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TITLE 808 STATE BOXING COMMISSION

Proposed Rule LSA Document #03-227

DIGEST

Adds 808 IAC 2-12-0.5, 808 IAC 2-12-2, 808 IAC 2-12-3, 808 IAC 2-12-4, 808 IAC 2-12-5, 808 IAC 2-12-6, 808 IAC 2-12-7, and 808 IAC 2-12-8 to establish the requirements and procedures for prohibited drug testing of licensed contestants. Effective 30 days after filing with the secretary of state.

808 IAC 2-12-0.5	808 IAC 2-12-5
808 IAC 2-12-2	808 IAC 2-12-6
808 IAC 2-12-3	808 IAC 2-12-7
808 IAC 2-12-4	808 IAC 2-12-8

SECTION 1. 808 IAC 2-12-0.5 IS ADDED TO READ AS FOLLOWS:

Rule 12. Physician; Testing for the Use of Prohibited Drugs

808 IAC 2-12-0.5 Definitions

Authority: IC 25-9-1-2

Affected: IC 25-9-1

Sec. 0.5. The following definitions apply throughout this rule unless the context clearly indicates otherwise:

(1) “Confirmed positive test result” means a result of a test, conducted in accordance with the procedures in this rule, indicating the presence of a prohibited drug.

(2) “Drug” means a substance that is one (1) of the following:

(A) Recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official national formulary, or a supplement to one (1) or more of them.

(B) Intended for use in the:

(i) diagnosis;

(ii) cure;

(iii) mitigation;

(iv) treatment; or

(v) prevention;

of disease in humans or other animals.

(C) Intended to affect the structure or a function of the body of a human or other animal, not including food.

(D) Intended for use as a component of another substance described in clause (A), (B), or (C).

(3) “Laboratory” means a laboratory to conduct drug testing.

(4) “Prohibited drugs” means a drug that falls within one (1) of the following classes or types of substances:

(A) Opiates.

(B) Methadone.

(C) Barbiturates.

(D) Amphetamines.

(E) Benzodiazepines.

(F) Propoxyphene.

(G) Cocaine.

(H) PCP.

(I) Anabolic steroids.

(J) A drug other than one that has been either of the following:

(i) Purchased legally without a prescription, if a medical professional acting within the scope of his or her license or certification has certified that the drug will not affect the boxer's ability to participate safely in the boxing contest and the attending or ringside physician agrees.

(ii) Obtained by the individual under a valid prescription or order of a licensed or certified medical professional acting within the scope of his or her license or certification if the medical professional has certified that the drug will not affect the boxer's ability to participate safely in the boxing contest and the attending or ringside physician agrees.

(5) "Reasonable cause" means conduct or information from which a reasonable person could believe that an individual is under the influence of drugs.

(6) "Test" means a urinalysis test designed to detect drugs.

(State Boxing Commission; 808 IAC 2-12-0.5)

SECTION 2. 808 IAC 2-12-2 IS ADDED TO READ AS FOLLOWS:

808 IAC 2-12-2 Use of prohibited drugs

Authority: IC 25-9-1-2

Affected: IC 25-9-1

Sec. 2. A contestant is not permitted to participate in a boxing contest if the boxer:

(1) has a prohibited drug in his or her possession or control or in his or her system; or

(2) refuses to submit to a test ordered under this rule.

(State Boxing Commission; 808 IAC 2-12-2)

SECTION 3. 808 IAC 2-12-3 IS ADDED TO READ AS FOLLOWS:

808 IAC 2-12-3 Test for prohibited drugs

Authority: IC 25-9-1-2

Affected: IC 25-9-1

Sec. 3. (a) The state boxing commission, or an authorized representative, may, upon random selection or reasonable cause, order a boxer to submit a test for the detection of a prohibited drug.

(b) Reasonable cause will be deemed to exist if one (1) or more of the following exists:

(1) A boxer has been arrested for, or convicted of, an offense involving the:

(A) possession;

(B) sale;

(C) distribution; or

(D) use;

of a drug.

(2) A boxer has previously tested positive for a prohibited drug.

(3) The state boxing commission obtains information that a boxer is under the influence of a drug.

(4) The boxer is observed to be acting under the influence of a drug.

(c) Random selection will be done by a lottery system. Each bout occurring on a given day will be numbered, and the number of each bout will be written on a separate card supplied by the state boxing commission. Cards will then be shuffled, and a state boxing commission representative will randomly select at least one (1) card. A boxer participating in the event or the boxer's representative may witness the selection of the card. The boxers who are the contestants in the selected bout shall submit to a test.

(d) Each boxer participating in a championship bout shall submit to a test.

(e) A test shall be taken by a contestant within thirty-six (36) hours after the end of the contest in which the contestant was a participant. Test results must be submitted by the laboratory directly to the state boxing commission within fourteen (14) days. The state boxing commission may grant an extension of time if the results cannot be obtained within that time. (State Boxing Commission; 808 IAC 2-12-3)

SECTION 4. 808 IAC 2-12-4 IS ADDED TO READ AS FOLLOWS:

808 IAC 2-12-4 Testing procedures

Authority: IC 25-9-1-2

Affected: IC 25-9-1

Sec. 4. On the day of the contest, a representative of the state boxing commission will inform a contestant that he or she has been selected for a test. The contestant must make arrangements to submit to a urinalysis test within thirty-six (36) hours after the end of the contest in which the contestant was a participant. The contestant must submit an observed urine sample for a urinalysis test at a laboratory of his or her choice, as approved by the state boxing commission. (State Boxing Commission; 808 IAC 2-12-4)

SECTION 5. 808 IAC 2-12-5 IS ADDED TO READ AS FOLLOWS:

808 IAC 2-12-5 Refusal to submit to drug test

Authority: IC 25-9-1-2

Affected: IC 25-9-1

Sec. 5. A contestant may not refuse to submit to a test ordered under this rule. A contestant will be found to have refused to submit to a test if he or she fails to submit to the testing procedures under section 4 of this rule. (State Boxing Commission; 808 IAC 2-12-5)

SECTION 6. 808 IAC 2-12-6 IS ADDED TO READ AS FOLLOWS:

808 IAC 2-12-6 Disciplinary actions

Authority: IC 25-9-1-2

Affected: IC 25-9-1

Sec. 6. (a) Either of the following may result in disciplinary action being taken, after a hearing, against the contestant's license:

- (1) A positive drug test reading.**
- (2) Failure to submit to a drug test upon request.**

(b) A contestant who is disciplined under this section and who was the winner of a contest shall be disqualified, and the decision of the contest shall be changed to "no contest".

(c) The results of a contest shall remain unchanged if a contestant who is disciplined under this section was the loser of the contest. (State Boxing Commission; 808 IAC 2-12-6)

SECTION 7. 808 IAC 2-12-7 IS ADDED TO READ AS FOLLOWS:

808 IAC 2-12-7 Costs

Authority: IC 25-9-1-2

Affected: IC 25-9-1

Sec. 7. (a) The promoter shall be responsible for costs incurred with respect to tests performed under this rule.

(b) The boxer shall be responsible for costs incurred with respect to completion of a drug treatment

program ordered under this rule. *(State Boxing Commission; 808 IAC 2-12-7)*

SECTION 8. 808 IAC 2-12-8 IS ADDED TO READ AS FOLLOWS:

808 IAC 2-12-8 Confidentiality

Authority: IC 25-9-1-2

Affected: IC 25-9-1

Sec. 8. Information received in the process of performing a test under this rule, including medical information, test results, and reports filed as a result of attending a treatment program, will be treated as confidential, except for use with respect to an order issued by the state boxing commission or judicial hearing with regard to the order. Access to the information on the records of the state boxing commission will be limited to the state boxing commission and tested boxer. Nothing in this section prohibits the disclosure of civil penalty, suspension, or revocation was imposed due to the boxer having a confirmed positive test result. The disclosure shall also include the type of drug, which served as the basis of the confirmed positive test result. *(State Boxing Commission; 808 IAC 2-12-8)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on May 28, 2004 at 9:30 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 6, Indianapolis, Indiana the State Boxing Commission will hold a public hearing on proposed rules to establish the requirements and procedures for prohibited drug testing of licensed contestants. Copies of these rules are now on file at the Professional Licensing Agency, Indiana Government Center-South, 302 West Washington Street, Room E034 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gerald H. Quigley
Executive Director
Professional Licensing Agency