

EMERGENCY

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

Clear Print

See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2016-1128-02EE
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For use by Office of Administrative Law (OAL) only

2016 NOV 28 P 12:52
OFFICE OF ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY
California State Athletic Commission

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Dehydration and Rehydration	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2016-0608-02E
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 299
	AMEND 297,300
	REPEAL
TITLE(S) 4	

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input checked="" type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) 12/12/16
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Sophia Cornejo	TELEPHONE NUMBER (916) 263-2196	FAX NUMBER (Optional) (916) 263-2197	E-MAIL ADDRESS (Optional) sophia.cornejo@dca.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Andy Foster</i>	DATE 11/28/16
TYPED NAME AND TITLE OF SIGNATORY Andy Foster, Executive Officer	

For use by Office of Administrative Law (OAL) only

**California State Athletic Commission
PROPOSED LANGUAGE**

1. Amend Section 297 of Division 2, of Title 4 of the California Code of Regulations to read:

§ 297. Weighing Time.

Contestants shall be weighed within ~~24~~30 hours of the scheduled match, at a time and place designated by the commission, in the presence of a commission representative on scales approved by the commission. A club may obtain advance written permission of the commission to allow preliminary boxers to weigh in and be examined not later than one hour before the scheduled time of the first match on the card. All weights shall be taken with the contestants stripped.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640 and 18728, Business and Professions Code.

2. Adopt Section 299 of Division 2, of Title 4 of the California Code of Regulations to read:

§ 299. Dehydration and Rehydration.

(a) Contestants shall only rehydrate orally. Use of intravenous therapies to rehydrate shall prohibit the athlete from competing.

(b) Contestants may be required to submit a urine specimen for a urine specific gravity test prior to competition to verify proper hydration.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18705, 18706, 18707 and 18725, Business and Professions Code.

3. Amend Section 300 of Division 2, of Title 4 of the California Code of Regulations to read:

§ 300. Time For Examinations.

A thorough physical and eye examination shall be given each contestant by the commission-appointed physician at least one hour before the contestant enters the ring to compete. The commission physicians shall test for signs of dehydration. Referees also shall be given physical examinations immediately before officiating at any match.

NOTE: Authority cited: Section 18611, Business and Professions Code. Reference: Sections 18640, 18705 and 18706, Business and Professions Code.

FINDING OF EMERGENCY

The California State Athletic Commission (CSAC) hereby finds that the adoption of regulations on an emergency basis is required to maintain essential health and safety practices for professional and amateur boxers as well as mixed martial arts athletes participating in the combative sports. The Commission specifically finds that these emergency regulations are necessary for the immediate preservation of public health and safety, and general welfare of the citizens of California.

AUTHORITY AND REFERENCE CITATION

Authority cited: Section 18611, Business and Professions Code.

Reference: Sections 18640, 18705, 18706, 18707, 18725 and 18728 Business and Professions Code.

SPECIFIC FACTS DEMONSTRATING THE NEED FOR IMMEDIATE ACTION

The CSAC is responsible for protecting the health and safety of athletes competing in the combative sports. The proposed emergency regulation is necessary in order to have an immediate effect in providing a safer weigh-in procedure as well as testing of athletes for severe dehydration prior to a bout. It will help prevent athletes from using severe dehydration as a method to make the contracted bout weight. The proposed regulation allows the CSAC appointed ringside physicians to test athletes for dehydration and to remove a contestant from a fight if the athlete is deemed to be severely dehydrated. Also, the proposed regulation prohibits the use of intravenous therapies to regain hydration after a weigh-in.

In combative sports like Mixed Martial Arts (MMA), wrestling and boxing, athletes are placed in weight class categories in order to provide a fair match between contestants and to protect the health and safety of the athletes. The goal to meet the threshold of a certain weight class is often met by primarily dehydrating the body and then massively rehydrating between the time of official weigh-in and the time of the bout in order to gain a maximum size advantage over an opponent. Consequently, weight cutting is a common and dangerous procedure used by athletes in the combative sports.

Over the course of 2015, the CSAC managed 130 professional combat events and ultimately responsible for 345 amateur events. Last year in California there were a total of 475 events. Each event has approximately 5 to 8 fights, involving 10 to 16 contestants. Severe weight cutting is at an epidemic level and exposes contestants to significant health risks. With the possible likely health risks and recent extreme cases where athletes have died as a result of rapid weight loss, it is necessary for the CSAC, as a regulator, to take immediate steps to prevent and discourage weigh cutting.

Recently, in Texas on Friday February 19, 2016, at an MMA event promoted by Bellator, there was a near tragic incident of weight cutting. At Bellator #149 competitor Dhafir Harris (aka "Dada 5000") cut 40 pounds to make the heavyweight limit for his

fight with Kevin Ferguson (aka "Kimbo Slice"). Although Harris made weight and was licensed to compete by the Texas Department of Licensing and Regulation, the fight bout ended with Harris suffering a knockout loss not via punches, but by his exhaustion. Subsequently, it was reported that Harris suffered renal failure as a result of the bout and this was caused by dehydration. His family stated that Harris' doctors informed them that Harris had accumulated extremely high levels of potassium in his blood which led to severe dehydration, fatigue and renal failure. The high potassium levels were likely caused by his 40lbs. weight loss in preparation for the fight. On March 2, 2016, Harris' family stated that he was released from the hospital and is recovering. In another truly tragic event that was scheduled to be held on December 11, 2015, Yang Jian Bing, a 21-year-old Chinese fighter who was scheduled to compete at ONE Championship #35 held in the Philippines, died due to cardiopulmonary failure (heart attack) after his weight cut for the event but prior to scheduled event. His official autopsy revealed that his heart attack was due to an acute myocardial infarction. This heart attack was likely precipitated by his weight cutting. Due to the large number of bouts that the CSAC manages and oversees during the year, it is necessary to take immediate regulatory action to help prevent medical complications due to dehydration and weight cutting.

Generally, 24 hours prior to a bout, competitors are weighed to make sure their weight qualifies in the weight class for which they are competing. The practice entails losing large amounts of weight, mostly through deliberately and aggressively dehydrating oneself, over the course of about a week.

Anyone who cuts 20 pounds in 24 hours is clearly doing it to make a weight class that they do not ordinarily weigh. Not only is it unhealthy, but it is against the spirit of the "weight class". One of the primary reasons that weight classes were created was to ensure fighters of similar weight competed against each other and no one had an unfair weight advantage. If a fighter gains significant weight overnight, the athlete may in fact move into another higher weight class than what was determined at the official weigh-in 24 hours prior to the fight. Sometimes, fighters even go up two or three weight classes overnight. In mixed martial arts we have come to expect this as "normal". Nothing about this practice of massive dehydration followed by rapid rehydration should be considered "normal".

The perceived benefits of weight cutting are obvious. For instance, an athlete who normally weighs 185 pounds can train at that weight but fight at 170, with a potentially dangerous advantage over their opponent. All they have to do is drop their water weight prior to the official weigh-in then try to rehydrate by pouring it all back in before the fight. However, this is based on a mistaken belief – that one can rehydrate as quickly as one can dehydrate. In reality, the body actually needs days to fully replenish vital water in the cells, muscles and organs of the human body. Multiple scientific studies in the past few years show that an athlete who is dehydrated, even if he or she has been drinking water or rehydration fluids for fully a day, cannot perform at the same level, and cannot defend himself or herself properly.

Dehydrating prior to the official weigh-in prior to a bout is now virtually universal in boxing. However, in recent years, even greater dramatic weight cutting has become increasingly common in MMA, according to doctors, trainers and fighters. Some competitors have even used intravenous therapy to speed the rehydration process. Along with brain injuries, weight cutting may be the sport's major health issue.

Dehydration and rapid rehydration used for weight cutting are among the most dangerous aspects of the current issues facing mixed martial arts (and to a lesser degree, boxing). At a December 17, 2015, "Weight Cutting Summit" sponsored by the California Athletic Commission (Commission), many ideas and possible solutions were discussed and proposed, but many remain untested. Nevertheless, this emergency regulation proposal provides the Commission flexibility to explore a variety of options that facilitate a safer regulatory environment for these athletes. The goal is to improve the safety of athletes as soon as possible and not to make the problem worse.

What really illustrates the problem from a physiological standpoint is not so much the number of pounds but the amount of water that weight-cutting fighters wring out of their bodies. On average, water comprises 60 percent of total body weight. So, if a 144-pound MMA fighter loses eight pounds of water weight (along with weight lost in the form of body fat or other things) as part of an effort to reach the 135-pound bantamweight maximum, the fighter has drained 8.6 percent of the body's water weight. By medical standards, according to the American College of Sports Medicine any water loss of more than 5 percent is considered serious. Severe dehydration (loss of over 10 percent of body weight) is a life-threatening condition that requires immediate medical care and is cause for a trip to the emergency room.

Because weight cutting shares a risk-impact chart with brain injuries and performance-enhancing drugs, it usually assumes a backseat in the safety discourse. After all, its cause-and-effect cycle doesn't play out under bright lights or in highlight reels or summer-movie physiques. It happens in the world's grayer areas: the hotel bathroom, the low-lit sauna, the early-morning fitness room, before the conventioners arrive, a hooded figure hunched over the wheels of a rapid-firing stationary bike.

But weight cutting is every bit as dangerous as the better-documented risks that combat sports present. In fact, the day-to-day familiarity of the practice may have spawned a counterproductive sense of complacency. In the two sports for which cutting weight is the largest problem—amateur wrestling and MMA—it may be the most dangerous of all. And according to doctors, regulators and fighters, it's only getting worse.

For all the aforementioned reasons, the CSAC has determined that due to the increase in the practice of dangerous weight cutting, it is immediately necessary for the CSAC to amend its regulation, as an emergency, to help prevent athletes from using severe dehydration as a method to make the contracted bout weight at events regulated by the CSAC.

This emergency regulation was originally submitted to the Department of Consumer Affairs for approval in February 2016. The Director of the Department of Consumer

Affairs and other executive staff had concerns regarding some of the proposed language. The Commission staff agreed with their concerns and as a result made changes to the language. There were two conference calls held with various Ringside Physicians for their feedback on the language. The amended language went to the Commission for vote at the April 25, 2016, Commission meeting. Commission staff submitted a new emergency regulation package to the Department of Consumer Affairs immediately following this meeting.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 18611 allows the Commission to adopt, amend, or repeal in accordance with the Administrative Procedure Act, as necessary to enable it to carry out the laws relating to boxing and mixed martial arts.

Business and Professions Code section 18705 states that every Promoter shall have a licensed physician at all events who shall perform physical examinations of all contestants and observe the physical condition of all contestants during the match.

Business and Professions Code section 18706 specifies when the official weigh-in shall begin; that the Commission appointed physician shall conduct physicals on all contestants and determine whether the contestant may have any physical conditions that may affect the contestant's ability to perform or present a potential threat to the contestant's health as a result of competing in the match. This section further specifies that all contestants shall complete a medical questionnaire that discloses any condition of which the contestant is aware.

Business and Professions Code section 18707 allows the Commission appointed physician to stop any match for medical related injuries and the physical condition of the contestant.

Business and Professions Code section 18725 states that the Commission may establish glove weights, equipment standards, safety standards, and the length of rounds in order to protect the health and safety of contestants.

The proposed changes will do the following:

Amend Section 297: The proposed changes to section 297 provide a safer weigh in procedure for athletes competing in commission regulated sports. Currently, athletes weigh in 24 hours before the competition and often lose unsafe amounts of weight resulting in severe dehydration. This proposal would allow the commission to weigh in athletes up to 30 hours before the scheduled bout.

Adopt Section 299 (a): This proposal requires that athletes may only rehydrate orally. The use of intravenous therapies to regain weight after the weigh-in is prohibited. Any use of intravenous therapies to rehydrate shall result in the athlete being prohibited from competing.

Adopt Section 299 (b): This proposal permits the Commission to require a urine sample if needed on an athlete to test for specific gravity to determine hydration levels.

Amend Section 300: Currently, this section permits the Commission appointed physician to provide a thorough physical and eye examination to each contestant at least one hour before the contestant enters the ring to compete. This proposal requires Commission appointed ringside physicians to test for signs of dehydration during the pre fight physical.

ANTICIPATED BENEFITS OF THE PROPOSAL

This proposed helps protect the health and safety of the participant and is necessary to maintain essential health and safety practices for athletes.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing these regulations, the Commission has conducted a search of any similar regulations on this topic and had concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: This proposal will have a cost impact to the California State Athletic Commission. There will be a need for the Commission's Athletic Inspectors to work an additional 5 hours at scheduled weigh ins. The Commission anticipates this additional cost to be approximately \$16,125 annually.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Cost impacts on a representative private person or business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The CSAC has made an initial determination that there will be no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: None.