

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
A Statement of Need and Fiscal Impact accompanies this form

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Department of State Police, Oregon State Athletic Commission
Agency and Division

230
Administrative Rules Chapter Number

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RULE CAPTION

Amendment changes requirement for mandatory pregnancy test to voluntary pregnancy test for female competitors.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Hearing Date	Time	Location	Hearings Officer
10-4-16	1:00 p.m.	4190 Aumsville Hwy SE, Salem, OR 97317	Staff

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND:

230-020-0330

REPEAL:

RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

AMEND AND RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority:

ORS 463.113

Other Authority:

Statutes Implemented:

ORS 463.025 & 463.113

RULE SUMMARY

OAR 230-020-0330 All female competitors in boxing and mixed martial arts may voluntarily submit to a pregnancy test or in lieu of a pregnancy test a female competitor may sign a release of liability to compete. A female competitor who refuses to take a pregnancy test and refuses to sign a release of liability will not be allowed to compete in a boxing or mixed martial arts event.

This amendment changes the rule from mandating a pregnancy test to may voluntarily submit to a pregnancy test or sign a release of liability.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

10-04-2016 2:00 p.m.	Trista Robischon	trista.robischon@state.or.us
Last Day (m/d/yyyy) and Time for public comment	Rules Coordinator Name	Email Address

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

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230
Administrative Rules Chapter Number

Amendment changes requirement for mandatory pregnancy test to voluntary pregnancy test for female competitors.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Amendment of OAR 230-20-0330

Statutory Authority:

ORS 463.113

Other Authority:

Statutes Implemented:

ORS 463.025 & 463.113

Need for the Rule(s):

Oregon Administrative Rule (OAR) 230-020-0330 currently requires that each female competitor must submit to and pass (negative pregnancy result) a pregnancy test prior to participating in any boxing or mixed martial arts event. Changing language to "may voluntarily submit" to a pregnancy test aligns rule with a female competitors constitutional rights.

Documents Relied Upon, and where they are available:

Not Applicable

Fiscal and Economic Impact:

This rule amendment would have no fiscal or economic impact

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

This rule amendment would have no cost of compliance impact on state agencies, units of local government or the public

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

This rule amendment would have no cost of compliance impact on small business

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

This rule amendment would not impact projected reporting, record keeping and other administrative activities required for compliance. This rule amendment would require no additional cost for professional services.

c. Equipment, supplies, labor and increased administration required for compliance:

No additional cost will be incurred by this rule amendment.

How were small businesses involved in the development of this rule?

Promoters, participants, officials and small business affected by this rule amendment were consulted in public meetings held by the Oregon State Athletic Commission for their input. The proposed rule amendment was not opposed.

Administrative Rule Advisory Committee consulted?: No

If not, why?:

No, there was no negative impact to the promoter, participants, officials or small business. The proposed rule change was not opposed when addressed at the public meetings.

10-04-2016 2:00 p.m. Trista Robischon trista.robischon@state.or.us
Last Day (m/d/yyyy) and Time Printed Name Email Address

for public comment

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.

ARC 925-2007

230-020-0330

Medical Disqualification

(1) The Superintendent or an authorized representative of the superintendent must refuse to certify a boxer or mixed martial arts ~~contestant~~ competitor if the examining ~~physician~~ medical personnel or the Superintendent, or an authorized representative of the superintendent determines that withholding certification is necessary to preserve the health or safety of the boxer or mixed martial arts ~~combatant~~ competitor.

(2) A boxer or mixed martial arts ~~contestant~~ competitor is medically disqualified from competition if he or she:

(a) Has sustained a significant cut that is not completely healed;

(b) Has sustained three consecutive knockouts or TKOs, any knockout within the past 60 days, or any TKO within the past 30 days;

(c) Has sustained two knockouts within 90 days or a knockout in the first fight after a disqualification;

(d) Is not sufficiently conditioned to participate safely.

(3) A boxer or mixed martial arts ~~contestant~~ competitor who has sustained three knockouts may be referred for neurological consultation.

(4) Pre-fight pregnancy test. Prior to participating in any boxing or mixed martial arts event, each female competitor will be offered the opportunity to take a pregnancy test at no cost to the competitor. must submit and pass a pregnancy test.

~~(a) For purposes of this rule, "pass" means the competitor tests negative for pregnancy.~~

~~(b) The pregnancy~~ Pregnancy tests ~~must~~ may be administered during the pre-fight physical examination under the supervision of the examining ~~physician~~ medical personnel or an authorized female ~~assistant authorized by the Commission~~ representative of the superintendent, using a pregnancy test kit supplied by the Commission.

~~(Ab)~~ Pregnancy test kits not supplied by the Commission shall not be accepted.

~~(Bc)~~ The female competitor shall be accompanied to the bathroom facility by the examining physician or authorized female assistant, shall be allowed to take the pregnancy test in privacy, and shall promptly provide the test to the examining ~~physician~~ medical personnel for interpretation of the results. The female competitor may not carry personal belongings into the bathroom while taking the test.

(ed) In place of the pregnancy test described in subsection (b) of this rule, a female competitor may submit a results report from a serum or urine pregnancy test administered within 14 days of the scheduled event by a clinical laboratory or licensed physician. The competitor must submit the results report to the Commission no less than 72 hours before the event.

~~_(d) The Superintendent or the examining physician may waive the pre fight pregnancy test upon submission of written documentation from a licensed physician or clinic showing that the female competitor has undergone a total hysterectomy.~~

~~_(A) Waiver of the pre fight pregnancy test requirement may not be provided for any other reason.~~

~~_(B) A competitor submitting such hysterectomy documentation to the Commission for the first time must do so no less than 72 hours prior to an event in which the competitor wishes to participate. Once adequate documentation of hysterectomy has been submitted by the competitor, the Commission may keep the documentation on file and the competitor shall not be required to re-submit the documentation for subsequent events unless re-submission is requested by the Commission.~~

(e) A female competitor who tests positive for pregnancy may not participate in the boxing or mixed martial arts event for which the pregnancy test was submitted. A female competitor who fails to submit pregnancy test results or ~~waiver documentationsigned release~~ consistent with all requirements of this rule may not participate in the boxing or mixed martial arts event for which the pregnancy test was ~~requiredrequested~~. Nothing in this rule shall bar a competitor from seeking to establish eligibility to participate in subsequent events.

Stat. Auth.: ORS 463.113

Stats. Implemented: ORS 463.025 & 463.047

Hist.: BWC 1-1988, f. 3-22-88, cert. ef. 3-29-88; BWC 1-1991, f. & cert. ef. 9-20-91, Section (2) renumbered from 230-060-0150(2); BWC 1-1995, f. 10-10-95, cert. ef. 10-13-95; SAC 5-2008, f. 6-12-08, cert. ef. 7-1-08; SAC 1-2013, f. & cert. ef. 2-21-13; SAC 3-2013(Temp), f. & cert. ef. 7-10-13 thru 1-6-14; SAC 4-2013(Temp), f. & cert. ef. 7-10-13 thru 1-6-14; SAC 7-2013, f. & cert. ef. 11-5-13