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MINNESOTA DEPARTMENT OF
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December 17, 2008

Legislative Reference Library
645 State Office Building
100 Constitution Avenue
St. Paul, Minnesota 55155

Re: In the Matter of the Proposed Rules of the Minnesota Combative Sports Commission
Relating to Combative Sports; Governor's Tracking Number AR404

Dear Librarian:

The Minnesota Combative Sports Commission intends to adopt rules relating to combative sports. The Commission plans to publish a Notice of Intent to Adopt Rules without a Public Hearing in the December 22, 2008 State Register.

The Commission has prepared a Statement of Need and Reasonableness. As required by Minnesota Statutes, sections 14.131 and 14.23, the Commission is sending the Library a copy of the Statement of Need and Reasonableness at the same time it is mailing the Notice of Intent to Adopt Rules.

If you have questions, please contact me at (651) 284-5128 or Executive Director Scott LeDoux at (612) 229-4269.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Patricia Munkel-Olson'. The signature is fluid and cursive.

Patricia Munkel-Olson
Construction Codes and Licensing Attorney

Enclosure: Statement of Need and Reasonableness

Minnesota Combative Sports Commission

STATEMENT OF NEED AND REASONABLENESS

Proposed Permanent Rules Governing Mixed Martial Arts, Minnesota Rules, Chapter 2202.

INTRODUCTION

The sport of Mixed Martial Arts has an ancient tradition dating back to the original Olympic Games. In the modern era, the sport re-emerged in the mid 1990s and has experienced tremendous growth. Originally billed as the Ultimate Fighting Championship, the sport lacked rules, weight classes and participants were not very skilled. Political pressures drove the sport to reform. In the late 1990s, a group lead by Nick Lembo of the New Jersey Athletic Commission drafted the first set of Unified rules for the sport of Mixed Martial Arts. Since that time, most states have adopted regulations allowing the sport of Mixed Martial Arts under rules similar to the Unified rules used by the New Jersey Athletic Commission.

Minnesota Statutes, Section 341.25, clause (c) requires that the Combative Sports Commission¹ adopt unified rules for mixed martial arts. Unified rules for mixed martial arts are commonly recognized to be the rules passed by the State of New Jersey. This Commission is adopting similar rules in compliance with its statutory requirement to adopt unified rules.

Activity under regulation

The Minnesota Combative Sports Commission regulates combative sports such as boxing matches, tough person contests, and mixed martial arts (MMA) contests. These rules are intended to provide safety and fairness for the combatants.

MMA features competitors who are skilled in more than one martial art. These full contact martial arts include, but are not limited to, Karate and Muay Thai, kickboxing, wrestling and grappling. The competitors are highly skilled in multiple martial arts disciplines and compete against each other in a combative arena.

Mixed martial arts techniques can be broken down into two categories, striking and grappling. The combatants who are skilled in both categories will have a better chance of winning a contest. The types of strikes permitted include blows with hands, feet, knees or elbows. Grappling involves submission holds such as joint locks and choke holds, and includes throws and takedowns.

The goal of a mixed martial artist is to knockout his or her opponent, force the opponent to "tap out" or win the contest by scoring more points than their opponent scores. A "tap out" occurs when one combatant cannot escape a hold without injury. To concede the match, he or she can tap the floor or their opponent or verbally notify the referee that they want to concede. Upon

¹ The Minnesota Combative Sports Commission was known as the Minnesota Boxing Commission until the name was changed during the 2008 legislative session. *See* 2008 c 300 s 21.

notice of a tap out, the referee will immediately terminate the contest. The mixed martial artist who caused his opponent to tap out or submit will be declared the winner of the bout via submission.

A knockout occurs when one combatant strikes his opponent causing the opponent to lose consciousness. A technical knockout occurs when one fighter is being struck repeatedly by his opponent such that he can no longer defend himself. At that point, the referee stops the match and the striking opponent wins the match. When striking dominates the match, it is very similar to boxing, except there is no standing eight-count. In boxing, after a knock down, the fighter is permitted to stand up and continue striking. In MMA, once there is a knock down, the match continues on the ground where striking continues until the referee stops the match, or the match continues with the combatants using grappling techniques.

MMA contests were conducted in Minnesota for over ten years without regulation. While the sport has generally reported few injuries, there is a public perception that it is dangerous. Several cities in Minnesota have banned the sport due to this perception.

MMA came under regulation in Minnesota on July 1, 2007. Many of the procedures Minnesota has taken to provide safety for combatants originate from the unified rules. For example, Minnesota recognizes the standardized weight classes, length of rounds, number of rounds and the illegal maneuvers.

The proposed rules provide a reasonable standard of activity, procedures and equipment that can be used by Minnesota to protect its mixed martial arts athletes and ensure safety in competition.

ALTERNATIVE FORMAT

Upon request, this Statement of Need and Reasonableness can be made available in an alternative format, such as large print, Braille, or cassette tape. To make a request, contact Matt Schowalter, Combative Sports Commission, National Sports Center, Schwan Center, 1700 – 105th Avenue NE, Blaine, MN 55449, phone (763) 792-7354 or FAX (763) 717-3887.

STATUTORY AUTHORITY

The Commission's statutory authority to adopt the rules is set forth in Minnesota Statutes, section 341.25, which states in pertinent part:

- “(b) The commission may adopt other rules necessary to carry out the purposes of this chapter, including, but not limited to, the conduct of all combative sport contests and their manner, supervision, time, and place.
- “(c) The commission must adopt unified rules for mixed martial arts contests.”²

2 2006 c 282 art 11 s 17; 2007 c 135 art 3 s 32; 2008 c 300 s 23.

Under this statute, the Commission has the necessary statutory authority to adopt the proposed rules.

REGULATORY ANALYSIS

Minnesota Statutes, section 14.131, sets out seven factors for a regulatory analysis that must be included in the SONAR. Paragraphs (1) through (7) below restate these factors and then give the Commission's response.

(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule:

The classes of persons who will probably be affected by the proposed rule will be the contest participants, including combatants, coaches, officials and judges, and contest promoters.

There are no direct costs associated with these rules. Minnesota Statutes, chapter 341, provides for event fees and participant licenses.

All contest participants will benefit from the proposed rules. In particular, will benefit from increased safety and fairness in the outcome of a contest; Officials will benefit by having their activities clearly defined, and judges are given objective guidelines to determine the outcome of a contest

(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues:

The Commission is unaware of any additional probable costs to the Commission or any other agency for the implementation and enforcement of the proposed rule. The Commission is unaware of any anticipated effect on state revenues.

(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule:

The Commission is unaware of less costly methods or less intrusive methods for achieving the purpose of the proposed rules. The proposed rules provide a minimum standard for safety and fairness, and are required by statute.

(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule:

The Commission considered the rules used by the Nevada and California State Athletic Commissions. Both rules sets were overly cumbersome and had been written in too specialized a format to make them applicable outside of Nevada or California. Additionally, Minnesota

statutes require the Commission to adopt “unified rules,” which the Commission has interpreted to mean the rules adopted by the State of New Jersey.

(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals:

The Commission does not anticipate costs associated with the proposed rules.

(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals:

Not adopting the rules will create uncertainty when comparing the records of combatants who compete in states using different rules to determine the outcome. If Minnesota uses unified rules, it will not restrict combatants from competing here. There are no direct financial costs for not adopting the rules.

The probable costs or consequences of not adopting the proposed rules may include confusion for the Commission, combatants, coaches, officials and judges, and contest promoters who will not be able to easily determine how MMA is regulated in this state.

(7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference:

The Commission is unaware of any differences between the proposed rules and existing federal regulation.

PERFORMANCE-BASED RULES

Minnesota Statutes § 14.002, requires the Commission, wherever feasible, to develop rules and regulatory programs that emphasize superior achievement in meeting the Commission’s regulatory objective and maximum flexibility for the regulated party and the agency in meeting those goals. The Commission did not develop the proposed rules with an eye to emphasizing superior achievement nor maximum flexibility because it was not feasible. However, the proposed rules include definitions for clarity, and are based on the unified rules used by New Jersey.

ADDITIONAL NOTICE

Our Notice Plan includes giving notice required by statute. We will mail the rules and Notice of Intent to Adopt to everyone who has registered to be on the Commission’s rulemaking mailing list under Minnesota Statutes, section 14.14, subdivision 1a. We will also give notice to the Legislature per Minnesota Statutes, section 14.116.

We will also mail or email the proposed rules and notice of intent to adopt rules to interested parties. Those parties include mixed martial artists, referees and judges, and promoters, licensed by the Commission.

CONSULT WITH FINANCE ON LOCAL GOVERNMENT IMPACT

As required by Minnesota Statutes, section 14.131, the Commission has consulted with the Commissioner of Finance. We did this by sending to Ryan Baumtrog, Executive Budget Officer at the Department of Finance, copies of the documents sent to the Governor's Office for review and approval by the Governor's Office prior to the Commission publishing the Notice of Intent to Adopt. We sent the copies on November 17, 2008. The documents included: the Governor's Office Proposed Rule and SONAR Form; proposed rules, dated 10/23/08; and the almost final SONAR. Mr. Baumtrog sent a memorandum dated November 18, 2008, which included the following comments:

On behalf of the Commissioner of Finance, I have reviewed the proposed rules and related Statement of Need and Reasonableness to explore the potential impact these changes may have on local governments.

The unified rules provide definitions and clarifications about: all the relevant participants in mixed martial arts events, specifics about pertinent equipment, and details related to the judging off [*sic*] the event. The proposed rules are technical in nature and do not have any direct costs associated with them.

In my opinion, the proposed changes will not impose a significant cost on local governments.

COST OF COMPLYING FOR SMALL BUSINESS OR CITY

Agency Determination of Cost

The Commission has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed \$25,000 for any small business or city. The Commission has determined that the cost of complying with the proposed rules in the first year after the rules take effect will not exceed \$25,000 for any small business or small city. The Commission made this determination based on the probable costs of complying with the proposed rules, as described in the Regulatory Analysis section of this Statement of Need and Reasonableness.³

RULE-BY-RULE ANALYSIS

These proposed rules are required by Minnesota Statutes, section 341.25, and are needed to provide guidance to regulated parties, individuals and persons interested in obtaining

³ SONAR, pages 3-4.

licensure, and regulators. Most importantly, the proposed rules provide for the safety of combatants. Each of the proposed rules is reasonable in that they reflect what are commonly known as unified rules, current Minnesota practices, and provide clarity and inform users of various requirements.

2202.0010 AUTHORITY AND PURPOSE.

This proposed rule outlines the authority and purpose of the rule chapter.

2202.0020 DEFINITIONS.

The proposed definitions clarify how particular terms and phrases are defined and used throughout the rule chapter. For the convenience of users, many of the definitions mirror definitions within Minnesota Statutes, chapter 341.⁴

2202.0200 WEIGHT CLASSES.

The proposed rule provides for the safety of combatants by matching athletes with the same body mass in order to limit injuries that may be caused by one athlete having a major weight advantage over the other.

2202.0300 FIGHTING AREA.

The proposed rule describes the area in which the contest will take place. The area is padded and enclosed to prevent injuries that would result if a combatant were thrown downward or outward. The competition area is raised in order for it to be more easily seen by ticket holders.

2202.0350 STOOLS.

The proposed rule provides for the safety of the combatant by specifying the seating equipment that may be brought inside the fighting area between rounds so a combatant can rest and receive medical attention, and water and instructions from his corner men. Additionally, it provides seating equipment for a combatant's corner men during the rounds of the contest.

2202.0375 EQUIPMENT.

This proposed rule provides for the safety of the combatant by making water be made available to rehydrate between rounds.

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⁴ See 2008 Minn. Laws, Chapter 300, Section 20.

2202.0400 SPECIFICATIONS FOR BANDAGES ON MIXED MARTIAL ARTIST'S HANDS.

This proposed rule provides for the safety of the combatant. Hand wrapping prevents injury to a combatant's hands while striking an opponent. The rule limits the amount and manner of applying protective wrap on a combatant's hands so that the material protects the wrist and back of the hand but does not allow too much material such that it could make a hardened cast.

The proposed rule also provides for fairness in competition by making sure that there is proper wrapping of the hands with no excessive material or other foreign objects in either combatant's gloves and requires inspection to ensure compliance.

2202.0500 MOUTH PIECES.

The proposed rule provides for the safety of the combatant by requiring that a form fitted piece of plastic material be placed between the teeth on each jaw. This spreads impact from a strike to the face and reduces the risk of losing teeth from the impact.

2202.0520 PROTECTIVE EQUIPMENT.

This proposed rule provides for the safety of the combatant by requiring that an athletic supporter fitted with a piece of hard plastic material be worn to protect the groin area from an accidental groin strike. Intentional strikes in this area are prohibited.

Female combatants, because of their different physiology, do not have the same type risk for groin injury, and do not need this type of protector. Female combatants are required to wear a chest protector to secure and contain the breasts and thereby reduce the risk of injury to the breasts.

2202.0540 GLOVES.

The proposed rule provides for the safety of the combatant by requiring that padded gloves are to be worn during a contest. Gloves are required to protect a combatant's hands while striking an opponent. The gloves are padded on the knuckles and open fingered to permit grasping an opponent while on the ground. The weight is specified in ounces such that it strikes a balance between maneuverability and protection.

2202.0560 APPAREL.

This proposed rule provides safety for combatants by reducing the risk of apparel entanglement. No loose material is permitted in the shorts to prevent an opponent from grabbing the shorts to control movement. No shirts or Gi's are permitted because this apparel can be used offensively to control or choke an opponent, and because it may provide additional protection against strikes. Shoes are also prohibited.

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2202.0580 APPEARANCE.

The proposed rule provides for the safety of a combatant by eliminating the risk that facial hair (other than a closely cropped mustache) and hair that is not trimmed or tied back can be used by an opponent to control a combatant by inflicting pain. Jewelry or piercing accessories are prohibited to reduce the risk of injuries caused by being torn off or out during a contest.

2202.0600 ROUND LENGTH.

This proposed rule provides for the safety of combatants by limiting the time that combatants can strike, throw and grapple before a one-minute rest period is required. After three or five minutes of activity, combatants are given a break to rest and re-hydrate.

2202.0700 STOPPING A CONTEST.

The proposed rule provides safety for combatants. It limits the number of individuals who are permitted to enter the fighting area to the referee and the ringside physician, which will prevent injury to them. The referee and ringside physician are also authorized to stop a contest because they will be in close proximity to the combatants.

2202.0800 JUDGING.

This proposed rule provides for fairness to the combatants. It sets an objective standard for three judges to evaluate and score a contest. This reduces the opportunity for an arbitrary or unfair decision. Additionally, it uses an odd number of judges so that the frequency of a draw is reduced.

The criteria used to measure combat superiority are the effectiveness in various components of striking and grappling, based on the amount of time spent in each, determined for each round separately.

2202.0900 WARNINGS.

The proposed rule provides fairness in competition by providing a single warning to a combatant if he or she uses the fence or apparel while in the combat area because it could result in an unfair advantage during the contest. The referee is also required to issue a single warning when more than one second is on the fighting area perimeter because the extra person could give the combatant aid. The notice to desist, if not heeded, may result in a deduction of points awarded by judges for the round or disqualification.

2202.1000 FOULS.

This proposed rule provides for the safety of and fairness to the combatants. Maneuvers that create a risk of serious or disabling injury to the head, spine or other sensitive areas of the body are prohibited. Additionally, behavior that shows disrespect for the other combatant or



referee, or unsportsmanlike conduct is prohibited while in the fighting area.

The rule also provides the procedure and remedy for addressing a foul maneuver in order to rectify the advantage gained by the combatant committing the foul. These include time to recuperate for the fouled combatant, and a warning, loss of points, or disqualification for the fouling combatant.

2202.1100 INJURIES SUSTAINED DURING A CONTEST.

The proposed rule provides for safety and fairness to the combatant. If an injury occurs during competition, the contest is stopped to assess the degree of injury so that the ability to continue can be determined. Injuries incurred during normal competition that require the contest to be stopped, will result in a TKO win for the non-injured combatant. Injuries that occur as a result of a foul will be rectified according to the type of foul, the nature of the behavior causing the foul, and the degree of injury.

2202.1200 TYPES OF CONTEST RESULTS.

This proposed rule provides for safety and fairness to the combatants. A contest may be stopped if one combatant concedes by tap out (physical or verbal), when the referee believes a combatant is at risk of serious injury or has sustained an injury as a result of a legal maneuver that is severe enough to terminate the contest, or when the ringside physician stops the contest. If a contest is completed after the time expires, the winner will be determined by the scores assigned to the combatants by the judges. The scorecards can declare a winner or a draw in the event of equivalent performance by the combatants. Additional results are provided for abnormal termination(s) of a contest.

CONCLUSION

Based on the foregoing, the proposed rules are both needed and reasonable.

Dated: December 5, 2008

/s/Scott LeDoux
Scott LeDoux
Executive Director