

RULES AND REGULATIONS

Title 58—RECREATION

STATE ATHLETIC COMMISSION

[58 PA. CODE CH. 21]

Communicable Disease Testing

The State Athletic Commission (Commission) amends § 21.8 (relating to boxers) as it pertains to the testing of professional boxers for communicable diseases, to read as set forth at 37 Pa.B. 5379 (October 6, 2007).

A. *Effective Date*

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

B. *Statutory Authority*

The amendment is authorized under 5 Pa.C.S. § 103(b)(1) (relating to duties of commission), which authorizes the Commission to establish policy and promulgate rules and regulations regarding professional boxing contests and exhibitions and all matters pertaining thereto. The amendment is further authorized by 5 Pa.C.S. § 501 (relating to Medical Advisory Board) which permits the Medical Advisory Board to recommend changes or additions to the health and safety rules and regulations of the Commission.

C. *Comments Received*

The Commission did not receive any public comments or comments on the proposed amendment from the House or Senate State Government Committees. The Independent Regulatory Review Commission (IRRC) reviewed the proposed amendment and notified the Commission that it had no objections, comments or recommendations to offer on the regulation.

D. *Background and Purpose*

The Commission's regulations require testing of professional boxers and kickboxers for human immunodeficiency virus and communicable diseases, including Hepatitis B and Hepatitis C. The regulation requires that the testing shall have been initiated no more than 60 days prior to the date of an annual license application. The amendment permits testing to be done up to 6 months prior to the date of an annual license application.

The change is based on the recommendation of the Medical Advisory Board of the Commission, made in the fall of 2006, to change the time frame from 60 days to 6 months. The Commission adopted this recommendation and has determined that the current time period of 60 days is overly burdensome and unnecessary. Most Commonwealth boxers compete in several of the surrounding states, many of which have testing requirements similar to those in this Commonwealth. Thus, boxers who regularly compete are tested often, with a cost of approximately \$50 to \$70 for the panel of tests including HIV, Hepatitis B and Hepatitis C. This change is also in conformance with the Association of Boxing Commissions (ABC), which recommends that each boxer provide a negative test result for HIV and Hepatitis B and C to the regulating commission, with tests no older than 6 months from the date the blood was tested. The ABC stated that most boxing commissions which are member states currently use the 6-month time frame for testing.

E. *Fiscal Impact and Paperwork Requirements*

The final-form regulation will have no adverse fiscal impact on the Department of State (Department) or the Commission. The final-form regulation will also have no adverse fiscal impact on the Commonwealth or its political subdivisions and will not impose any additional paperwork requirements upon the Commonwealth, its political subdivisions or the private sector. The amendment will have no adverse fiscal impact on the professional boxers the Commission regulates.

F. *Sunset Date*

The Commission and the Department monitor the regulations of the Commission on a continuing basis. Therefore, no sunset date has been assigned.

H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 26, 2007, the Department submitted copies of the notice of proposed rulemaking, published at 37 Pa.B. 5379 to IRRC, the Senate State Government Committee and the House State Government Committee for review and comment.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), this final-form regulation was deemed approved by the Senate State Government Committee and the House State Government Committee on August 6, 2008. Under section 5(g) of the Regulatory Review Act, the final-form regulation was deemed approved by IRRC effective August 6, 2008.

I. *Additional Information*

Individuals who require information about the final-form rulemaking may contact Gregory P. Sirb, Executive Director or the State Athletic Commission, 2601 North Third Street, Harrisburg, PA 17110.

J. *Findings*

The Commission finds that:

(1) Public notice of intention to adopt this final-form regulation was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) (CDL) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and no comments were received.

(3) No amendments were made to the final-form rulemaking that would enlarge the original purpose of the proposed rulemaking as published under section 201 of the CDL.

(4) These regulations are necessary and appropriate for administering and enforcing the authorizing acts identified in Part B of this Preamble.

K. *Order*

The Commission, acting under the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 21, are amended by amending § 21.8 to read as set forth at 37 Pa.B. 5379.

(b) The Commission shall submit this order and 37 Pa.B. 5379 to the Office of General Counsel and the Office of Attorney General as required by law.

(c) The Commission shall certify this order and 37 Pa.B. 5379 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on publication in the *Pennsylvania Bulletin*.

CHARLES BEDNARIK,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 38 Pa.B. 4693 (August 23, 2008).)

Fiscal Note: Fiscal Note 16-37 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 08-1662. Filed for public inspection September 12, 2008, 9:00 a.m.]
