating, and \$40 for ringside seating.

In Colorado, boxers are typically paid by the number of scheduled rounds in their bouts. While a boxer's purse can vary considerably, based upon popularity, experience, record and weight class, most events in Colorado can be classified as "club shows," which feature journeymen boxers. Journeymen boxers are professional boxers and train as such, but also have other jobs. Journeymen boxers typically fight wherever and whenever they can.

Under these circumstances, boxers in Colorado are generally paid \$100 per scheduled round. This means that if a bout is scheduled to go four rounds, the boxer will be paid \$400.

Main event boxers (one or two steps above journeymen boxers) can collect between \$125 and \$150 per scheduled round. For larger, televised events, featured boxers can earn much more.

Very rarely, however, does a boxer retain all of his/her earnings. The boxer has to pay his/her manager and trainer (usually 10% each). Another common practice is for the manager to receive 33%. The manager would then pay the trainer and others involved.

Background

Although the State of Colorado has not regulated boxing in over 20 years, to say that boxing in the state is completely unregulated is not entirely accurate. The Association of Boxing Commissions (the “ABC”), the federally recognized national boxing authority, maintains a quasi-official presence in Colorado through the Colorado Boxing Alliance (the “CBA”), which is loosely affiliated with the Applicant. Due to the federal Professional Boxing Safety Act of 1996 (the “Federal Act”), regulation of professional boxing in non-commission states, such as Colorado, is rather complicated.

Since the Federal Act requires a state commission to supervise all professional boxing events, Colorado must utilize the boxing regulators of other states in order to host a professional boxing event. These out-of-state regulators supervise boxing events in Colorado.

The ABC has promulgated the *ABC Regulatory Guidelines* (the “ABC Guidelines”) which are primarily the “rules of the ring” and are generally enforced in every state. These guidelines mandate, for example, that no bout exceed 12 rounds of three minutes, that there be a physician and emergency medical personnel at ringside at all times, and other technical compliance issues. If the ABC Guidelines do not address an issue, then the rules of the supervising commission apply. Thus, there is a modicum of consistency in the rules that apply in Colorado. The ABC Guidelines can be found in Appendix B.

In addition, the ABC has promulgated the *ABC Guidelines for Colorado Boxing* (the “Colorado Guidelines”). The Colorado Guidelines are primarily administrative in nature and address issues such as fees, the role of the CBA, the reporting of event information to the ABC, and event security and safety precautions. The Colorado Guidelines can be found in Appendix C.

This unofficial system of regulation begins when a promoter approaches the CBA, expressing an intent to hold a professional boxing event in Colorado. The CBA and promoter begin a dialogue in which forms and information are exchanged. At least 21 days prior to the scheduled event, the promoter is required to complete and submit to the CBA a CBA/Promoter Agreement specifying the date and location of the event, name of promoter, proposed bouts, and the details of particular bouts. At this time, the promoter must also pay a number of fees to the ABC, the CBA and insurance carriers.

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Once the CBA receives these items, it contacts the ABC for approval and begins to make arrangements with out-of-state commissions for someone to supervise the event. Supervising commissions are selected on a rotating basis, so as not to use the same state's commission at all Colorado events. Since the Federal Act became effective, the CBA has utilized the supervisory services of commissions from Arizona, Indiana, Iowa, Minnesota, Montana, Nebraska, Nevada, New Mexico and Pennsylvania.

The supervising commission is entitled to charge up to \$350 per event, plus travel and accommodations costs. Promoters are required to cover these costs. Due to several instances of promoters failing to pay the supervising commissions, however, payment is now made to the CBA at least 21 days prior to the event. The CBA then pays the supervising commission.

The CBA schedules a team of 13 officials (inspectors, judges, referees, and timekeepers), all of whom are licensed by Nebraska, to work at a scheduled event. In addition, the CBA works with the promoter to confirm the bouts; investigate whether anyone involved with the event is under suspension by another state; obtain verified records; verify, issue and process federal boxer identification cards; review and approve contracts; and obtain completed insurance forms.

From a legal standpoint, this unofficial regulatory framework is full of complex multijurisdictional issues: there is a private organization (the ABC) promulgating rules for one state under a highly suspect federal mandate; the rules are supervised by a second state's regulators; and a third state licenses the officials.

Regulation of professional boxing in Colorado should be considered if for no other reason than to clarify this legal morass.

The future workability of this system is also in doubt. Interviews with regulators in other states revealed that all of them are concerned about liability issues should someone be seriously injured in a Colorado bout. In fact, regulators from New Mexico will no longer supervise boxing events in Colorado for this reason.

The practical usefulness of this system is also questionable. While most of the important regulatory work takes place before an event, supervising commissioners usually only witness what occurs immediately before a bout. These individuals do not, and in many cases cannot, conduct comprehensive safety inspections and are not involved in licensing. They are not familiar with the people involved in Colorado boxing.

In addition, one out-of-state regulator stated that he tells his people coming to Colorado to be more "cooperative" in performing their duties in Colorado than if they were in their home state. Thus, it appears that out-of-state regulators are willing to concede strict enforcement for the sake of maintaining good relations with Colorado's professional boxing industry.

Furthermore, all regulators interviewed for this report stated that before they can suspend or revoke a license, the due process rights of licensees require the opportunity for a

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hearing. However, an unusual situation has recently occurred in which the Nebraska State Athletic Commission suspended the license of a promoter for alleged violations occurring in Colorado.

In a letter dated August 24, 1998, Nebraska's State Athletic Commissioner wrote to the promoter:

Your flagrant disregard for all rules, recommendations and warnings given by the CBA has led me to the decision to suspend you from all boxing activity for a minimum of six (6) months from the date of this letter.

This suspension is disturbing for several reasons. It is unusual for a state agency to rely upon the "rules, recommendations and warnings" of a private organization (the CBA) as the sole grounds for suspending a license. This notice of suspension gives no specific examples of violations of Nebraska law.

In addition, the letter states that these grounds have "led me to the decision to suspend." No hearing was held or offered. According to the Nebraska State Athletic Commissioner, a hearing would have been held had the promoter asked for one. When asked whether the promoter was aware that he had the right to request a hearing, the Commissioner simply responded that this requirement is in the Nebraska rulebook and that he thought the promoter had a copy of the rules.

Finally, the promoter has been suspended for "a minimum of six months." Since the original suspension seems to be based on unproved allegations, the promoter has no reassurance that the suspension will not be extended. The period of suspension is vague.

In the end, a Colorado citizen has had his license suspended in violation of Colorado's due process standards. While suspension may very well be an appropriate disciplinary action for the conduct complained of, due process demands that the licensee be given the opportunity for a hearing and, at the very least, a description of the allegations made against him. None of this was done in the letter of suspension.

This entire affair is an example of the complex legal issues involved in having out-of-state regulators involved in Colorado's professional boxing industry. The current system has created a multijurisdictional enforcement and disciplinary conundrum. If this hodgepodge of federal, private and out-of-state regulation is unacceptable to the General Assembly, it should intervene and regulate professional boxing.

Sunrise Analysis

Under the Sunrise Statute, the Applicant must demonstrate that the proposed regulation will protect the health, safety and welfare of the public; that the public will benefit from the professional competence imposed by the proposed regulation; and that public protection cannot be achieved by other, more cost-effective means.

Public Protection

The Sunrise Statute requires this report to determine whether the unregulated practice of the occupation or profession clearly harms or endangers the health, safety or welfare of the public, and whether the potential for harm is easily recognizable and not remote or dependent on tenuous argument.

Although the Applicant could not articulate any instances in which professional boxers have been physically injured in Colorado due to lack of regulation, it has been argued that regulation by the State of Colorado will help to protect the participants in the professional boxing industry. Although the Federal Act addresses these issues, enforceable state safety and equipment standards will help to protect the physical well being of boxers. In addition, an enforceable state requirement that emergency medical personnel be present at all professional boxing events would help to ensure that should a serious injury occur, the injured person would receive immediate medical attention.

Furthermore, the financial well-being of participants could also be assisted by state regulation. Bonding requirements for promoters would help to ensure that boxers and others are paid. The State could also require that promoters carry certain minimum levels of health and liability insurance, further protecting the financial position of those involved.

However, it is not clear that regulation of the professional boxing industry is necessary to protect the health, safety and welfare *of the public*.

The Applicant has submitted numerous examples of, and DORA staff has actually witnessed, brawls in the audiences of several boxing events. These brawls have been blamed on heavy fan drinking and events starting late (up to two to three hours late). In theory, if Colorado regulated professional boxing, promoters could be fined for late starts and drinking at professional boxing events could be better controlled, helping to prevent such incidents from occurring.

Sunrise Analysis

In addition, on at least one occasion, a heavily promoted main-event did not take place because the two boxers had been injured weeks earlier. Angry fans demanded refunds, but the promoter ran out of money. If Colorado regulated professional boxing and required promoters to post bonds, the promoter would have presumably had adequate funds from which to provide refunds. In addition, the promoter could have been fined for falsely advertising the fight.

On several other occasions, the Applicant alleges that “sham” or “fixed” fights defrauded the ticket-purchasing public. Mismatched fighters (fighters of different weight classes) also allegedly defraud the public. However, several heavily promoted national title fights have also appeared to be mis-matched.

Boxing is a form of entertainment. The State of Colorado does not regulate other professional sports or other forms of entertainment in order to ensure a minimum level of entertainment quality. In fact, government has no role to play in this area.

Although the Applicant could not provide any specific examples of this occurring, there is a potential for spectators to be injured at professional boxing events if certain safety standards are not satisfied. For example, the *ABC Guidelines for Colorado Boxing*, issued by the Association of Boxing Commissions, requires there to be an eight foot safety zone between the edge of the ring and the first row of seats. If this safety zone is less than eight feet, it is possible that spectators could be injured by boxers falling out of the ring, or by bodily fluids. However, other laws, such as fire codes, address public safety at facilities held open to the public.

There are also serious constitutional issues to be considered. This report has identified one example of the Nebraska State Athletic Commission suspending the license of a promoter who operates in Colorado. This suspension was taken without adequate due process protections, under the auspices of the constitutionally questionable federal Professional Boxing Safety Act of 1996. This Act, in turn, may be depriving the people of Colorado a republican form of government and may be infringing upon Colorado’s sovereignty. While regulation of professional boxing would not address the constitutionality of the Federal Act, it would eliminate the future possibility of out-of-state regulators infringing upon the due process rights of Colorado citizens.

Sunrise Analysis

In 1996, the Denver Mayor's Office of Regulatory Reform concluded, "The regulation of fighting sports at the city level is not necessary for the protection of the public health and welfare." However, the same report stated:

The benefits to direct participants in sporting events are both significant and quantifiable. Presumably, the [Athletic] Commission would enact regulations enforcing minimum safety standards and guarantees of payment. The benefit to the public is harder to judge. Banning some violent events could lead to fewer assaults on the collective sensibility of the City. There may be an increase in the quality of individual events if a[n Athletic] Commission establishes and enforces minimum standards.

Will the regulation of professional boxing protect the health, safety and welfare of the people of Colorado? Without doubt, regulation will protect the physical and financial welfare of those individuals who choose to participate in the professional boxing industry. Whether the general public will be protected, however, is a more tenuous argument. Through adequate regulation, professional boxing events may begin on time, the consumption of alcoholic beverages may be better controlled, and events may be of higher quality.

In the finally analysis, however, these arguments to regulate professional boxing in Colorado falls short of the statutory requirement that regulation be necessary to protect the health, safety and welfare of the public.

Benefits to the Public

The Sunrise Statute requires this report to determine whether the public needs, and can be reasonably expected to benefit from, an assurance of initial and continuing professional or occupational competence.

In the case of professional boxing, this essentially comes down to whether the public needs higher quality professional boxing events and whether regulation will increase the quality of such events. Assuming that professional boxing, like other professional sports, is a form of entertainment, the public does not *need* any assurances as to the quality of the product. The State of Colorado does not regulate professional football, baseball, basketball, hockey, or golf. Nor does the State regulate live theater performances, concerts or other forms of entertainment.

Regulation may increase the quality of professional boxing in Colorado. However, the Applicant has not produced any evidence demonstrating that the public needs higher quality professional boxing or that the quality of professional boxing is higher in states that regulate the sport.

Sunrise Analysis

The arguments supporting the position that the public needs quality assurances for professional boxing and that regulation will achieve such assurances fall short of fulfilling this Sunrise criterion.

Alternatives to Regulation

Finally, the Sunrise Statute requires this report to determine whether the public can be adequately protected by means other than state regulation in a more cost-effective manner.

Based on information provided by the Applicant, professional boxing in Colorado is alive and well, without regulation by the State of Colorado.

Year	Number of Events
1994	7
1995	8
1996	13
1997	12
1998*	7

* Through September 1998.

The Applicant has projected that 1999 will see approximately 60 professional boxing events, more than have been held in the last five years combined.

The continued health and growth of professional boxing in Colorado strongly suggests that the Colorado market is strong and is doing an adequate job of providing acceptable entertainment. If the quality were lacking, market theory dictates that the supply would decrease. This is not the case. In fact, just the opposite is true: The number of professional boxing events is expected to increase dramatically next year.

All of this indicates that the ABC, the CBA, and the out-of-state boxing commissions that supervise professional boxing events in Colorado are doing an adequate job of promoting and supervising professional boxing in Colorado. The ABC and the CBA have each promulgated rules governing professional boxing in Colorado. These rules include requirements for safety zones around boxing rings and minimum safety standards for boxing equipment and facilities. The fact that the Applicant was unable to identify any instances of spectators being injured as a result of a boxing event, suggests that these organizations are adequately protecting the public without state intervention.

The Sunrise application falls short of meeting this criterion.

Conclusion & Recommendations

Recommendation

The Sunrise application submitted by the Committee for Colorado Boxing for the regulation of professional boxing in Colorado does not meet the Sunrise Statute's criteria for regulation. Therefore, based on the Sunrise Criteria alone, DORA cannot recommend that the General Assembly regulate professional boxing in Colorado.

Other Issues

However, there are reasons for regulating professional boxing by the State of Colorado, primary among them is the federal Professional Boxing Safety Act of 1996 (the "Federal Act").

The Federal Act mandates that professional boxing events held in states that do not regulate the sport (such as Colorado), must be supervised by regulators from states that do regulate professional boxing. While this raises a myriad of constitutional issues, the fact of the matter is that since the Federal Act took effect in July 1997, other states' regulators have been regulating boxing in Colorado -- infringing upon Colorado's sovereignty and possibly denying due process to citizens of Colorado.

In addition, anecdotal evidence from other states and from Colorado's own past suggest that professional boxing is highly susceptible to influence by organized crime. In 1996, the Oklahoma Department of Labor, administrative home to the Oklahoma Boxing Administrator, released a report on Oklahoma boxing, citing instances of racketeering, tax evasion, Social Security fraud, harboring of fugitives, transportation of fugitives across state lines, fight fixing, and forgery.

The Oklahoma report stated:

Boxing is a sport where the skill of the contestants is not always the determining factor in who wins or loses a particular bout. It is a sport where some individuals compete using multiple names and fraudulent Social Security numbers. And, it is a sport where unscrupulous promoters and matchmakers falsify fight records and buy and sell "winners" and "losers."

While these activities occurred in a state which regulates professional boxing, it reinforces the idea that professional boxing needs regulatory oversight. Without such oversight, untold illegal activities may be taking place in Colorado.

Conclusion & Recommendations

The fact that there is no Colorado law addressing professional boxing only makes it more likely that such activities are also taking place in Colorado. While the ABC, CBA and out-of-state regulators do the best they can to supervise the sport, they lack the legal authority to take disciplinary and enforcement action directly.

Some other valid, though less compelling, reasons for regulating professional boxing in Colorado include the protection of the boxers themselves. Although the Applicant was unable to provide any specific instances of boxers being seriously injured due to lack of regulation, enforceable state regulations regarding equipment standards and requiring the presence of certain medical personnel at boxing events will help to ensure that this trend of non-injury continues.

In addition, many participants in the professional boxing industry are unable to adequately protect themselves financially. It is not uncommon for promoters to disappear without fulfilling their financial obligations, including paying boxers, officials, and others. Regulation by the State of Colorado could authorize the imposition of fines, require that bonds be posted, and require background investigations prior to licensure, thus helping to reduce the likelihood of such occurrences.

Furthermore, boxing provides many economically disadvantaged young people an opportunity to better themselves. Golden Gloves competitions (competitions for young amateur boxers) are very popular in Colorado. By regulating professional boxing, thus institutionalizing the sport in the state, Colorado would be creating alternatives to gang membership and lives of crime. Boxing, like other sporting and athletic endeavors, demands hard work and self-discipline while creating positive self-image, all of which are essential to success in life. However, it must also be noted that only approximately one boxer in one thousand will ever make it to the top ranks of professional boxing; creating and promoting false expectations must also be considered.

Finally, Colorado has a reputation to protect. Because Colorado does not regulate professional boxing, the state is considered to be a non-conforming jurisdiction. Colorado is home to some of the fastest growing counties in the country. Until Colorado regulates professional boxing, the rest of the country will look at the state as something less than top tier with respect to professional boxing.

Conclusion & Recommendations

Models for Regulation

If Colorado is to establish a boxing commission, one of two general models should be considered. The first option is to create a Type I, policy autonomous commission. Under this regulatory scheme, the commission would be charged with rulemaking and licensing authority. In addition, disciplinary authority could either be vested in the commission itself, or disciplinary actions could be referred to administrative law judges, with final disciplinary decisions remaining with the commission. Although lengthy initial rulemaking and other start-up sessions will be required, in general, the commission would only need to meet monthly or quarterly, with day-to-day administration delegated to a Program Administrator. This model is followed by many of the professional and occupational boards housed in DORA.

Alternatively, the commission could serve as an advisory committee to an administrator. Under this regulatory scheme, the commission would recommend that certain rules or procedures be adopted, but would not have any actual authority. Rulemaking and disciplinary authority would be vested in the department housing the commission.

The decision regarding which regulatory scheme to adopt is not a simple one. One of the main factors to consider is the need for adequate oversight of the industry. Is a policy autonomous commission or a more administrative program working in conjunction with an advisory committee better able to insulate the sport from corrupting influences and maintain adequate regulatory oversight?

Regardless of which regulatory scheme is adopted, strong consideration should be given to statutorily mandating that a majority or a significant number of the commission's membership be comprised of public members – individuals with little or no connection to the professional boxing industry. This will help to reduce the likelihood of certain industry segments gaining control of the commission. More importantly, however, it will help to ensure that the public is adequately represented in the regulation of the sport. The General Assembly should also consider naming the Executive Director of the department housing the commission as an *ex officio* member of the commission. This will help to further ensure that the oversight provided by the commission is regulatory (as opposed to political) in nature.

In addition to creating a commission, the General Assembly must ensure that such a commission, regardless of its form, is adequately staffed and funded. It must be remembered that one of the circumstances leading to the sunset of the old Colorado State Athletic Commission in 1977 was the fact that the CSAC's staff was minimal, kept irregular hours, and was mostly ineffective.

Conclusion & Recommendations

It is to be expected that a newly created commission would incur start-up costs. However, these costs would not continue to require resources once the commission became operational. For example, start-up costs would be incurred for:

- Developing and adopting rules;
- Creating license application forms, procedures and qualifications;
- Conducting background investigations on new applicants of certain types of licenses; and
- Recruiting, hiring and adequately training staff.

These costs could be minimized by using the regulatory structures of other states as models, and by using nationally available licensing information for persons already licensed in other states.

While many states “license” many of the individuals involved in professional boxing, it appears that a registration system can provide adequate levels of competency. For example, no specific training or education requirements are required for any of the following:

- Timekeeper
- Ring Announcer
- Matchmaker
- Manger
- Trainer
- Cornerperson/Second

For these positions, a simple registration system should be adequate.

However, boxers, promoters, judges and referees should be formally licensed. Boxers should be required to obtain annual physical examinations and blood tests (including, but not limited to HIV and Hepatitis B). Promoters should be required to post bonds and submit to background investigations (including investigations of their criminal records and financial solvency). Finally, judges and referees should be required to pass examinations relating to such rules as the commission may promulgate governing professional boxing.

The Applicant has failed to demonstrate that the regulation of professional boxing in Colorado is necessary to protect the health, safety and welfare of the public; that the public needs or can benefit from assurances of professional competence; or that the public will

Conclusion & Recommendations

not be better served by something less than regulation. Since these Sunrise Criteria have not been satisfied, DORA cannot recommend that the General Assembly take action to regulate professional boxing. However, arguments which fall outside the traditional Sunrise Criteria which support regulation have also been presented in order to provide the General Assembly with a more complete picture of the issues involved.

Appendix A - Professional Boxing Safety Act of 1996

Public Law 104-272

104th Congress

Oct. 9, 1996

H.R. 4167 To provide for the safety of journeymen boxers, and for other purposes.

An Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, NOTE: Professional Boxing Safety Act of 1996.

SECTION 1. SHORT TITLE.

15 U.S.C. § 6301

This Act may be cited as the "Professional Boxing Safety Act of 1996".

SECTION 2. DEFINITIONS.

15 U.S.C. § 6301

For purposes of this Act:

- (1) Boxer.--The term "boxer" means an individual who fights in a professional boxing match.
 - (2) Boxing commission.--(A) The term "boxing commission" means an entity authorized under State law to regulate professional boxing matches.
 - (3) Boxer registry.--The term "boxer registry" means any entity certified by the Association of Boxing Commissions for the purposes of maintaining records and identification of boxers.
 - (4) Licensee.--The term "licensee" means an individual who serves as a trainer, second, or cut man for a boxer.
 - (5) Manager.--The term "manager" means a person who receives compensation for service as an agent or representative of a boxer.
 - (6) Matchmaker.--The term "matchmaker" means a person that proposes, selects, and arranges the boxers to participate in a professional boxing match.
 - (7) Physician.--The term "physician" means a doctor of medicine legally authorized to practice medicine by the State in which the physician performs such function or action.
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(8) Professional boxing match.--The term "professional boxing match" means a boxing contest held in the United States between individuals for financial compensation. Such term does not include a boxing contest that is regulated by an amateur sports organization.

(9) Promoter.--The term "promoter" means the person primarily responsible for organizing, promoting, and producing a professional boxing match.

(10) State.--The term "State" means each of the 50 States, Puerto Rico, the District of Columbia, and any territory or possession of the United States.

SECTION 3. PURPOSES.

15 U.S.C. § 6302

The purposes of this Act are--

(1) to improve and expand the system of safety precautions that protects the welfare of professional boxers; and

(2) to assist State boxing commissions to provide proper oversight for the professional boxing industry in the United States.

SECTION 4. BOXING MATCHES IN STATES WITHOUT BOXING COMMISSIONS.

15 U.S.C. § 6303

No person may arrange, promote, organize, produce, or fight in a professional boxing match held in a State that does not have a boxing commission unless the match is supervised by a boxing commission from another State and subject to the most recent version of the recommended regulatory guidelines certified and published by the Association of Boxing Commissions as well as any additional relevant professional boxing regulations and requirements of such other State.

SECTION 5. SAFETY STANDARDS.

15 U.S.C. § 6304

No person may arrange, promote, organize, produce, or fight in a professional boxing match without meeting each of the following requirements or an alternative requirement in effect under regulations of a boxing commission that provides equivalent protection of the health and safety of boxers:

(1) A physical examination of each boxer by a physician certifying whether or not the boxer is physically fit to safely compete, copies of which must be provided to the boxing commission.

(2) Except as otherwise expressly provided under regulation of a boxing commission promulgated subsequent to the enactment of this Act, an ambulance or medical personnel with appropriate resuscitation equipment continuously present on site.

(3) A physician continuously present at ringside.

(4) Health insurance for each boxer to provide medical coverage for any injuries sustained in the match.

SECTION 6. REGISTRATION.

15 U.S.C. § 6305

(a) Requirements.--Each boxer shall register with--

(1) the boxing commission of the State in which such boxer resides; or

(2) in the case of a boxer who is a resident of a foreign country, or a State in which there is no boxing commission, the boxing commission of any State that has such a commission.

(b) Identification Card.--

(1) Issuance.--A boxing commission shall issue to each professional boxer who registers in accordance with subsection (a), an identification card that contains each of the following:

(A) A recent photograph of the boxer.

(B) The social security number of the boxer (or, in the case of a foreign boxer, any similar citizen identification number or professional boxer number from the country of residence of the boxer).

(C) A personal identification number assigned to the boxer by a boxing registry.

(2) Renewal.--Each professional boxer shall renew his or her identification card at least once every 2 years.

(3) Presentation.--Each professional boxer shall present his or her identification card to the appropriate boxing commission not later than the time of the weigh-in for a professional boxing match.

SECTION 7. REVIEW.

15 U.S.C. § 6306

(a) Procedures.--Each boxing commission shall establish each of the following procedures:

(1) Procedures to evaluate the professional records and physician's certification of each boxer participating in a professional boxing match in the State, and to deny authorization for a boxer to fight where appropriate.

(2) Procedures to ensure that, except as provided in subsection (b), no boxer is permitted to box while under suspension from any boxing commission due to--

(A) a recent knockout or series of consecutive losses;

(B) an injury, requirement for a medical procedure, or physician denial of certification;

(C) failure of a drug test; or

(D) the use of false aliases, or falsifying, or attempting to falsify, official identification cards or documents.

(3) Procedures to review a suspension where appealed by a boxer, including an opportunity for a boxer to present contradictory evidence.

(4) Procedures to revoke a suspension where a boxer--

(A) was suspended under subparagraph (A) or (B) of paragraph (2) of this subsection, and has furnished further proof of a sufficiently improved medical or physical condition; or

(B) furnishes proof under subparagraph (C) or (D) of paragraph (2) that a suspension was not, or is no longer, merited by the facts.

(b) Suspension in Another State.--A boxing commission may allow a boxer who is under suspension in any State to participate in a professional boxing match--

(1) for any reason other than those listed in subsection (a) if such commission notifies in writing and consults with the designated official of the suspending State's boxing commission prior to the grant of approval for such individual to participate in that professional boxing match; or

(2) if the boxer appeals to the Association of Boxing Commissions, and the Association of Boxing Commissions determines that the suspension of such boxer was without sufficient grounds, for an improper purpose, or not related to the health and safety of the boxer or the purposes of this Act.

SECTION 8. REPORTING.*15 U.S.C. § 6307*

Not later than 48 business hours after the conclusion of a professional boxing match, the supervising boxing commission shall report the results of such boxing match and any related suspensions to each boxer registry.

SECTION 9. CONFLICTS OF INTEREST.*15 U.S.C. § 6308*

No member or employee of a boxing commission, no person who administers or enforces State boxing laws, and no member of the Association of Boxing Commissions may belong to, contract with, or receive any compensation from, any person who sanctions, arranges, or promotes professional boxing matches or who otherwise has a financial interest in an active boxer currently registered with a boxer registry. For purposes of this section, the term "compensation" does not include funds held in escrow for payment to another person in connection with a professional boxing match. The prohibition set forth in this section shall not apply to any contract entered into, or any reasonable compensation received, by a boxing commission to supervise a professional boxing match in another State as described in section 4.

SECTION 10. ENFORCEMENT.*15 U.S.C. § 6309*

(a) Injunctions.--Whenever the Attorney General of the United States has reasonable cause to believe that a person is engaged in a violation of this Act, the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order, against the person, as the Attorney General determines to be necessary to restrain the person from continuing to engage in, sanction, promote, or otherwise participate in a professional boxing match in violation of this Act.

(b) Criminal Penalties.--

(1) Managers, promoters, matchmakers, and licensees.--Any manager, promoter, matchmaker, and licensee who knowingly violates, or coerces or causes any other person to violate, any provision of this Act shall, upon conviction, be imprisoned for not more than 1 year or fined not more than \$20,000, or both.

(2) Conflict of interest.--Any member or employee of a boxing commission, any person who administers or enforces State boxing laws, and any member of the Association of Boxing Commissions who knowingly violates section 9 of this Act shall, upon conviction, be imprisoned for not more than 1 year or fined not more than \$20,000, or both.

(3) Boxers.--Any boxer who knowingly violates any provision of this Act shall, upon conviction, be fined not more than \$1,000.

SECTION 11. NOTIFICATION OF SUPERVISING BOXING COMMISSION.

15 U.S.C. § 6310

Each promoter who intends to hold a professional boxing match in a State that does not have a boxing commission shall, not later than 14 days before the intended date of that match, provide written notification to the supervising boxing commission designated under section 4. Such notification shall contain each of the following:

(1) Assurances that, with respect to that professional boxing match, all applicable requirements of this Act will be met.

(2) The name of any person who, at the time of the submission of the notification--

(A) is under suspension from a boxing commission; and

(B) will be involved in organizing or participating in the event.

(3) For any individual listed under paragraph (2), the identity of the boxing commission that issued the suspension described in paragraph (2)(A).

SECTION 12. STUDIES.

15 U.S.C. § 6311

(a) Pension.--The Secretary of Labor shall conduct a study on the feasibility and cost of a national pension system for boxers, including potential funding sources.

(b) Health, Safety and Equipment.--The Secretary of Health and Human Services shall conduct a study to develop recommendations for health, safety, and equipment standards for boxers and for professional boxing matches.

(c) Reports.--Not later than one year after the date of enactment of this Act, the Secretary of Labor shall submit a report to the Congress on the findings of the study conducted pursuant to subsection (a). Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall submit a report to the Congress on the findings of the study conducted pursuant to subsection (b).

**SECTION 13. PROFESSIONAL BOXING MATCHES
CONDUCTED ON INDIAN RESERVATIONS.**

15 U.S.C. § 6312

(a) Definitions.--For purposes of this section, the following definitions shall apply:

(1) Indian tribe.--The term "Indian tribe" has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) Reservation.--The term "reservation" means the geographically defined area over which a tribal organization exercises governmental jurisdiction.

(3) Tribal organization.--The term "tribal organization" has the same meaning as in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

(b) Requirements.--

(1) In general.--Notwithstanding any other provision of law, a tribal organization of an Indian tribe may, upon the initiative of the tribal organization--

(A) regulate professional boxing matches held within the reservation under the jurisdiction of that tribal organization; and

(B) carry out that regulation or enter into a contract with a boxing commission to carry out that regulation.

(2) Standards and licensing.--If a tribal organization regulates professional boxing matches pursuant to paragraph (1), the tribal organization shall, by tribal ordinance or resolution, establish and provide for the implementation of health and safety standards, licensing requirements, and other requirements relating to the conduct of professional boxing matches that are at least as restrictive as--

(A) the otherwise applicable standards and requirements of a State in which the reservation is located; or

(B) the most recently published version of the recommended regulatory guidelines certified and published by the Association of Boxing Commissions.

SECTION 14. RELATIONSHIP WITH STATE LAW.

15 U.S.C. § 6313

Nothing in this Act shall prohibit a State from adopting or enforcing supplemental or more stringent laws or regulations not inconsistent with this Act, or criminal, civil, or administrative fines for violations of such laws or regulations.

SECTION 15. EFFECTIVE DATE.

15 U.S.C. § 6301

The provisions of this Act shall take effect on January 1, 1997, except as follows:

(1) Section 9 shall not apply to an otherwise authorized boxing commission in the Commonwealth of Virginia until July 1, 1998.

(2) Sections 5 through 9 shall take effect on July 1, 1997.

Appendix B - Association of Boxing Commissions - Regulatory Guidelines

Appendix C - Colorado Boxing Alliance, Inc. - ABC Guidelines for Colorado Boxing

