

Chapter SPS 116

CAUSE FOR DISCIPLINE OF A PROFESSIONAL CLUB AND OTHER PERSONS

SPS 116.01 Grounds for discipline.

SPS 116.02 Medical suspensions and mandatory rest periods.

SPS 116.03 Mandatory drug testing.

Note: Chapter RL 116 was renumbered chapter SPS 116 under s. 13.92 (4) (b) 1., Stats., Register November 2011 No. 671.

SPS 116.01 Grounds for discipline. (1) The department may impose a forfeiture, or reprimand, deny, limit, suspend, or revoke the license of any promoter, professional club member, officer, or representative who:

(a) Violates any state or federal statute or rule relating to boxing.

(b) Conducts a professional boxing contest or engages in conduct at a professional boxing contest in a manner that would pose unreasonable risk of harm to spectators or participants.

(c) Interferes with an inspector, judge, referee or ringside physician while performing their official duties at an event.

(d) Misrepresents material facts relating to a professional boxing contest including, but not limited to, the identity or record of a boxer.

(e) Has been found guilty of any fraud or misrepresentation substantially related to boxing, or any crime as defined in ss. 111.321, 111.322, and 111.335, Stats.

(f) Has violated any law related to fraud or misrepresentation substantially related to boxing, or any crime as defined in ss. 111.321, 111.322, and 111.335, Stats.

(g) Does not meet the financial obligations required by this chapter.

(2) No person whose license has been suspended or revoked may participate in any boxing contest, including entering the dressing rooms or entering the contest area at any event. If a person's suspended license has been reinstated then that person may participate in any professional boxing event including entering the dressing rooms or entering the contest area at an event.

(3) The department may impose a forfeiture or reprimand, deny, revoke, limit or suspend the professional boxing license of a boxer if he or she does any of the following:

(a) Violates any state or federal statute or rule relating to boxing.

(b) Fails to comply with a directive of, or interferes with, an inspector, referee or ringside physician while performing their official duties at a professional boxing event.

(c) Engages in conduct which would cause spectators, officials or participants at a professional boxing event an unreasonable risk of harm.

(d) Makes a materially false statement in an application or provides any materially false information to the department, its representatives, or officials.

(e) Holds, or has held, a license to box issued by another jurisdiction which was revoked, suspended or limited for reasons which are substantially the same as the grounds for revocation, limitation, or suspension stated in this section.

(f) Subject to ss. 111.321, 111.322, and 111.335, Stats., has been convicted of a crime or has been subject to an adverse disciplinary action. The licensee shall send to the department within 30 days after the judgment of conviction a copy of the complaint or other information which describes the nature of the conviction. All applicants shall disclose the nature of any conviction or pending criminal matter while their application is under review.

(g) Is not capable of competing in a professional boxing contest due to the use of drugs or alcohol. The department may require a boxer to submit to a drug test pursuant to this section. The commissioner, inspector, or department representative may seek an order to hold a boxer's purse for testing positive for alcohol, drugs, controlled substances, anabolic steroids, or illegal enhancement substances in violation of this section.

(h) Is physically not fit to engage in professional boxing contests, or fails to perform to the best of their ability, based on information contained in a physical examination report or other reliable information.

(i) Participates in any professional boxing contest in Wisconsin that is not sanctioned or approved by the department.

(j) Is licensed as a professional boxer in this or another jurisdiction and competes in a professional boxing contest as an amateur.

(k) Fails to appear or compete in a contest in which they signed an agreement to appear. The boxer may provide a certificate from a physician, subject to the approval of the commissioner or department representative, verifying a physical disability. The boxer who files a certificate from a physician stating they are unable to fulfill an agreement because of physical disability, shall be given a medical suspension for a term deemed appropriate by the department. The boxer shall submit a medical clearance from a physician, subject to the approval of the commissioner or department representative before having their medical suspension cleared and their license reinstated.

(L) Fails to appear for their report time for their official weigh-in or fails to make their contracted weight.

(m) Verbally harasses or physically abuses any department representative or official before, during, or after an event regulated by the department.

(4) The department may impose a forfeiture, deny the application, reprimand, limit, suspend, or revoke the license of any manager, second, corner, or trainer for acts enumerated in sub. (3) (a) to (m).

History: Cr. Register, August, 1985, No. 356, eff. 9–1–85; renum. from RL 115.01 and am. (1) (b) to (d) and (2), cr. (3), Register, July, 1993, No. 451, eff. 8–1–93, am. (1) (d), (2) and (3) (g), cr. (4), Register, September, 1997, No. 501, eff. 10–1–97; correction in (3) (f) made under s. 13.93 (2m) (b) 7., Stats., Register November 2007 No. 623; EmR1031: emerg. am. (1) (intro.), (b) to (d), (2), (3) (intro.), (b) to (d), (f) to (h), (4), cr. (1) (e) to (h), cr. (3) (i) to (m) as s. RL 116.02 (3) (i) to (m), eff. 9–1–10; CR 10–101: am. (1) (intro.), (b) to (d), (2), (3) (intro.), (b) to (d), (f) to (h), (4), cr. (1) (e) to (g), cr. (3) (i) to (m) as s. RL 116.02 (3) (i) to (m) Register April 2011 No. 664, eff. 5–1–11; (3) (i) to (m) renumbered under s. 13.92 (4) (b) 1., Stats., Register April 2011 No. 664.

SPS 116.02 Medical suspensions and mandatory rest periods. (1) A boxer who is determined by the referee to have sustained a knock-out may not compete and is subject to a mandatory 60–day suspension for a knock-out as defined in s. SPS 110.02 (7).

(2) A boxer who is determined by the referee to have sustained a technical knock-out may not compete and is subject to a mandatory 30–day suspension for a technical knock-out as defined in s. SPS 110.02 (12).

(3) The ringside physician may determine that a contestant is subject to a medical suspension, after conducting the post-bout examination.

(4) The suspension provided for in sub. (1), (2), or (3) shall not be cleared by the department until a boxer complies with all post-bout medical requirements determined by the ringside physician.

(5) Without a release from the commissioner or department representative, a boxer may not compete until 7 days have elapsed from their last bout. The 7-day period begins the day following the event in which they competed.

(6) If a boxer is reported on any official record keeper's suspension list, such as "Fight Fax Inc." or a suspension list in another state or any other suspension list recognized by the department, the boxer will not be able to compete without a release from the commissioner, inspector or department representative.

History: EmR1031: emerg. cr. as s. RL 116.03, eff. 9–1–10; CR 10–101: cr. as s. RL 116.03 Register April 2011 No. 664, eff. 5–1–11; renumbered under s. 13.92 (4) (b) 1., Stats., Register April 2011 No. 664; **correction in (1), (2) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.**

SPS 116.03 Mandatory drug testing. (1) All boxers are prohibited from the personal use of drugs, including all anabolic steroids or controlled substances while participating in a bout, except when prescribed, dispensed or administered by a licensed physician or dentist for a legitimate medical condition.

(2) A boxer shall provide written notice or a prescription to the department before participating in any boxing contest. The written notice or prescription shall contain the name of the substance, the quantity and dosage of the substance prescribed and the name, address and telephone number of the physician, dentist or other health care professional prescribing the substance.

(3) All boxers are prohibited from being under the influence of alcohol while participating in a bout.

(4) The commissioner, inspector, department representative, or ringside physician may require a boxer to submit to a drug test including [for] the presence of alcohol, drugs, controlled substances, or steroids at any time after the official weigh-in, on the day of the bout in which the boxer is participating, or within 24 hours of competing in a boxing contest based on reasonable cause or random selection.

Note: The correct word is shown in brackets.

(5) Grounds for reasonable cause include any of the following:

(a) The commissioner, inspector, department representative, or ringside physician observes a boxer or receives information that a boxer is under the influence of alcohol, drugs, controlled substances or steroids.

(b) The boxer has previously tested positive for drugs, controlled substances or steroids.

(6) The random selection of boxers competing in a bout shall be conducted by the inspector or department representative. The random selection may be witnessed by the boxer or their representative. The inspector or department representative shall determine the number of random samples for each event. Both boxers competing in a selected bout shall submit to a drug test.

(7) The collection of specimens from boxers for drug testing shall be taken in the presence of the inspector, department representative, or ringside physician in a manner prescribed by the official. Specimens may include urine, hair samples, or blood. Specimens shall be tested at a facility acceptable to the department. Results of all drug tests shall be submitted directly to the department.

(8) If a boxer fails to provide a sample for drug testing, after a request by the inspector or department representative, and the request is made before a bout, the boxer shall not be allowed to compete in the event. If the request is made after a bout, and the boxer fails to provide a sample for drug testing, the boxer shall be subject to disciplinary action.

(9) If laboratory testing of a boxer's specimen test positive for any alcohol, drugs, controlled substances, anabolic steroids or illegal enhancement substances, the boxer shall be disciplined.

(10) A boxer who is disciplined and was the winner of a contest shall be disqualified and the decision shall be changed to no contest. The results of a contest shall remain unchanged if a boxer who is disciplined was the loser of the contest.

(11) If the laboratory test results prove to be negative or inconclusive, no action shall be taken and all results of the boxer's bout shall stand.

(12) Boxers who are prohibited, restrained, disqualified, or are otherwise ineligible to compete in another state or jurisdiction due to a disciplinary action that involves the use of drugs, shall not compete in any department authorized event until such time as the period of prohibition, restraint, disqualification, or ineligibility is completed or removed and subject to the approval of the commissioner, inspector or department representative.

(13) Subject to the discretion of the commissioner or department representative, a boxer with a previous disciplinary action in another state or jurisdiction may be required to take a drug test before being allowed to compete in any department authorized event.

(14) The promoter shall pay the costs relating to drug testing boxers. Any requests for follow-up or additional testing shall be paid by the boxer.

History: EmR1031: emerg. cr. as s. RL 116.04, eff. 9–1–10; CR 10–101: cr. as s. RL 116.04 Register April 2011 No. 664, eff. 5–1–11; renumbered under s. 13.92 (4) (b) 1., Stats., Register April 2011 No. 664.