

# California State Athletic Commission Initial Statement of Reasons

**HEARING DATE:** September 12, 2016

**SUBJECT MATTER OF PROPOSED REGULATIONS:**

Weighing Time, Dehydration and Rehydration, and Time for Examinations

**SECTIONS AFFECTED**

Title 4, California Code of Regulations sections 297, 299 and 300.

**BACKGROUND AND IDENTIFICATION OF PROBLEMS TO BE ADDRESSED:**

The CSAC is responsible for protecting the health and safety of athletes competing in the combative sports. The proposed regulation is necessary in order to have an immediate effect in providing a safer weigh-in procedure as well as testing of athletes for severe dehydration prior to a bout. It will help prevent athletes from using severe dehydration as a method to make the contracted bout weight. The proposed regulation allows the CSAC appointed ringside physicians to test athletes for dehydration and to remove a contestant from a fight if the athlete is deemed to be severely dehydrated. Also, the proposed regulation prohibits the use of intravenous therapies to regain hydration after a weigh-in.

In combative sports like Mixed Martial Arts (MMA), wrestling and boxing, athletes are placed in weight class categories in order to provide a fair match between contestants and to protect the health and safety of the athletes. The goal to meet the threshold of a certain weight class is often met by primarily dehydrating the body and then massively rehydrating between the time of official weigh-in and the time of the bout in order to gain a maximum size advantage over an opponent. Consequently, weight cutting is a common and dangerous procedure used by athletes in the combative sports.

Over the course of 2015, the CSAC managed 130 professional combat events and ultimately responsible for 345 amateur events. Last year in California there were a total of 475 events. Each event has approximately 5 to 8 fights, involving 10 to 16 contestants. Severe weight cutting is at an epidemic level and exposes contestants to significant health risks. With the possible likely health risks and recent extreme cases where athletes have died as a result of rapid weight loss, it is necessary for the CSAC, as a regulator, to take immediate steps to prevent and discourage weigh cutting.

Recently, in Texas on Friday February 19, 2016, at an MMA event promoted by Bellator, there was a near tragic incident of weight cutting. At Bellator #149 competitor Dhafir Harris (aka "Dada 5000") cut 40 pounds to make the heavyweight limit for his fight with Kevin Ferguson (aka "Kimbo Slice"). Although Harris made weight and was licensed to compete by the Texas Department of Licensing and Regulation, the fight bout ended with Harris suffering a knockout loss not via punches, but by his exhaustion.

Subsequently, it was reported that Harris suffered renal failure as a result of the bout and this was caused by dehydration. His family stated that Harris' doctors informed them that Harris had accumulated extremely high levels of potassium in his blood which led to severe dehydration, fatigue and renal failure. The high potassium levels were likely caused by his 40lbs. weight loss in preparation for the fight. On March 2, 2016, Harris' family stated that he was released from the hospital and is recovering. In another truly tragic event that was scheduled to be held on December 11, 2015, Yang Jian Bing, a 21-year-old Chinese fighter who was scheduled to compete at ONE Championship #35 held in the Philippines, died due to **cardiopulmonary failure (heart attack)** after his weight cut for the event but prior to scheduled event. His official autopsy revealed that his heart attack was due to an acute myocardial infarction. This heart attack was likely precipitated by his weight cutting. Due to the large number of bouts that the CSAC manages and oversees during the year, it is necessary to take immediate regulatory action to help prevent medical complications due to dehydration and weight cutting.

Generally, 24 hours prior to a bout, competitors are weighed to make sure their weight qualifies in the weight class for which they are competing. The practice entails losing large amounts of weight, mostly through deliberately and aggressively dehydrating oneself, over the course of about a week.

Anyone who cuts 20 pounds in 24 hours is clearly doing it to make a weight class that they do not ordinarily weigh. Not only is it unhealthy, but it is against the spirit of the "weight class". One of the primary reasons that weight classes were created was to ensure fighters of similar weight competed against each other and no one had an unfair weight advantage. If a fighter gains significant weight overnight, the athlete may in fact move into another higher weight class than what was determined at the official weigh-in 24 hours prior to the fight. Sometimes, fighters even go up two or three weight classes overnight. In mixed martial arts we have come to expect this as "normal". Nothing about this practice of massive dehydration followed by rapid rehydration should be considered "normal".

The perceived benefits of weight cutting are obvious. For instance, an athlete who normally weighs 185 pounds can train at that weight but fight at 170, with a potentially dangerous advantage over their opponent. All they have to do is drop their water weight prior to the official weigh-in then try to rehydrate by pouring it all back in before the fight. However, this is based on a mistaken belief – that one can rehydrate as quickly as one can dehydrate. In reality, the body actually needs days to fully replenish vital water in the cells, muscles and organs of the human body. Multiple scientific studies in the past few years show that an athlete who is dehydrated, even if he or she has been drinking water or rehydration fluids for fully a day, cannot perform at the same level, and cannot defend him or herself properly.

Dehydrating prior to the official weigh-in prior to a bout is now virtually universal in boxing. However, in recent years, even greater dramatic weight cutting has become increasingly common in MMA, according to doctors, trainers and fighters. Some competitors have even used intravenous therapy to speed the rehydration process. Along with brain injuries, weight cutting may be the sport's major health issue.

Dehydration and rapid rehydration used for weight cutting are among the most dangerous aspects of the current issues facing mixed martial arts (and to a lesser degree, boxing). At a December 17, 2015, "Weight Cutting Summit" sponsored by the California Athletic Commission (Commission), many ideas and possible solutions were discussed and proposed, but many remain untested. Nevertheless, this emergency regulation proposal provides the Commission flexibility to explore a variety of options that facilitate a safer regulatory environment for these athletes. The goal is to improve the safety of athletes as soon as possible and not to make the problem worse.

What really illustrates the problem from a physiological standpoint is not so much the number of pounds but the amount of water that weight-cutting fighters wring out of their bodies. On average, water comprises 60 percent of total body weight. So, if a 144-pound MMA fighter loses eight pounds of water weight (along with weight lost in the form of body fat or other things) as part of an effort to reach the 135-pound bantamweight maximum, the fighter has drained 8.6 percent of the body's water weight. By medical standards, according to the American College of Sports Medicine any water loss of more than 5 percent is considered serious. Severe dehydration (loss of over 10 percent of body weight) is a life-threatening condition that requires immediate medical care and is cause for a trip to the emergency room.

Because weight cutting shares a risk-impact chart with brain injuries and performance-enhancing drugs, it usually assumes a backseat in the safety discourse. After all, its cause-and-effect cycle doesn't play out under bright lights or in highlight reels or summer-movie physiques. It happens in the world's grayer areas: the hotel bathroom, the low-lit sauna, the early-morning fitness room, before the conventioners arrive, a hooded figure hunched over the wheels of a rapid-firing stationary bike.

But weight cutting is every bit as dangerous as the better-documented risks that combat sports present. In fact, the day-to-day familiarity of the practice may have spawned a counterproductive sense of complacency. In the two sports for which cutting weight is the largest problem—amateur wrestling and MMA—it may be the most dangerous of all. And according to doctors, regulators and fighters, it's only getting worse.

For all the aforementioned reasons, the CSAC has determined that due to the increase in the practice of dangerous weight cutting, it is immediately necessary for the CSAC to amend its regulation, to help prevent athletes from using severe dehydration as a method to make the contracted bout weight at events regulated by the CSAC.

CSAC adopted emergency regulations to address this issue, and is now seeking confirmation prior to the expiration of the emergency regulation.

## **BENEFITS**

The issue the commission is addressing unsafe methods of weigh cutting in order to compete. Drastic weigh cutting is putting athlete's health and safety at risk. There have been many instances of athletes using dehydration to make weight have resulted in tragic or near tragic consequences. The Commission must act to protect the health and safety of the athletes it regulates. An early weigh in will ensure healthy rehydration and penalize athletes who engage in extreme weigh cutting. This proposal further protects the health

and safety of the participant and is necessary to maintain essential health and safety practices for athletes.

## **FACTUAL BASIS/RATIONALE**

Business and Professions Code section 18611 allows the Commission to adopt, amend, or repeal in accordance with the Administrative Procedure Act, as necessary to enable it to carry out the laws relating to boxing and mixed martial arts.

Business and Professions Code section 18705 states that every Promoter shall have a licensed physician at all events who shall perform physical examinations of all contestants and observe the physical condition of all contestants during the match.

Business and Professions Code section 18706 specifies that the weigh in time ***shall not be more than 30 hours*** prior to the event; that the Commission appointed physician shall conduct physicals on all contestants and determine whether the contestant may have any physical conditions that may affect the contestant's ability to perform or present a potential threat to the contestant's health as a result of competing in the match. This section further specifies that all contestants shall complete a medical questionnaire that discloses any condition of which the contestant is aware.

Business and Professions Code section 18707 allows the Commission appointed physician to stop any match for medical related injuries and the physical condition of the contestant.

Business and Professions Code section 18725 states that the Commission may establish glove weights, equipment standards, safety standards, and the length of rounds in order to protect the health and safety of contestants.

The proposed changes will do the following:

**Amend Section 297:** The proposed changes to section 297 provide a safer weigh in procedure for athletes competing in commission regulated sports. Currently, athletes weigh in 24 hours before the competition and often lose unsafe amounts of weight resulting in severe dehydration. This proposal would allow the commission to weigh in athletes up to 30 hours before the scheduled bout.

**Adopt Section 299 (a):** This proposal requires that athletes may only rehydrate orally. The use of intravenous therapies to regain weight after the weigh-in is prohibited. Any use of intravenous therapies to rehydrate shall result in the athlete being prohibited from competing.

**Adopt Section 299 (b):** This proposal permits the Commission to require a urine sample if needed on an athlete to test for specific gravity to determine hydration levels.

**Amend Section 300:** Currently, this section permits the Commission appointed physician to provide a thorough physical and eye examination to each contestant at least one hour before the contestant enters the ring to compete. This proposal requires

Commission appointed ringside physicians to test for signs of dehydration during the pre fight physical.

## **UNDERLYING DATA**

- February 2, 2016 CSAC Meeting Minutes

## **ECONOMIC IMPACT ANALYSIS/ASSESSMENT**

The Commission anticipates no fiscal impact pursuant to this regulation.

This regulatory proposal will have the following effects:

- It will not create or eliminate jobs within the State of California because the proposal will not be of sufficient amount to have the effect of creating or eliminating jobs.
- It will not create new business or eliminate existing businesses within the State of California because this proposal will not be of a sufficient amount to have the effect of creating or eliminating business.
- It will not affect the expansion of businesses currently doing business within the State of California because this proposal will not be of a sufficient amount to have the effect of limiting or furthering the expansion of businesses.
- This regulatory proposal does not affect worker safety because this proposal is not relative to worker safety.
- This regulatory proposal does not affect the state's environment because this proposal is not relevant to the state's environment.

## **BUSINESS IMPACT**

The Commission has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

## **REQUIREMENTS FOR SPECIFIC TECHNOLOGIES OR EQUIPMENT**

This regulation does not mandate the use of specific technologies or equipment.

## **FISCAL IMPACT ANALYSIS**

The Commission anticipates no fiscal impact pursuant to this regulation.

## **CONSIDERATION OF ALTERNATIVES:**

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purpose of the regulation in a manner that ensures full compliance with the law being implemented or made specific.