



Dora
Department of Regulatory Agencies

Office of Policy, Research and Regulatory Reform

**2009 Sunset Review:
Colorado Boxing Commission and
the Office of Boxing**

October 15, 2009





Executive Director's Office
D. Rico Munn
Executive Director

Bill Ritter, Jr.
Governor

October 15, 2009

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:

The mission of the Department of Regulatory Agencies (DORA) is consumer protection. As a part of the Executive Director's Office within DORA, the Office of Policy, Research and Regulatory Reform seeks to fulfill its statutorily mandated responsibility to conduct sunset reviews with a focus on protecting the health, safety and welfare of all Coloradans.

DORA has completed the evaluation of the Colorado Boxing Commission (Commission) and the Office of Boxing. I am pleased to submit this written report, which will be the basis for my office's oral testimony before the 2010 legislative committee of reference. The report is submitted pursuant to section 24-34-104(8)(a), of the Colorado Revised Statutes (C.R.S.), which states in part:

The department of regulatory agencies shall conduct an analysis of the performance of each division, board or agency or each function scheduled for termination under this section...

The department of regulatory agencies shall 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....

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 Commission and staff of the Office of Boxing in carrying out the intent of the statutes and makes recommendations for statutory and administrative changes in the event this regulatory program is continued by the General Assembly.

Sincerely,

D. Rico Munn
Executive Director





Bill Ritter, Jr.
Governor

D. Rico Munn
Executive Director

2009 Sunset Review: Colorado Boxing Commission and the Office of Boxing

Summary

What Is Regulated?

The Colorado Professional Boxing Safety Act (Act) provides regulatory oversight for contestants (fighters), officials (inspectors, judges and referees), promoters and seconds (corner persons),

Why Is It Regulated?

The purpose of the Act is to allow the State of Colorado to continue to provide regulatory oversight of professional boxing, kickboxing and mixed martial arts (MMA). Without an established commission, the federal Professional Boxing Safety Act mandates that Colorado, or any other state that does not have an established commission, adhere to another state's boxing commission and regulations related to regulatory oversight of events.

Who Is Regulated?

The data requested for this sunset review related to the number of licensees were largely inaccurate; therefore, it is impossible to accurately report the number of licenses issued by the Office of Boxing in fiscal years 03-04 through 07-08. In order to mitigate the inaccurate record-keeping, the Office of Boxing is now using the Division of Registrations (Division) central database computer system.

How Is It Regulated?

Contestants (fighters), officials (inspectors, judges and referees), promoters and seconds (corner persons) must obtain a license from the Office of Boxing.

What Does It Cost?

In fiscal year 07-08, the total expenditures for the oversight of professional boxing were \$181,992. There were 1.4 full-time equivalent employees associated with the regulatory oversight of professional boxing.

What Disciplinary Activity Is There?

The disciplinary data requested for this sunset review were largely inaccurate; therefore, it is impossible to accurately report the number or nature of disciplinary actions imposed on licensees during fiscal years 03-04 through 07-08. The Office of Boxing has begun utilizing the Division's central database computer system to ensure accurate record-keeping in the future.

Where Do I Get the Full Report?

The full sunset review can be found on the Internet at: www.dora.state.co.us/opr/oprpublications.htm.

Key Recommendations

Continue the Colorado Boxing Commission and the Office of Boxing for seven years, until 2017.

The regulation of professional boxing, kickboxing and MMA serves two main purposes: it allows the State of Colorado to maintain its autonomy in terms of regulating the aforementioned professional sports as well as protecting the safety of fighters. The federal Professional Boxing Safety Act requires states that do not have an established boxing commission to secure the services of a boxing commission of another state to regulate events. Also, there are a variety of safeguards in place to ensure the safety of fighters, both physically and monetarily.

Include MMA as a regulated profession in the Act, and require the Commission to promulgate rules related to MMA.

The Act does not specifically address the Commission's authority to regulate MMA in Colorado. MMA bouts should be regulated in Colorado because these bouts contain the same risks associated with boxing and kickboxing. Also, MMA is the fastest growing discipline among the three (boxing, kickboxing and MMA) sports and therefore, it is reasonable to conclude that the number of licensed MMA fighters will continue to grow. The Commission should also promulgate rules for the regulation of MMA, so uniform standards for the appropriate regulation of MMA are in place for the protection of the fighters.

Major Contacts Made During This Review

Association of Boxing Commissions
Colorado Office of Boxing
North American Boxing Federation
Ultimate Fighting Championship

What is a Sunset Review?

A sunset review is a periodic assessment of state boards, programs, and functions to determine whether or not 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:
Colorado Department of Regulatory Agencies
Office of Policy, Research and Regulatory Reform
1560 Broadway, Suite 1550, Denver, CO 80202
www.dora.state.co.us/opr

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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 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;
- Whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest.

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

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.

Regulation, then, has many positive and potentially negative consequences.

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. To facilitate input from interested parties, anyone can submit input on any upcoming sunrise or sunset review via DORA's website at: www.dora.state.co.us/pls/real/OPR_Review_Comments.Main.

The regulatory functions of the Colorado Boxing Commission (Commission) and the Office of Boxing relating to Article 10 of Title 12, Colorado Revised Statutes (C.R.S.), shall terminate on July 1, 2010, unless continued by the General Assembly. During the year prior to this date, it is the duty of DORA to conduct an analysis and evaluation of the Commission and the Office of Boxing pursuant to section 24-34-104, C.R.S.

The purpose of this review is to determine whether the currently prescribed regulation should be continued for the protection of the public and to evaluate the performance of the Commission and staff of the Office of Boxing. During this review, the Commission and the Office of Boxing must demonstrate that the regulation serves to protect the public health, safety or welfare, and that the regulation is the least restrictive regulation consistent with protecting the public. DORA's findings and recommendations are submitted via this report to the legislative committee of reference of the Colorado General Assembly.

Methodology

As part of this review, DORA staff attended Commission meetings, interviewed Office of Boxing staff, reviewed Commission records and minutes including complaint and disciplinary actions, interviewed officials with state and national professional associations, reviewed Colorado statutes and Commission rules, and reviewed the laws of other states.

Profile of the Profession

Professional boxing, kickboxing and mixed martial arts (MMA) are regulated by the State of Colorado. In order to participate in professional fighting, fighters must obtain a license from the Office of Boxing, which is located within DORA.

Legally, professional fights include traditional bouts (matches), as well as elimination tournaments. However, “professional fight” most commonly refers to the traditional structure of bouts. That is, two licensed contestants fight for a prize for a specified number of rounds. In fact, in order to be defined as a professional in any of the referenced sports, a fighter must have received or competed for a purse or any other thing of value for participating in a bout.²

On the other hand, elimination fighting is structured as a single elimination style tournament format, with all fighters obtaining a license prior to participating in a tournament. By obtaining a license, elimination fighters are technically “professional” fighters, but they are considered to be a lower level than the professional fighters who participate in the more traditional bouts.

In order to qualify as an elimination fighter, a fighter must not have been a competitor in a professional bout. Fighters may not participate in an elimination tournament if they have been the winners of more than five of any combination of amateur boxing, kickboxing, or elimination tournaments in the past five years or more than three in the past 12 months, unless the event is restricted to winners of previous events.³

In order to accurately differentiate between “traditional” and elimination fighters, the Office of Boxing licensing application requires fighters to delineate whether they are requesting to be licensed as a “traditional” or elimination fighter. Doing so assists the Office of Boxing in effectively monitoring the participants in both “traditional” and elimination fights.

All professional fighters are required to be examined by a physician prior to participating in any bout. Physical examinations include, at a minimum, the following:⁴

- Blood pressure;
- General physical condition of the fighter;
- Heart;
- Lungs;
- Pulse;
- Scrotal evidence of hernia;
- Temperature;
- Urine analysis (when deemed necessary);
- Venereal disease; and
- Weight.

² § 12-10-103(14), C.R.S.

³ Colorado Boxing and Kickboxing Permanent Rules. Rule 11.010 Proof of Age.

⁴ Colorado Boxing and Kickboxing Permanent Rules. Rule 17.002 Examination Requirements.

Professional Boxing

Boxing is defined as the act, activity or sport of fighting with the fists, especially according to rules requiring the use of boxing gloves and limiting legal blows to those striking above the waist and on the front or sides of the opponent.⁵ The goal of a boxing bout between two participants is to win by decision, technical knockout or knockout.

The Office of Boxing issues licenses to both male and female boxers. The rules that govern acceptable and unacceptable behavior while fighting are the same for both males and females. However, there are some variations in the rules for female fighters related to health and safety. For example, female boxers are required to provide a negative pregnancy test prior to fighting. In fact, female fighters must submit a doctor's written verification of a negative pregnancy test dated within seven days of a scheduled bout.⁶ Female boxers are also required to wear a breast protector or a proper fitting sports bra in order to participate in a bout.

Boxers (male and female) are also required to wear gloves during a bout. The size of the gloves depends on the current weight of the fighters. For instance, Colorado Boxing and Kickboxing Permanent Rules require boxers under 147 pounds to wear boxing gloves weighing at least eight ounces per boxing glove.⁷ Boxers who weigh 148 pounds or more must wear boxing gloves that are at least 10 ounces per boxing glove.⁸

Additionally, bouts that include fighters who differ in weight classes must wear the gloves required by the higher weight class.⁹ For example, if a fighter weighs 146 pounds and is fighting an opponent who weighs 149 pounds, both fighters must use the 10-ounce gloves.

Boxers are required to fight in a ring and follow all applicable rules. The ring must be not less than 16 feet or more than 25 feet square within the ropes.¹⁰ Generally, in Colorado, the boxing ring is approximately 20 square feet within the ropes.

Typically, a boxing bout for male fighters in Colorado is scheduled for four rounds, each round lasting three minutes. At the end of each round, the fighters are allowed to rest for one minute.

The Director of the Office of Boxing has the authority to schedule a 12-round bout for championship fights.

Meanwhile, female boxing bouts are scheduled for between 4 and 10 rounds; each round must be no more than two minutes.¹¹

⁵ Answers.com. *Boxing*. Retrieved May 27, 2009, from <http://www.answers.com/topic/boxing>

⁶ Colorado Boxing and Kickboxing Permanent Rules. Rule 8.004 Pregnancy Test.

⁷ Colorado Boxing and Kickboxing Permanent Rules. Rule 12.006 Gloves.

⁸ Colorado Boxing and Kickboxing Permanent Rules. Rule 12.006 Gloves.

⁹ Colorado Boxing and Kickboxing Permanent Rules. Rule 12.006 Gloves.

¹⁰ Colorado Boxing and Kickboxing Permanent Rules. Rule 12.001 Ring Size.

¹¹ Colorado Boxing and Kickboxing Permanent Rules. Rule 8.007 Number of Rounds.

In Colorado, three judges determine the winner of a bout using a 10-point scoring system per round. That is, the maximum points a fighter can earn from each judge during a round is 10 points. Points are earned through a variety of techniques, including, but not limited to:

- Punches landed to the head and body of an opponent; and
- Effective defense (blocking punches).

Conversely, judges are permitted to deduct points from a fighter if he or she commits a foul during competition. Although rare, fighters can lose up to three points per round by each judge. If a fighter continues to commit fouls, he or she will be disqualified from a bout. There are a variety of actions that are considered fouls during a boxing match, including, but not limited to:

- Low blows (punching below the belt);
- Biting an opponent;
- Punching the back of an opponent's head; and
- Wrestling an opponent.

If both fighters finish a bout after the prescribed rounds, a decision is made as to who won the bout. The judges who scored the bout render the decision. There are several types of decisions, including:

- Draw;
- Majority draw;
- Split-decision;
- Majority decision;
- Technical knockout; and
- Knockout.

A draw is a decision rendered after a bout, whereby the fighters tie or earn equal points from the judges who scored the contest.¹²

A majority draw occurs when the scorecard of one of the three judges favors one fighter, while the remaining judges score the bout a draw.¹³

A split-decision occurs when two of the three judges decide in favor of one fighter, while the third judge deems the opponent the winner.¹⁴

A majority decision is rendered when two of the three judges decide in favor of one fighter and the third judge scores the fight a draw.¹⁵

¹² Boxrec Boxing Encyclopedia. *Draw*. Retrieved June 2, 2009, from <http://www.boxrec.com/media/index.php/Draw>

¹³ Boxrec Boxing Encyclopedia. *Majority draw*. Retrieved June 2, 2009, from http://www.boxrec.com/media/index.php/Majority_draw

¹⁴ Boxrec Boxing Encyclopedia. *Split decision*. Retrieved June 2, 2009, from <http://www.boxrec.com/media/index.php/Split-decision>

Additionally, a fighter can win a bout via a technical knockout. A technical knockout occurs when one fighter does not or cannot continue to fight due to a variety of reasons. One possible reason a fighter cannot continue is that he or she sustained an injury. For example, during the course of a fight, a fighter may sustain a broken jaw, which would prohibit him or her from continuing. If this happens, the fighter who is not injured will be declared the winner by technical knockout.

A fighter may also win a bout via a technical knockout if his or her opponent has been knocked down three times in the same round. Importantly, the Director of the Office of Boxing has the discretion to waive this requirement in championship fights.¹⁶

A fighter may win a bout by knocking out his or her opponent. A knockout occurs when a fighter is knocked down by his or her opponent and fails to get back on his or her feet before the referee counts to 10.¹⁷

There are 17 weight classes outlined in the Colorado Boxing and Kickboxing Permanent Rules for boxing. The weight classes (in pounds) for male and female boxers are as follows:¹⁸

- Heavyweight – 190 and over;
- Cruiserweight – 175 to 190;
- Light Heavyweight – 168 to 175;
- Super Middleweight – 160 to 168;
- Middleweight – 154 to 160;
- Junior Middleweight – 147 to 154;
- Welterweight – 140 to 147;
- Junior Welterweight – 135 to 140;
- Lightweight – 130 to 135;
- Junior Lightweight – 126 to 130;
- Featherweight – 122 to 126;
- Junior Featherweight – 118 to 122;
- Bantamweight – 115 to 118;
- Junior Bantamweight – 112 to 115;
- Flyweight – 108 to 112;
- Junior Flyweight – 105 to 108; and
- Minimum Weight – up to 105.

Except in situations approved by the Director of the Office of Boxing, fighters must weigh within five pounds of one another in order to be approved for a bout.

¹⁵ Boxrec Boxing Encyclopedia. *Majority decision*. Retrieved June 2, 2009, from http://www.boxrec.com/media/index.php/Majority_decision

¹⁶ Colorado Boxing and Kickboxing Permanent Rules. Rule 9.022 Three Knockdowns in the Same Round – Technical Knockout.

¹⁷ Boxrec Boxing Encyclopedia. *Knockout*. Retrieved June 2, 2009, from <http://www.boxrec.com/media/index.php/Knockout>

¹⁸ Colorado Boxing and Kickboxing Permanent Rules. Rule 9.002 Weight Allowances.

Additionally, there are 20 sanctioning organizations that are affiliated with professional boxing worldwide. Sanctioning organizations are responsible for sponsoring championship fights as well as awarding titles (belts) to fighters. The top three, as recognized by personnel within the boxing profession, are:

- International Boxing Federation;
- World Boxing Association; and
- World Boxing Council.

Sanctioning organizations provide a ranking system for the boxers that are affiliated with each organization.

Professional Kickboxing

Kickboxing is defined as a martial art sport, in which competitors wear boxing gloves and throw punches, as in boxing, and kick with their feet, as in karate.¹⁹ The goal in a kickboxing match is also to win by a decision, technical knockout or knockout.

Many of the same requirements highlighted for professional boxing are applicable to professional kickboxing. For example, the Office of Boxing licenses both male and female kickboxers. Female kickboxers are required to submit a negative pregnancy test prior to a scheduled bout, and must wear a breast protector or a proper fitting sports bra.

There are two acceptable sizes of boxing gloves permitted for use in kickboxing bouts. Kickboxing bouts that involve kickboxers weighing 147 pounds or less are required to use boxing gloves that weigh at least eight ounces per glove. Kickboxers who weigh more than 147 pounds must wear gloves that weigh more than 10 ounces per glove.

During a bout, the Office of Boxing, as highlighted in rule, requires kickboxers to wear protective padding on their feet as well as shin pads.

The size of the ring for kickboxing bouts is the same as for boxing bouts. That is, the ring for a bout must not be less than 16 feet or more than 25 feet square within the ropes.²⁰

Kickboxing bouts are required to be a minimum of three rounds and up to a maximum of 12 rounds with each round lasting three minutes. At the end of each round, kickboxers are allowed to rest for one minute before the next round begins.

¹⁹ Answers.com. *Kickboxing*. Retrieved June 2, 2009, from <http://www.answers.com/topic/kickboxing>

²⁰ Colorado Boxing and Kickboxing Permanent Rules. Rule 12.001 Ring Size.

Kickboxing also utilizes a three-judge system for determining the winner of a bout. Judges employ the same 10-point system per round used in boxing to score the rounds. Judges may deduct points from a contestant for fouls committed during a bout. There are a variety of tactics used in kickboxing that are considered fouls, including, but not limited to:²¹

- Headbutting an opponent;
- Striking to the groin, spine, throat, collarbone or kidneys; and
- Kicking into the knee or striking below the belt.

Identical to boxing, kickboxers can win a bout in the following ways:

- Draw;
- Majority draw;
- Split-decision;
- Majority decision;
- Technical knockout; and
- Knockout.

There are 17 recognized weight classes in kickboxing. The current weight classes (in pounds) for male and female kickboxers are as follows:²²

- Super Heavyweight - 205 and over;
- Heavyweight – 189 to 205;
- Cruiserweight – 181 to 189;
- Super Light Heavyweight – 174 to 181;
- Light Heavyweight – 166 to 174;
- Super Middleweight – 159 to 166;
- Middleweight – 152 to 159;
- Super Welterweight – 146 to 152;
- Welterweight – 140 to 146;
- Super Lightweight – 135 to 140;
- Lightweight – 130 to 135;
- Super Featherweight – 126 to 130;
- Featherweight – 122 to 126;
- Super Bantamweight – 118 to 122;
- Bantamweight – 115 to 118;
- Super Flyweight – 112 to 115; and
- Flyweight – up to 112.

In order for kickboxers to be approved for a fight, contestants must weigh within five pounds of one another.

²¹ Colorado Boxing and Kickboxing Permanent Rules. Rule 10.004 Fouls.

²² Colorado Boxing and Kickboxing Permanent Rules. Rule 10.007 Weight Classes.

Professional Mixed Martial Arts

MMA fighting is a combat sport that combines boxing, kickboxing and grappling (wrestling). There are a variety of ways a fighter may win a match, including a decision, technical knockout or knockout. During an MMA fight, a contestant may also win by forcing an opponent into submission or “tap out,” thereby stopping the fight, and the fighter who utilizes the “tap out” is declared the loser. The submission is performed by clearly tapping the floor or the opponent with the hand or sometimes with the foot to signal the opponent and the referee of the submission.²³ A submission can also be verbal; the fighter verbally informs the referee he or she is giving up.²⁴

Many of the same requirements highlighted for professional boxing and kickboxing are applicable to professional MMA fighting. For example, the Office of Boxing licenses both male and female MMA fighters. Female MMA fighters are required to submit a negative pregnancy test prior to a scheduled bout, and must wear a breast protector or a proper fitting sports bra.

MMA fighting can be broken down into three strategies:

- Stand-up;
- Clinch; and
- Ground.

The stand-up technique utilizes skills that are more traditional in the boxing and kickboxing professions. Fighters, while in the stand-up position, attempt to punch their opponent using their fists, while also kicking their opponent with their feet. MMA fighting permits fighters to use their elbows and knees to strike or hit an opponent.

The clinch technique is the process of attempting to “take down” an opponent to the mat. Several disciplines from the sport of wrestling are utilized in order to be effective in taking down an opponent, most notably freestyle and Greco-Roman wrestling. The clinch technique is effective in eliminating an opponent’s use of some kicks and punches.²⁵

²³ Encyclopedia. The Free Dictionary. *Submission (Combat Sport)*. Retrieved June 8, 2009, from [http://encyclopedia.thefreedictionary.com/submission+\(combat+sport+term\)](http://encyclopedia.thefreedictionary.com/submission+(combat+sport+term))

²⁴ Encyclopedia. The Free Dictionary. *Submission (Combat Sport)*. Retrieved June 8, 2009, from [http://encyclopedia.thefreedictionary.com/submission+\(combat+sport+term\)](http://encyclopedia.thefreedictionary.com/submission+(combat+sport+term))

²⁵ MMA Team Underground. *Training Programs*. Retrieved June 3, 2009, from http://mmaunderground.info/Training_programs.aspx

MMA fighters also utilize the ground fighting technique, which highlights some aspects of wrestling. While engaged in the ground fighting technique, fighters are permitted to punch, elbow, kick, etc., each other. In fact, there are a variety of ground fighting techniques used by MMA fighters that are utilized to force an opponent into submission or “tap-out.” Some of the techniques used by MMA fighters, include, but are not limited to:

- Armbar;
- Ankle lock;
- Bar arm choke; and
- Rear naked choke.

The armbar is a straight-arm lock technique that attacks the elbow, hyper-extending the joint.²⁶

The ankle lock attacks the ankle joint and the fighter uses his arms and torso to apply pressure to the ankle.²⁷

Bar arm choke is performed by placing the blade of the forearm against the throat and pulling straight back.²⁸

The rear naked choke is the most common choke used from behind an opponent.²⁹ A fighter brings his or her arm around the opponent’s neck and locks the arm in place by grabbing his or her opposite arm at the elbow and wrapping the hand behind the opponent’s head.³⁰

As outlined in the Mixed Martial Arts Unified Rules of Conduct, which are the MMA rules promulgated by the Association of Boxing Commissions, and the MMA rules the Office of Boxing uses while regulating MMA bouts, MMA fighters are required to use gloves that are between four and six ounces per glove.³¹

MMA bouts can be conducted in a standard boxing or kickboxing ring, which utilize the same size requirements. However, the Office of Boxing does require MMA bouts in standard rings to place an additional rope at the base of the ring. Although there is no statutory requirement or official rules that require the additional rope, it is general practice in Colorado.

²⁶ Ringside by Gus. *Amended Unified Rules for Mixed Martial Arts*. Retrieved June 15, 2009, from <http://www.ringsidebygus.com/new-mma-rules.html?wwparam=1245087560>

²⁷ Ringside by Gus. *Amended Unified Rules for Mixed Martial Arts*. Retrieved June 15, 2009, from <http://www.ringsidebygus.com/new-mma-rules.html?wwparam=1245087560>

²⁸ Ringside by Gus. *Amended Unified Rules for Mixed Martial Arts*. Retrieved June 15, 2009, from <http://www.ringsidebygus.com/new-mma-rules.html?wwparam=1245087560>

²⁹ Ringside by Gus. *Amended Unified Rules for Mixed Martial Arts*. Retrieved June 15, 2009, from <http://www.ringsidebygus.com/new-mma-rules.html?wwparam=1245087560>

³⁰ Ringside by Gus. *Amended Unified Rules for Mixed Martial Arts*. Retrieved June 15, 2009, from <http://www.ringsidebygus.com/new-mma-rules.html?wwparam=1245087560>

³¹ Mixed Martial Arts Unified Rules of Conduct. Contestant’s Apparel -Gloves.

More commonly, MMA utilizes cages for bouts. A cage must be at least 18 feet by 18 feet and no larger than 32 feet by 32 feet.³² A fence made of material that will not allow a fighter to fall out or break through it, such as vinyl-coated chain-link, must enclose the ring.³³ All MMA bouts are officiated by a licensed referee.

Generally, MMA bouts in Colorado are either two or three rounds, each round lasting three or five minutes with a one-minute rest period between rounds.³⁴ MMA fighters are also permitted to utilize a corner person(s) between rounds. The number and duration of rounds is determined by the promoter with approval of the Director of the Office of Boxing.

MMA also utilizes a three-judge system for determining the winner of a bout. Judges employ the same 10-point system per round used in boxing to score the rounds. Judges may deduct points from a fighter for fouls committed during a bout. Fouls in MMA include, but are not limited to:³⁵

- Headbutting;
- Eye gouging;
- Hair pulling; and
- Groin attacks.

The current weight classes (in pounds) used for both male and female MMA bouts in Colorado are as follows:³⁶

- Super Heavyweight – over 265;
- Heavyweight – over 205 to 265;
- Light Heavyweight – over 185 to 205;
- Middleweight – over 170 to 185;
- Welterweight – over 155 to 170;
- Lightweight – over 145 to 155;
- Featherweight – over 135 to 145;
- Bantamweight – over 125 to 135; and
- Flyweight – up to 125.

Elimination Boxing Tournaments

Elimination tournaments are held in Colorado for boxing, kickboxing and MMA, and are required to be one-day events, restricting fighters to no more than four bouts. Elimination tournaments are single elimination events; that is, if a fighter loses a fight, he or she cannot participate in another bout in the same tournament.³⁷

³² Mixed Martial Arts Unified Rules of Conduct. Ring Equipment and Safety Requirements – Ring/Fighting Area Canvas.

³³ Mixed Martial Arts Unified Rules of Conduct. Ring Equipment and Safety Requirements – Fence.

³⁴ Mixed Martial Arts Unified Rules of Conduct. 1).

³⁵ Mixed Martial Arts Unified Rules of Conduct. Fouls.

³⁶ Mixed Martial Arts Unified Rules of Conduct. Weight Divisions.

³⁷ Colorado Boxing and Kickboxing Permanent Rules. Rule 11.005 Format.

Elimination tournaments generally have the same rules for both male and female fighters. However, just as in professional boxing, kickboxing and MMA bouts, there are distinct differences for female fighters related to health and safety. For example, female participants must provide a negative pregnancy test prior to being approved to participate in an elimination tournament. Female fighters must also wear a breast protector or a proper fitting sports bra while participating in a tournament.

In boxing and kickboxing elimination tournaments, the boxing gloves worn by participants must be at least 16 ounces per glove and must be provided by the promoter of the tournament.³⁸ Sixteen-ounce gloves are larger than the gloves used in a more traditional professional bout and offer additional protection to fighters.

Although not specified in rule, the gloves worn by MMA fighters in elimination tournaments must contain more padding than the gloves used in professional MMA bouts. Importantly, it is not specified anywhere exactly how much more padding is required.

Additionally, in boxing and kickboxing elimination tournaments, fighters are required to wear protective headgear, which is also provided by the promoter of the tournament.³⁹ Fighters must wear a mouthpiece and male participants must wear a groin protector.⁴⁰

Meanwhile, MMA fighters are not required to wear protective headgear. However, some techniques that are legal in professional MMA bouts are not permitted in elimination tournaments. For example, in elimination tournaments, MMA fighters are not allowed to use their knees to strike an opponent's head.

Elimination tournaments utilize the same ring requirements as the professional boxing, kickboxing and MMA bouts.

The rounds in boxing and kickboxing elimination tournaments are shorter than in professional boxing and kickboxing. Specifically, each bout consists of three one-minute rounds, with a one-minute rest period between rounds.⁴¹

Although not outlined in the Boxing and Kickboxing Permanent Rules, MMA elimination tournaments in Colorado consist of three rounds, each round lasting three minutes. There is a one-minute rest period between rounds.

The bouts in an elimination tournament are scored in the same manner as professional boxing, kickboxing and MMA. Specifically, bouts are scored on a 10-point system by three judges.

³⁸ Colorado Boxing and Kickboxing Permanent Rules. Rule 11.002 Glove Size.

³⁹ Colorado Boxing and Kickboxing Permanent Rules. Rule 11.003 Equipment.

⁴⁰ Colorado Boxing and Kickboxing Permanent Rules. Rule 11.003 Equipment.

⁴¹ Colorado Boxing and Kickboxing Permanent Rules. Rule 11.004 Rounds and Time Length.

In an elimination tournament, fighters may win a bout by one of the following:

- Draw;
- Majority draw;
- Split-decision;
- Majority decision;
- Technical knockout; and
- Knockout.

MMA fighters may also win a bout by forcing their opponent to “tap out.”

Elimination tournaments have two weight classes that are applicable to both female and male fighters.⁴²

- Heavyweight – over 185 pounds; and
- Light Heavyweight – up to 185 pounds.

Licensed Professionals

Effective regulation of professional and elimination boxing, kickboxing and MMA in Colorado requires a variety of professions to complete tasks and specified duties at each event. The Office of Boxing also requires these professions to obtain a license in order to operate in their respective jobs:

- Inspectors;
- Judges;
- Promoters;
- Referees; and
- Seconds.

Inspectors are responsible for a variety of functions at an event and perform multiple duties, including:

- Chief inspector;
- Dressing room inspector;
- Knockdown judge;
- Ring inspector;
- Tally judge; or
- Timekeeper.

A chief inspector is responsible for supervising an event, which includes ensuring that all of the rules and regulations are properly applied and enforced.⁴³ Chief inspectors are utilized when the Director of the Office of Boxing is not present at an event.

⁴² Colorado Boxing and Kickboxing Permanent Rules. Rule 11.014. Weight Categories.

⁴³ Colorado Boxing and Kickboxing Permanent Rules. Rule 1.002 Chief Inspector Duties.

Dressing room inspectors inspect and view wrapping applied to a fighter's hands (and feet in the case of kickboxing) to ensure that it conforms to the current rules as outlined in the Colorado Boxing and Kickboxing Permanent Rules. Dressing room inspectors also inspect the gloves worn by fighters, as well as the general appearance of a fighter prior to engaging in a bout.

A knockdown judge assists the timekeeper and referee when a fighter is knocked down during a bout. A knockdown judge also assists the timekeeper if a timeout is requested by the referee in instances of a foul committed by a fighter or other reasons for stopping a bout, such as excessive bleeding of a fighter.

Ring inspectors ensure that corner persons are acting within their prescribed duties.

A tally judge enters the judges' scores during a bout on a master score sheet and maintains a running score as the bout progresses.⁴⁴

A timekeeper is responsible for keeping accurate time of a bout. The timekeeper must keep an exact record of the time taken out at the request of the referee for an examination of a contestant, replacing a glove or adjusting any equipment during a round.⁴⁵

Additionally, professional boxing, kickboxing and MMA as well as elimination fighting utilizes a three-judge system to score and ultimately determine the winner of a fight. The judges use a 10-point per round scoring system. Points are earned through a variety of techniques during a bout, including, but not limited to:

- Punches landed to the head and body of an opponent; and
- Effective defense (blocking punches).

Conversely, judges are permitted to deduct points from a fighter if he or she commits a foul during competition. Although rare, fighters can lose up to three points per round by each judge. If a fighter continues to commit fouls, he or she will be disqualified from a bout.

A promoter is responsible for a variety of activities, including coordinating an event that contains several fights, securing a venue and paying fighters. Promoters must provide participants with at least \$5,000 in medical insurance for injuries sustained during a fight.⁴⁶ Promoters also must either post a surety bond or certified check to the Office of Boxing 30 days prior to an event.⁴⁷ The Director of the Office of Boxing determines the amount of the surety bond or certified check.

⁴⁴ Colorado State Boxing Commission. *Chief Inspector's Manual*.

⁴⁵ Colorado Boxing and Kickboxing Permanent Rules. Rule 20.002 Timekeeper Duties.

⁴⁶ Colorado Boxing and Kickboxing Permanent Rules. Rule 4.001 Health Insurance Required.

⁴⁷ Colorado Boxing and Kickboxing Permanent Rules. Rule 13.005 Compliance Bond.

A licensed referee oversees each bout in Colorado. During a bout, the referee is responsible for ensuring that fighters adhere to the rules of their respective sport. A referee also may stop a bout, if, in his or her judgment, a fighter is no longer able to continue to fight.

Seconds, otherwise known as corner persons, provide assistance to fighters during the break between rounds of a fight. Colorado Boxing and Kickboxing Permanent Rules state that no more than three seconds are permitted in a corner during a fight. Seconds supply a number of items to assist fighters in between rounds, including, but not limited to:

- Water;
- Water buckets;
- Gauze;
- Tape for hand wraps; and
- Spit buckets.

Seconds also provide advice to a fighter on strategy in order to win a bout.

Legal Framework

History of Regulation

Since the General Assembly sunsetted the Colorado State Athletic Commission in 1977, the Department of Regulatory Agencies (DORA) completed two sunrise reviews to determine whether boxing should be regulated. The first review, completed in 1991, recommended against regulating professional boxing in Colorado.

The 1998 sunrise review recognized that the federal Professional Boxing Safety Act (PBSA) of 1996 required individual states to have a boxing commission. If a state did not have a boxing commission, boxing in that state would be subject to regulation by the boxing commission of another state.

In 2000, the General Assembly passed the Colorado Professional Boxing Safety Act, which regulates professional boxing and kickboxing.

Federal Regulation

The federal PBSA of 1996 was created to:⁴⁸

- Improve and expand the system of safety precautions that protect the welfare of professional boxers; and
- Assist state boxing commissions to provide proper oversight for the professional boxing industry in the United States.

The PBSA also establishes several safety standards for boxers, including:⁴⁹

- Requiring that boxers receive a physical examination by a physician prior to fighting;
- Requiring that an ambulance or medical personnel with resuscitation equipment are present during a fight;
- Requiring a physician be continuously present at ringside; and
- Requiring that all boxers are provided health insurance to cover injuries sustained during a fight.

⁴⁸ 15 U.S.C. § 6302

⁴⁹ 15 U.S.C. § 6304

The PBSA also requires professional boxers to obtain a federal boxing identification card. The federal identification card must contain the following:⁵⁰

- A recent photo of the boxer;
- 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); and
- A personal identification number assigned to the boxer.

Federal boxing identification cards must be renewed every four years.⁵¹

Additionally, the PBSA does not allow professional boxing fights to take place in states without a boxing commission unless a boxing commission from another state supervises the bout.⁵²

In May 2000, Congress passed the Muhammad Ali Boxing Reform Act (MABRA). The MABRA amends the PBSA and seeks to:⁵³

- Protect the rights and welfare of professional boxers on an interstate basis by preventing certain exploitive, oppressive and unethical business practices;
- Assist state boxing commissions in their efforts to provide more effective public oversight of the sport of boxing; and
- Promote honorable competition in professional boxing and enhance the overall integrity of the industry.

State Regulation

The Colorado Professional Boxing Safety Act (Act) is created in section 12-10-101, *et seq.*, Colorado Revised Statutes, (C.R.S.). The Act outlines the composition and responsibilities of the Colorado Boxing Commission (Commission) as well as the responsibilities of the Office of Boxing.

The Commission's composition includes five voting members and two non-voting advisory members.⁵⁴ The members (both voting and non-voting) of the Commission are appointed by the Governor, the President of the Senate and the Speaker of the House of Representatives.

Specifically, the Governor appoints three voting members to the Commission,⁵⁵ the President of the Senate appoints a voting member⁵⁶ and the Speaker of the House of Representatives also appoints a voting member.⁵⁷

⁵⁰ 15 U.S.C. § 6305

⁵¹ 15 U.S.C. § 6305

⁵² 15 U.S.C. § 6303

⁵³ 15 U.S.C. § 6301

⁵⁴ § 12-10-105(2)(a), C.R.S.

⁵⁵ § 12-10-105(2)(a)(I), C.R.S.

⁵⁶ § 12-10-105(2)(a)(II), C.R.S.

⁵⁷ § 12-10-105(2)(a)(III), C.R.S.

The two non-voting members of the Commission are required to be licensed physicians, and one is appointed by the President of the Senate and one by the Speaker of the House of Representatives.⁵⁸

The non-voting members of the Commission provide advice to the Commission on issues related to health and physical condition of boxers and kickboxers as well as health issues that may arise during matches.⁵⁹

Commission members are permitted to serve three-year terms.⁶⁰

Section 12-10-105(3), C.R.S., requires the Commission to meet on a quarterly basis.

The Commission was established to promulgate rules necessary for the regulation of the conduct, promotion and performance of live boxing and kickboxing matches in Colorado,⁶¹ as well as rules regarding the requirements for the issuance of licenses and permits for boxers, seconds, inspectors, promoters, judges and referees.⁶²

All licenses issued by the Office of Boxing expire on June 30.⁶³ Licenses for promoters, judges and referees must be renewed annually. However, fighters and seconds must reapply for a new license each year.

The Commission may also impose civil penalties in an amount up to \$5,000 for a single violation or up to \$25,000 for multiple violations of the Act or applicable regulations.

The Director of the Office of Boxing is authorized, in section 12-10-107.1, C.R.S., to impose disciplinary action on licensees. The Director of the Office of Boxing may deny, suspend, revoke, place on probation or issue a letter of admonition to a licensee⁶⁴ for a number of violations, including, but not limited to:⁶⁵

- Failure of the applicant or licensee to comply with any statute or rule regulating professional boxing in Colorado;
- The record, experience, skill and/or condition of the applicant or licensee does not meet the standard expected for that category of licensee currently prevailing in the industry;
- The applicant or licensee has a demonstrated history of past conduct detrimental to the health, safety or welfare of the participants or spectators or has a record, in any jurisdiction, of financial irresponsibility in the conduct of boxing or kickboxing; or
- For other sufficient reasons considered not in the best interest of the sport of boxing and kickboxing, the fighters, spectators or the officials.

⁵⁸ § 12-10-105(2)(a)(IV)(A), C.R.S.

⁵⁹ § 12-10-105(2)(a)(IV)(B), C.R.S.

⁶⁰ § 12-10-105(2)(b), C.R.S.

⁶¹ § 12-10-106(1), C.R.S.

⁶² § 12-10-106(1)(a), C.R.S.

⁶³ Colorado Boxing and Kickboxing Permanent Rules. Rule 5.001 Licenses Fees.

⁶⁴ § 12-10-107.1(1), C.R.S.

⁶⁵ Colorado Boxing and Kickboxing Permanent Rules. Rule 5.003 Grounds for Denial, Suspension or Revocation.

Finally, section 12-10-107.5, C.R.S., prohibits tough person fighting in Colorado, and the Act prohibits the State of Colorado from issuing licenses or permits for tough person fighting or for any contests or exhibitions of a similar nature. Tough person fighting is,

...considered a contest, match, tournament, exhibition or bout between two or more individuals involving combative skills using hands, feet or body that is not recognized or sanctioned by the State of Colorado, regional or national sanctioning authority...⁶⁶

However, section 12-10-103(15), C.R.S., required DORA to adopt health and safety standards in 2004 for tough person fighting. Upon completion of the promulgation of these health and safety regulations, tough person fights can occur in Colorado. The competitors are amateur in nature, and the Office of Boxing does not license fighters or provide any regulatory oversight related to these events.

⁶⁶ § 12-10-103(15), C.R.S.

Program Description and Administration

The Colorado Boxing Commission (Commission) is comprised of five voting members, three of which are appointed by the Governor. The President of the Senate and the Speaker of the House of Representatives each appoint one voting member to the Commission. The Commission also has two non-voting members who are licensed physicians and give advice on medical-related issues or concerns to the Commission. The President of the Senate and the Speaker of the House of Representatives each appoint one non-voting member of the Commission.

The Commission is required to meet quarterly; however, the Colorado Professional Boxing Safety Act (Act) allows the Commission to convene more frequently if necessary. In practice, the Commission follows a quarterly meeting schedule.

Additionally, the Office of Boxing, which is located within the Colorado Division of Registrations (Division), is responsible for the administrative functions of providing regulatory oversight regarding professional and elimination boxing, kickboxing and mixed martial arts (MMA) in Colorado. Specifically, the Director of the Office of Boxing is responsible for a variety of regulatory oversight duties, including issuing licenses and imposing discipline on licensees. Staff within the Office of Boxing also provides administrative staffing support to the Commission. In fiscal year 07-08, the Office of Boxing devoted 1.4 full-time equivalent (FTE) employees to provide professional support to the Commission as well as serve in a regulatory capacity. The FTE employees are as follows:

- Director of the Office of Boxing – 1.0 FTE;
- Program Director - 0.1 FTE; and
- Administrative Assistant - 0.3 FTE.

The aforementioned FTE does not include staffing in the centralized offices of the Division, which include the following:

- Director's Office;
- Office of Investigations;
- Office of Expedited Settlement;
- Office of Examination Services;
- Office of Licensing; and
- Office of Support Services.

The cost for these FTE is reflected in Table 1, Total Program Expenditures. The Commission pays for these FTE through a cost allocation methodology developed by the Division and Department of Regulatory Agencies' Executive Director.

Table 1 highlights the total program expenditures for the regulation of boxing, kickboxing and MMA in fiscal years 03-04 through 07-08.

Table 1
Total Program Expenditures in Fiscal Years 03-04 through 07-08

Fiscal Year	Cash Fund Expenditures
03-04	\$127,905
04-05	\$104,934
05-06	\$107,416
06-07	\$107,279
07-08	\$181,992

Licensing

In Colorado, the Office of Boxing issues a variety of licenses associated with professional and elimination boxing, kickboxing and MMA. All of the licenses issued expire on June 30 each year. The current licenses available are:

- Contestants (fighters);
- Officials (inspectors, judges and referees);
- Promoters; and
- Seconds.

Licensed fighters (male and female) in Colorado include boxers, kickboxers and MMA participants. In order to obtain a license as a fighter in one of the three sports, an individual must complete an application offered by the Office of Boxing and pay the licensing fee, which is \$30.

“Inspector” is a generic title that encompasses a variety of positions, including:

- Chief inspector;
- Dressing room inspector;
- Knockdown judge;
- Ring inspector;
- Tally judge; and
- Timekeeper.

In order to obtain an official’s license, an individual is required to complete an application offered by the Office of Boxing and pay a \$100 licensing fee.

Promoters of events are required to obtain a license from the Office of Boxing and pay a prescribed licensing fee of \$250.

A second at a boxing, kickboxing or MMA event is required to obtain a license from the Office of Boxing and pay a \$30 licensing fee.

The Office of Boxing provided data for this sunset review regarding the number of licensees for the previously referenced professions, as well as the number of disciplinary actions imposed on licensees in fiscal years 03-04 through 07-08. The data were largely inaccurate and unreliable. Therefore, it is unclear how many licenses were issued or how many licensees were disciplined in the above referenced fiscal years.

Although inaccurate, the data highlighted that the overall number of licenses issued by the Office of Boxing increased during fiscal years 03-04 through 07-08.

The Office of Boxing staff recognized that past record-keeping practices were not effective in maintaining accurate records related to licenses and discipline imposed on licensees. This was due to the fact that the Office of Boxing did not fully utilize the Division's computer system regarding record-keeping. Some information related to licensing and discipline was filed in the Division's system, which was created to serve as the central database for licensing information, while certain information was stored in hard copy files.

In order to mitigate the inaccurate record-keeping, the Office of Boxing staff has indicated that it is now utilizing the Division's system.

Complaints/Disciplinary Actions

One of the duties of the Director of the Office of Boxing is to impose discipline on licensees for violations of the Act or its accompanying regulations. The Director of the Office of Boxing has a range of disciplinary options available, including, but not limited to:

- Letters of admonition;
- Suspensions;
- Revocations; and
- Denial of a license.

The Director of the Office of Boxing also has the ability to enter into stipulations. In fact, the majority of discipline imposed on licensees during fiscal years 03-04 through 07-08 was in the form of stipulations.

Analysis and Recommendations

Recommendation 1 – Continue the Colorado Boxing Commission and the Office of Boxing for seven years, until 2017.

The first sunset criterion asks whether regulation is necessary to protect the health, safety and welfare of the public. It is questionable whether the regulation of boxing, kickboxing and mixed martial arts (MMA) has enhanced consumer protection. In fact, the Department of Regulatory Agencies (DORA) staff reviewed a random sample of the disciplinary actions imposed by the Office of Boxing on licensees in fiscal years 03-04 through 07-08, and the review did not reveal any instances where consumers were harmed.

However, it could be argued that certain regulatory requirements provide limited public protection, such as the implementation of an eight-foot “safety zone” around the ring. This requirement was established to protect the audience from a fighter who falls out of the ring from falling on, and potentially injuring, spectators (the public). The “safety zone” requirement could also offer protection from bodily fluids (e.g., blood) landing on spectators.

In addition to providing limited protection to the public, the regulation of boxing, kickboxing and MMA serves two main purposes: it allows the State of Colorado to maintain its autonomy in terms of regulating boxing, kickboxing and MMA as well as protecting the safety of the fighters.

The federal Professional Boxing Safety Act created in 1996, and ultimately implemented in July 1997, requires states that do not have an established boxing commission to secure the services of a boxing commission of another state to regulate events. Even if Colorado were to have its own regulations in place, the absence of a formal boxing commission would require it to adhere to another state’s boxing commission and regulations related to regulatory oversight of events. Therefore, in order for the State of Colorado to maintain its autonomy regarding the regulation of boxing, kickboxing and MMA, the Colorado Boxing Commission (Commission) must be continued.

Additionally, the regulation of boxers, kickboxers and MMA fighters is necessary to protect the fighters. The Colorado Professional Boxing Safety Act (Act) provides a number of safeguards for fighters, including, but not limited to:

- Physical examinations prior to a bout;
- Blood tests;
- Medical insurance; and
- Promoters providing a surety bond.

Prior to participating in a bout, fighters are required to pass a physical examination, which is administered by a licensed physician. Physical examinations include, at a minimum:⁶⁷

- Blood pressure;
- General physical condition of the fighter;
- Heart;
- Lungs;
- Pulse;
- Scrotal evidence of hernia;
- Temperature;
- Urine analysis (when deemed necessary);
- Venereal disease; and
- Weight.

The absence of a physical examination by a licensed physician could result in serious injury or even the death of a fighter.

To further enhance protection of fighters, they are required to submit to blood tests, which test for hepatitis B and C as well as human immunodeficiency virus (HIV). Blood testing provides protection to fighters (and the public) by ensuring that they are not fighting with a disease that could be spread to other contestants through the exchange of bodily fluids (e.g., blood from cuts) or to spectators.

The Commission also promulgated rules requiring promoters to provide medical insurance to professional fighters in the event that they sustain an injury during competition.

Fighters are protected from financial harm because the Commission promulgated rules requiring promoters to provide a surety bond prior to a boxing, kickboxing or MMA event in the amount established by the Director of the Office of Boxing. Requiring a surety bond ensures that fighters will receive payment for agreeing to fight in a bout.

In order to allow the State of Colorado to continue to provide regulatory oversight of boxing, kickboxing and MMA events as well as to continue to provide protection to fighters, the General Assembly should continue the Commission, the Office of Boxing and regulation for seven years, until 2017.

⁶⁷ Colorado Boxing and Kickboxing Permanent Rules. Rule 17.002 Examination Requirements.

Recommendation 2 – Include MMA as a regulated profession in the Act, and require the Commission to promulgate rules related to MMA.

The Act does not specifically address the Commission’s authority to regulate MMA - it only references boxing and kickboxing. Section 12-10-103(1), Colorado Revised Statutes (C.R.S.), defines a boxer as an individual who participates in a boxing match, while section 12-10-103(9), C.R.S., defines kickboxing as engaging in martial arts fighting techniques using hands and feet, the object of which is to win by decision, knockout or technical knockout.

Although martial arts techniques are mentioned in the definition of kickboxing, MMA is a uniquely different sport and utilizes additional skills. Specifically, MMA fighters utilize boxing, kickboxing and grappling (wrestling) skills. The Act does not provide a definition of MMA nor does it reference MMA in any other section. Consequently, it could be argued that MMA bouts are not currently under the jurisdiction of the Commission and the Office of Boxing; therefore, current MMA licensees, or any other licensed professional, including promoters who provide a variety of activities such as providing health insurance for fighters, are not subject to regulation.

MMA bouts should be regulated in Colorado because these bouts contain the same risks associated with boxing and kickboxing. Also, MMA fighting is the fastest growing discipline among the three (boxing, kickboxing and MMA) sports and therefore, it is reasonable to conclude that the number of licensed MMA fighters will continue to grow in Colorado.

Because MMA is a growing discipline in Colorado, it is important that the Act clearly highlight that the Commission and the Office of Boxing have statutory authority to regulate MMA bouts.

Additionally, the Commission should promulgate rules associated with MMA fights. There were several examples highlighted in this sunset review where the lack of MMA rules could compromise the health and safety of MMA fighters. For instance, in MMA elimination tournaments, MMA elimination fighters are required to wear gloves that contain additional padding versus the gloves used in professional bouts. However, it is not delineated anywhere how much more padding is required. In this example, the absence of clearly defined MMA rules could compromise the health and safety of MMA fighters who participate in elimination tournaments.

In order to effectively regulate MMA in Colorado, the General Assembly should define MMA in the Act as well as delineate the fact that the regulation of MMA fighting is within the purview of the Commission and the Office of Boxing. The definition could state,

MMA means a participant who competes in a bout with the use of a combination of techniques from boxing and from different disciplines of martial arts including grappling, kicking and striking and may include the use of full, unrestrained physical force.

The General Assembly should also require the Commission to promulgate rules for the regulation of MMA, so uniform standards for the appropriate regulation of MMA are in place for the protection of the fighters.

Recommendation 3 – Repeal the requirement for the Commission to meet on a quarterly basis.

The Commission, as outlined in section 12-10-105(3), C.R.S., is required to meet quarterly or more frequently if necessary. The Office of Boxing staff indicated that the current requirement for the Commission to meet at least on a quarterly basis is excessive. This is evidenced by the fact that the Commission does not have enough issues to discuss at quarterly meetings, and the Office of Boxing staff often generates agenda items.

However, in order to comply with the current federal standards that require states to have an established boxing commission to oversee bouts, the Commission should continue to exist. Instead of meeting quarterly, though, the Commission should be required to meet annually or as necessary.

Doing so will alleviate the unnecessary requirement for the Commission to meet quarterly, but provide enough flexibility to allow the Commission to meet when there are appropriate issues for it to consider.

Consequently, the General Assembly should repeal the requirement for the Commission to meet on a quarterly basis and implement a requirement that the Commission meet annually or as necessary.

Recommendation 4 – Repeal the requirement that the Director of the Office of Boxing confer with the Commission at least monthly regarding the operation of the Commission.

Currently, section 12-10-107(d), C.R.S., states that the Director of the Office of Boxing is required to confer monthly with the Commission regarding the operation of the Commission. This requirement is unnecessary and burdensome because there is no need to discuss the operation of the Commission on a monthly basis.

The Director of the Office of Boxing can, and sometimes does, confer with Commissioners regarding issues such as events and current fight schedules, but there is no need to have a formal requirement in place to ensure that the Director of the Office of Boxing confers with the Commission at least monthly regarding the operation of the Commission. This mandate does not enhance consumer protection nor does it provide any additional benefit regarding the regulation of boxing, kickboxing and MMA.

Therefore, the General Assembly should repeal this requirement. Doing so will not compromise the Commission's access to staff, specifically the Director of the Office of Boxing; instead, it will remove a burdensome requirement that is not currently utilized.

Recommendation 5 – Repeal the requirement for the Executive Director of DORA to appoint and supervise the Director of the Office of Boxing, and allow the Director of the Division of Registrations to formally assume these duties.

Prior to 2002, the Office of the Boxing was located in the Executive Director's Office within DORA. House Bill 02-1078 moved the Office of Boxing from the Executive Director's Office to the Division of Registrations (Division).

However, House Bill 02-1078 did not remove the reference in section 12-10-107(1), C.R.S., which states the Executive Director of DORA appoints and is responsible for supervising the Director of the Office of Boxing. Failing to remove this reference was a possible oversight when House Bill 02-1078 was passed.

Although the Executive Director is responsible for DORA, the day-to-day administrative functions, including hiring and supervising employees within the Division, should be and are, in practice and in all other circumstances, the responsibility of the Director of the Division.

As a result, the General Assembly should remove the Executive Director's authority to appoint and supervise the Director of the Office of Boxing, and allow the Director of the Division to officially assume these duties. Doing so would provide consistency within the Division regarding hiring and supervising employees as well as adhere to current administrative practice.

Recommendation 6 – Repeal the Commission's authority to establish and collect licensing fees and surcharges, and allow the Director of the Division to assume these duties.

Section 12-10-109(1), C.R.S., states that the Commission is required to establish and collect non-refundable license fees and may establish and collect surcharges.

In practice, the Commission does not establish licensing fees nor does it establish or collect surcharges; this is an administrative function that is completed by staff within the Division. Specifically, the Director of the Division sets and collects licensing fees as well as surcharges in order to appropriately manage the Division's budget.

The General Assembly should repeal the requirement that the Commission establish and collect non-refundable licensing fees as well as establish and collect surcharge fees. Instead, the Director of the Division should be formally required to complete these functions. This change will reflect current practice for licensing fees and surcharges within the Division.

Recommendation 7 – Clarify that the Director of the Office of Boxing, not the Commission, has the enforcement authority for the Act.

The Act, in section 12-10-107.1, C.R.S., enables the Director of the Office of Boxing to impose a variety of disciplinary actions on licensees including, but not limited to:

- Suspension;
- Denial; and
- Revocation.

However, section 12-10-110(1), C.R.S., grants the Commission the authority to impose civil penalties for violations of the Act.

Although the Commission has the statutory authority to impose civil penalties, it currently delegates its authority to the Director of the Office of Boxing, who often imposes civil penalties for violations of the Act on the spot. For example, if a fighter is late to a weigh-in, the Director of the Office of Boxing can, and often does, impose a civil penalty on the fighter, and in order to participate in the weigh-in, the fighter pays the penalty. Allowing the Director of the Office of Boxing to formally assume the authority to impose civil penalties creates an efficient regulatory model and adheres to the current practice.

In order to provide further clarity regarding the authority of the Director of the Office of Boxing, section 12-10-106(3), C.R.S., should be amended to remove the requirement of the Commission to investigate any allegation of an activity that may violate the Act, and instead grant this authority to the Director of the Office of Boxing.

The Act should also be amended to remove the Commission's authority to pursue violations of the Act. Specifically, section 12-10-110(3), C.R.S., which references the Commission's authority to bring an action in any court to enforce the Act, should be replaced with the Director of the Office of Boxing. The same change should also occur in section 12-10-110(5), C.R.S., which references the Commission's final actions.

In order to provide consistency and improve efficiency, the Act should clarify that the Director of the Office of Boxing, not the Commission, has the enforcement authority.

Recommendation 8 – Repeal the reference that the Commission may be a member of the Association of Boxing Commissions, and may send the Director of the Office of Boxing to the Association’s annual convention.

Section 12-10-106(4), C.R.S., states that the Commission may maintain membership in the Association of Boxing Commissions (ABC) and may send the Director of the Office of Boxing or the Director’s designee to the ABC’s annual convention.

There should not be statutory language for the Commission to maintain membership in the ABC because it may limit participation in other unnamed membership organizations.

Also, sending the Director of the Office of Boxing to the ABC annual convention should not be included in the Act because it is an administrative function, which is predicated on a variety of factors including the Division’s budget and time availability of the Director of the Office of Boxing.

Consequently, the General Assembly should remove the reference that the Commission may be a member of the ABC and the reference that the Commission may send the Director of the Office of Boxing to the ABC’s annual convention. It is important to note that removing this reference will not prevent the Commission from being a member of ABC.

Recommendation 9 – Repeal the reference that the Commission may maintain a service subscription to the record-keeping database provider approved by the Association of Boxing Commissions.

Section 12-10-106(5), C.R.S., states that the Commission may maintain a service subscription to the record-keeping database provider approved by the ABC. In practice, the Office of Boxing maintains a service subscription to two record-keeping databases, which can be accessed by Commissioners and the Office of Boxing staff.

This reference should be removed from the Act because it is not an appropriate subject matter to be included in statute. This is an administrative function that is determined on a variety of factors, such as the effectiveness of the record-keeping database.

The General Assembly should remove the reference in statute that the Commission may maintain a service subscription to the record-keeping database provider approved by the ABC.

Recommendation 10 – Repeal the requirement that DORA adopt standards that allow amateur tough person fighting.

Section 12-10-103(15), C.R.S., prohibits tough person fighting, and the Act prohibits the State of Colorado from issuing licenses or permits for tough person fighting or for any contests or exhibitions of a similar nature. Tough person fighting is,

considered a contest, match, tournament, exhibition or bout between two or more individuals involving combative skills hands, feet or body that is not recognized or sanctioned by the State of Colorado, regional or national sanctioning authority.

However, section 12-10-103(15), C.R.S., required DORA to adopt health and safety standards in 2004 for tough person fighting. Upon completion of the promulgation of these health and safety regulations, tough person fights can occur. The competitors are amateur in nature, and the Office of Boxing does not license fighters or provide any regulatory oversight related to these events.

It is unclear why these regulations were enacted. Tough person fighting is explicitly prohibited in Colorado, and the Office of Boxing does not provide any regulatory oversight of amateur events.

To date, an amateur tough person fighting contest under the regulations promulgated in 2004 has not occurred.

The General Assembly should repeal the requirement that DORA adopt regulations related to amateur tough person fighting. A straight prohibition of tough person fighting in Colorado, as delineated in the current definition of tough person fighting in the Act, should remain regardless of whether tough person fighting is professional or amateur. Doing so would provide consistency related to intent of the tough person definition, which is to prohibit tough person fighting in Colorado.

Recommendation 11 – Direct that all money collected through fines be credited to the state’s General Fund.

Section 12-10-109(2), C.R.S., directs all money, including fines, collected pursuant to the Act be credited to the Division’s cash fund. Fines collected should instead be credited to the state’s General Fund. There are two basic reasons that this change is necessary.

Typically, when a state agency is granted fining authority, funds generated by fines are credited to the state’s General Fund. This is done so that a state agency has no incentive to impose fines other than taking legitimate, disciplinary action. When fines are credited to a state agency’s cash fund, there can be a perceived conflict of interest that the state agency is imposing fines in an attempt to increase its revenue. Although there is no reason to believe that the Commission or the Office of Boxing staff has acted improperly, this recommendation is important as a policy matter to prevent any such allegation that may arise concerning the imposition of fines.

For cash funded agencies, any increase in revenue can require them to reduce fees. Civil penalties are meant to be used for discipline, not to raise revenue.

As a result, the General Assembly should require fines collected for violations of the Act to be credited to the state's General Fund. Doing so will serve to remove any appearance of impropriety concerning the collection of fines by the Office of Boxing.

Administrative Recommendation 1 – Seek to amend the sunset review bill to include any technical changes necessary to the Act.

During the course of the sunset review, both the Office of Boxing and researchers found several places in the Act that need to be updated and clarified. For example, sections 12-10-107.1(3)(b), C.R.S., references a board, and there is no board associated with the Commission or the Office of Boxing.

Recommendations of this nature do not rise to the level of protecting the health, safety, and welfare of the public, but an unambiguous law makes for more efficient implementation. The entire Act, including every one of its provisions, is commonly only examined by the General Assembly during a sunset review. Therefore, the Commission and the Office of Boxing should review the whole Act and prepare an omnibus amendment to the sunset review bill which will rectify all identified technical problems.

Administrative Recommendation 2 – Establish a clear policy related to who is eligible to attend events without paying an admission fee.

Currently, the Commission does not have a formal policy delineating who may attend events without paying an admission fee. Formalizing a policy to establish who is permitted to attend events without paying an admission fee would clarify any ambiguity regarding admission to events.

Administrative Recommendation 3 – Formalize certain requirements via regulations.

Section 12-10-106(1)(a), C.R.S., enables the Commission to establish rules related to the requirements for the issuance of licenses and permits for boxers, seconds, inspectors, promoters, judges and referees.

During this sunset review, DORA staff recognized that the Commission had not formalized the requirements that would enable a person to become a judge in the Boxing and Kickboxing Permanent Rules. Formalizing these requirements via the Boxing and Kickboxing Permanent Rules serves two purposes. First, it would clearly delineate the requirements to become a judge in the official rules.

Second, formalizing the requirements in the Boxing and Kickboxing Permanent Rules would enable anyone who wishes to become a judge to access information related to the requirements to act as a judge. The current system relies on the Director of the Office of Boxing to provide this information, which could be a barrier for potential judge candidates.

As such, formalizing the requirements to become a judge in the Boxing and Kickboxing Permanent Rules serves to increase access to information by the public.

Administrative Recommendation 4 - Review and update the Boxing and Kickboxing Permanent Rules.

During this sunset review of the Commission and the Office of Boxing, DORA staff identified several areas where the current Boxing and Kickboxing Permanent Rules need updating.

The Commission should engage in a detailed review of the Boxing and Kickboxing Permanent Rules to ensure that the most up-to-date information is contained in the rules. This will not only provide clarity to the Boxing and Kickboxing Permanent Rules, but it will also ensure that the regulatory requirements related to boxing, kickboxing and MMA are accurate and consistent with the Act.