

TITLE 4. CALIFORNIA STATE ATHLETIC COMMISSION

[Notice published January 27, 2014]

NOTICE OF PROPOSED RULEMAKING

The California State Athletic Commission ("Commission") proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Commission will hold a public hearing starting at 9:00 a.m. on August 11, 2014, at the Department of Consumer Affairs, Hearing Room, 2005 Evergreen Street, Sacramento, California. The Hearing Room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Commission requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission. Comments may also be submitted by facsimile (FAX) at (916) 263-2197 or by e-mail to sophia.cornejo@dca.ca.gov. The written comment period closes at **5:00 p.m. on August 11, 2014**. The Commission will consider only comments received at the Commission office by that time. Submit comments to:

Sophia Cornejo, Assistant Executive Officer
California State Athletic Commission
2005 Evergreen Street, Suite 2010
Sacramento, CA 95815

AUTHORITY AND REFERENCE

Business Code section 18611 authorizes the Commission to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific sections 18640 and 18645 of the Business Code.

INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

This rulemaking action clarifies and makes specific the licensing requirements for a transgender athlete with the Commission.

Business Code Section 18640 requires all persons that engage in the promotion of, or participate in, a boxing or martial arts contest, match, or exhibition, shall have a license. Business Code section 18611 authorizes the Commission to adopt regulations necessary to enable it to carry out the laws relating to boxing and the martial arts.

The regulations proposed in this rulemaking action would specify the steps required in order to obtain a license as a transgender athlete in order to compete in a Commission regulated boxing or martial arts contest, match, or exhibition. It establishes procedures for transgender athletes and specific testing performed to ensure hormone levels are within prescribed standards. It would also establish specific testing requirements pre-fight and day of the fight in order to establish the transgender athlete meets licensing requirements.

The broad objective of the regulation is to promote fair participation in combat sports and prevent discrimination on the basis of gender or gender identity in a manner that will also protect public health and safety for all participants. The specific benefits anticipated from the regulation is increased protection of the transgender athletes and their opponents by specifying transgender licensing standards, including measurable hormone levels.

The Commission has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Commission has concluded that these are the only regulations that concern the licensing of transgender athletes to participate in a boxing or martial arts contest, match, or exhibition in California.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Commission has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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: None.

Statewide adverse economic impact directly affecting businesses and individuals: The Commission has made an initial determination that the proposed rulemaking action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California business to compete with businesses in other states.

Significant effect on housing costs: None.

Results of the Economic Impact Analysis/Assessment

The Commission concludes that it is (1) unlikely that the proposal will eliminate any jobs, including for health care professionals, (2) unlikely that the proposal will create jobs, including for health care professionals, (3) unlikely that the proposal will create new businesses or expand any existing businesses, and (4) unlikely that the proposal will eliminate any existing businesses.

Benefits of the Proposed Action: The proposed regulatory proposal is furthering the goal of the Commission: Dedicated to the health, safety and welfare of participants in the regulated competitive sports, and setting standards for transgender athletes to ensure fairness, and the prevention of discrimination.

Small Business Determination : The Commission has determined that the proposed regulations will not affect small business because it only applies to transgender athletes who apply for licensure to compete in a California regulated contest. The number of transgender athlete license applications is expected to be insignificant and no additional requirements are proposed on any existing relationship between a transgender athlete and any small business that services their needs.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Sophia Cornejo, Assistant Executive Officer
California State Athletic Commission
2005 Evergreen Street, Suite 2010
Sacramento, CA 95815
Telephone: (916) 263-2195
Fax: (916) 263-2197
E-Mail: Sophia.Cornejo@dca.ca.gov

The backup contact person for these inquiries is:

Heather Jackson , Regulations Coordinator
California State Athletic Commission
2005 Evergreen Street, Suite 2010

Sacramento, CA 95815
Telephone: (916) 263-2195
Fax: (916) 263-2197
E-Mail: Heather.Jackson@dca.ca.gov

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Ms. Jackson at the above address.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Heather Jackson at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Commission may adopt the proposed regulations substantially as described in this notice. If the Commission makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Commission adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Heather Jackson at the address indicated above. The Commission will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Jackson at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at www.dca.ca.gov/csac.

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