Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 875—Chapter 169
"General Requirements for Athletic Commission Events"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 90A.7
State or federal law(s) implemented by the rulemaking: Executive Order 10

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

October 24, 2024 10 to 10:30 a.m.	Lake Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis. Written or oral comments in response to this Regulatory Analysis must be received by the Labor Services Division no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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6200 Park Avenue, Suite 100
Des Moines, Iowa 50321-1270
Phone: 515.443.1051
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Purpose and Summary

This proposed rulemaking repromulgates Chapter 169 in accordance with the goals and directives of Executive Order 10. Proposed Chapter 169 primarily regulates professional boxing, mixed martial arts, and professional wrestling. It sets forth procedures for event licenses, promoter responsibilities, and conduct for participants.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- Classes of persons that will bear the costs of the proposed rulemaking:

Promoters of professional boxing, mixed martial arts, and professional wrestling bear the costs.

- Classes of persons that will benefit from the proposed rulemaking:

Participants of the covered contests benefit.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- Quantitative description of impact:

There are event license fees of $450 for boxing and mixed martial arts. There are costs associated with various safety measures. The chapter imposes a tax based on ticket sales.

- Qualitative description of impact:

No qualitative impact is discerned.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

There are no specific financial costs to implement or enforce this rulemaking outside of any costs associated with the Department of Inspections, Appeals, and Licensing's statutory duties. This rulemaking does not add to the costs of the Department beyond existing personnel assigned to implement this chapter.

- Anticipated effect on state revenues:

There is no anticipated effect on state revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

Inaction would result in less safety in the covered events.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

No less costly or less intrusive methods are known.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

No alternative methods were seriously considered.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no special allowance for small businesses.

Text of Proposed Rulemaking

ITEM 1. Rescind 875—Chapter 169 and adopt the following **new** chapter in lieu thereof:

ATHLETICS COMMISSIONER

CHAPTER 169
GENERAL REQUIREMENTS FOR ATHLETIC COMMISSION EVENTS

875—169.1(90A) Scope and application. Unless otherwise noted, this chapter applies to each event covered by Iowa Code chapter 90A.

875—169.2(92) Definitions. The following definitions apply to 875—Chapters 169 through 177:

"Commissioner" means the state commissioner of athletics, who is also the director of the department of inspections, appeals, and licensing, or the director's designee.

"Physician" includes a physician assistant unless otherwise noted.

"Professional wrestling" is an exhibition in which the participants display their skills in a physical struggle against each other for entertainment and does not comprise a bona fide athletic contest or competition.

875—169.3(90A) Prohibited events. No promoter shall arrange or advertise:

169.3(1) A match between persons of the opposite sex;

169.3(2) A match between more than two contestants; or

169.3(3) A match with a contestant who is younger than 18 years of age.

875—169.4(90A) Advance notice of event. A promoter shall submit advance notice of an event, other than a professional wrestling event, to the commissioner on the form provided by the commissioner at least 60 days prior to the event but not more than six months prior to the event. The advance notice includes:

169.4(1) The date, time, type, and location of the event;

169.4(2) The promoter's name and contact information;

169.4(3) One-half of the required event license fee;

169.4(4) Whether the event is indoors or outdoors; and

169.4(5) Other relevant information requested by the commissioner on the form.

875—169.5(90A) Event license. A promoter may hold a mixed martial arts match, professional boxing match, or wrestling match only if the commissioner has issued an event license.

169.5(1) *Application.* The promoter shall submit a completed application for a license on the form provided by the commissioner.

a. For a professional wrestling event, the application shall be submitted at least seven days prior to the event and include each of the following:

(1) The promoter's name, address, telephone number and other contact information as requested by the commissioner;

(2) The event date, venue name, and venue address;

(3) A nonrefundable $100 event license fee; and

(4) The promoter's signature.

b. For any other covered event, the application shall be submitted at least 60 days prior to the event and include each of the following:

(1) The date, time, type, and location of the event;

(2) The promoter's name, address, and contact information;

(3) One-half of the required event license fee;

(4) A copy of the medical license of the ringside physician or physician assistant;

(5) The date, time, and location for the weighing of the contestants;

(6) The emergency medical services company, and the security company;

(7) The name and contact information for the certified law enforcement officer who will attend the event;

(8) The date, time, and location of the ringside physician's or physician assistant's examination of the contestants;

(9) Certificates of insurance;

(10) A bond in the sum of $5,000, payable to the State of Iowa, conditioned upon the payment of the tax and penalties imposed by Iowa Code chapter 90A, unless the promoter has a current valid bond on file with the department;

(11) The name and telephone number of the person designated to clean between rounds; and

(12) Other information requested by the commissioner.

169.5(2) *Event license fees.* The nonrefundable event license fee is $100 for a professional wrestling event and $450 for all other covered events. A professional wrestling promoter shall submit

the event license fee with the event license application at least 7 days prior to the event. For all other covered events, the promoter shall submit one-half of the event license fee with the advance notice of the event at least 60 days prior to the event, and one-half of the event license fee with the event license application at least 7 days prior to the event.

169.5(3) *Issuance.* The decision to issue an event license is solely within the discretion of the commissioner. The following factors will be considered by the commissioner when deciding whether to issue an event license:

a. Date the promoter filed advance notice of event.

b. The promoter's prior compliance with Iowa Code chapter 90A and applicable rules.

c. Applications for conflicting events.

d. Ability of the commissioner to provide staff.

e. The promoter's history of canceling events.

f. Anticipated tax revenue.

g. Completeness of application package.

h. Whether the event is indoors or outdoors.

169.5(4) *Revocation.* When the commissioner finds that failure to provide adequate security to maintain public safety requires emergency action, the commissioner may immediately suspend the event license, pending license revocation procedures pursuant to Iowa Code chapter 17A.

875—169.6(90A) Promoter responsibilities. The promoter of a professional wrestling event is responsible for subrules 169.5(1) through 169.5(6). All other promoters are responsible for each of the following:

169.6(1) Ensure compliance with Iowa Code chapter 90A and applicable rules.

169.6(2) Ensure that the referees are familiar with and enforce the rules.

169.6(3) Be responsible for the conduct and attendance of all officials and participants.

169.6(4) Ensure that adequate public safety is maintained at all events. Adequate personnel provided by a private security company and at least one certified law enforcement officer shall be furnished by the promoter.

169.6(5) Ensure that a referee inspects the gloves, bandages, and body of each contestant for foreign substances that might be detrimental to an opponent.

169.6(6) Ensure that contestants have closely trimmed fingernails.

169.6(7) Provide officials and participants who are subject to approval by the commissioner.

169.6(8) Be available to the commissioner throughout an event or identify a designee who will be:

a. Available to the commissioner throughout an event; and

b. Authorized by the promoter to address issues that may arise.

169.6(9) Enter into a written contract with each contestant using the form furnished by the commissioner. Other adequate proof of acceptance of terms will be considered an agreement between a contestant, the contestant's manager and the promoter, pending the actual signing of the contract.

169.6(10) Provide appropriate gloves.

169.6(11) Provide and maintain a container with a solution able to clean bodily fluids from any part of the cage, cage enclosure, or floor.

169.6(12) Ensure that an ambulance and ambulance service authorized at the EMT-B, EMT-I, EMT-P or paramedic specialist level are present at the event. A promoter is fully responsible for all charges assessed by the ambulance service related to the event except:

a. Charges covered by insurance.

b. Charges for services provided to persons other than participants and officials.

169.6(13) Ensure that contestants are wearing appropriate attire, gloves, and other necessary equipment.

169.6(14) Provide a suitable, clean, and private space for contestants to change clothes.

169.6(15) Submit to the ringside physician or physician assistant no later than at the time of the physicals test results showing that each contestant scheduled for the event tested negative for the human immunodeficiency, hepatitis B, and hepatitis C viruses within 12 months prior to the event. The contestant shall not participate and the physician or physician assistant shall notify the promoter that the contestant is prohibited from participating for medical reasons if any of the following occurs:

a. The promoter does not produce timely proof of testing;

b. The test results are positive;

c. The laboratory is not properly certified;

d. The test was performed more than 12 months prior to the event; or

e. The test results are otherwise deficient.

169.6(16) Obtain from a company authorized to do business in the state of Iowa $10,000 of health insurance coverage on each contestant to provide for medical, surgical and hospital care for injuries sustained and illnesses contracted during the event. If there is a deductible, it shall not exceed $1,500. If the contestant pays for covered care, the insurance proceeds shall be paid to the contestant or the contestant's beneficiaries as reimbursement for payment. In the event of a claim, payment of the deductible is the sole responsibility of the promoter.

169.6(17) Obtain from a company authorized to do business in the state of Iowa no less than $10,000 of life insurance coverage on each contestant to cover death caused by injuries sustained or illnesses contracted during the event.

169.6(18) No later than the day of the event, ensure that each contestant makes available to the commissioner's representative suitable proof of age consisting of one of the following documents:

a. A certified birth certificate;

b. A passport;

c. A certified baptismal record;

d. A U.S. visa;

e. An identification card issued to the contestant by a governmental entity and that includes the contestant's photograph and birth date; or

f. A U.S. resident alien card.

169.6(19) Ensure that participants and officials behave in a professional manner at all times.

169.6(20) Ensure that participants and officials refrain from:

a. Fighting with anyone other than a scheduled opponent;

b. Fighting outside the ring;

c. Throwing objects; and

d. Making obscene gestures.

169.6(21) Establish through mixedmartialarts.com that no contestant on an amateur card has participated in a reported professional mixed martial arts match.

875—169.7(90A) Taxes. No later than 20 days after an event, a promoter shall file with the commissioner a report and pay all taxes due from the event. The report is submitted on the form provided by the commissioner and includes the promoter's business name, name of a contact for the promoter, date of the event, event license number, location of the event, each price for which tickets were offered or sold, number of tickets sold at each price, total gate receipts, and signatures of the licensee and the person who completed the report. The promoter shall submit with the report:

169.7(1) Proof of the number of tickets sold and the price of each ticket, which includes appropriate documentation from a ticketing service, if applicable.

169.7(2) Payment to the Iowa department of inspections, appeals, and licensing for the amount calculated using the report.

These rules are intended to implement Iowa Code chapter 90A.