

State Budget Office
Office of Regulatory Reinvention
 111 S. Capitol Avenue; 8th Floor, Romney Building,
 Lansing, MI 48933
 Phone: (517) 335-8658 FAX: (517) 335-9512

REQUEST FOR RULEMAKING (RFR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate rules must electronically file a RFR with the Office of Regulatory Reinvention (ORR) before initiating any changes or additions to the rules. Submit copy to the ORR at orr@michigan.gov.

1. Agency Information

Agency name:	Licensing and Regulatory Affairs
Division/Bureau/Office:	Corporations, Securities & Commercial Licensing Bureau 2501 Woodlake Circle Okemos, MI 48864
Agency contact person name, e-mail, and phone:	Mackenzie Jones, CSCL Legislative Analyst (517) 373 – 9871 Jonesm52@michigan.gov

2. Rule Set Information

Title of proposed rule set:	Unarmed Combat
Rule number(s) or range of numbers:	R 339.101-R 339.403
Included in agency’s annual regulatory plan as rule to be processed in current year?	Yes.

3. Estimated timetable for completion, or statutory deadline, if applicable:

One year

4. Describe the general purpose of these rules, including any problem(s) the changes are intended to address:

The proposed changes are designed to synch with the changes to the Unarmed Combat Regulatory Act, MCL 338.3601 to 338.3661a (the “Act”), as the result of 2017 PA 146. Under Public Act 146, the Department is required to promulgate rules to establish weight classes for contestants. Previously, those weight classes were in the Act but then were struck from the Act under 2017 PA 146. Revisions are also made throughout the rules to ensure effective administration of the Act and to better conform the rules to the 2018 editions of the Office of Regulatory Reinvention’s Administrative Rules Manual and Manual of Style.

5. Cite the specific rule promulgation authority (i.e. agency director, commission, board, etc., listing all applicable statutory references. If the rule(s) are mandated by any applicable constitutional or statutory provision, please explain.

MCL 338.3622(3) requires the department director to consult with the commission prior to promulgating rules for the administration of the Act.
MCL 338.3622(4) requires the department director to promulgate rules to establish the following: number and qualifications of ring officials; powers, duties, and compensation of ring officials; qualifications, activities, and responsibilities of licensees; license fees not provided for under the

Act; any necessary standards to accommodate federally imposed mandates not directly conflicting with the Act; a list of enhancers and prohibited substances; and standards to protect the health and safety of contestants.

MCL 338.3633(10) authorizes the department to promulgate rules to define the terms “stimulants” or “performance enhancing drugs.”

MCL 338.3633(11)(h) states that the department may promulgate rules under the Administrative Procedures Act of 1969, 1969 PA 306, to establish additional duties for inspectors.

MCL 338.3633b(2)(c) authorizes the department to promulgate additional requirements by rule for a referee, judge, matchmaker, or timekeeper license.

MCL 338.3634(1) gives the director, in consultation with the commission, the authority to promulgate rules for the application and approval process for promoters.

MCL 338.3635 permits the director, after consultation with the commission, to promulgate rules to set standards for unarmed combat events and participants, to establish training requirements for promoters, contestants, and participants regulated under the Act, or to establish license fees or training requirements for other individuals who are engaged in activities regulated by the Act not otherwise provided for in the Act.

MCL 338.3647(2) requires the department, in consultation with the commission, to promulgate rules regarding the timing of drug tests for contestants and summary suspension procedures for contestants who fail to submit a drug test or who test positive for controlled substances and other drugs specified in subrule (2). The rules must include all of the following: a procedure to allow the department to place the licensee on a national suspension list as specified in this provision, an expedited appeal process for summary suspension, and a relicensing procedure following summary suspension.

MCL 338.3654a(2)(e) requires the department to establish weight classes for contestants by rule.

6. Describe the extent to which the rule(s) conflict with, duplicate, or exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level. Include applicable public act and statutory references.

R 339.204(1) and R 339.204(4) conflict with MCL 338.3654a(2)(a), because the number of rounds allowed for an unarmed combat event are different by rule than they are by statute. As such, CSCL will be rescinding R 339.204 due to statutory supremacy.

R 339.204(5) duplicates MCL 338.3654a(2)(b), because the number of rounds, the duration of a round, and the time between rounds for championship mixed martial arts contests match the statute. CSCL will be rescinding R 339.204 due to statutory supremacy.

R 339.253 duplicates MCL 338.3654a(2)(z), because the waiting period between contests is the same duration. As such, CSCL will be rescinding R 339.253 due to statutory supremacy.

The proposed amendments do not conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government. Regulation of boxing and mixed martial arts is primarily performed at the state level. CSCL’s proposed amendments to the existing ruleset require the disclosure of compensation paid to boxing officials, consistent with federal law under 15 USC 6307f.

7. Is the subject matter of the rule(s) currently contained in any guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo?

Yes, CSCL’s website (www.michigan.gov/ucc) includes instructions for renewing a license and highlights the amendments to the Unarmed Combat Regulatory Act. By clicking on “Forms and Applications” on right hand side and on “UCC Applications,” all of the licensing forms and instructions can be found.

8. Explain whether the rule(s) will be promulgated under Sections 44 or 48 of the APA or the full rulemaking process:

Rules will be promulgated under the full rulemaking process.

9. Do the rule(s) incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5? If yes, explain.

No.

10. Is there an applicable decision record as defined in Section 3(6) and required by Section 39(2) of the APA? If so, please attach the decision record.

No.

11. Reviewed by the following Departmental Regulatory Affairs Officer:

Liz Arasim
Department of Licensing and Regulatory Affairs

↓ To be completed by the ORR ↓

Date RFR received: 11-29-2018

Based on the information in this RFR, the ORR concludes that there are sufficient policy and legal bases for approving the RFR.

ORR assigned rule set number:	2018-105 LR
Date of approval:	12/19/18

Based on the information in this RFR, the ORR is not approving the RFR at this time.

Date of disapproval:	
Explanation:	