

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: S3/27/13
A Bill

SENATE BILL 935

By: Senator Hickey

By: Representative B. Wilkins

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE STATE ATHLETIC COMMISSION; TO EXPAND THE TYPES OF SPORTS UNDER THE AUTHORITY OF THE STATE ATHLETIC COMMISSION; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE STATE ATHLETIC COMMISSION; TO EXPAND THE TYPES OF SPORTS UNDER THE AUTHORITY OF THE STATE ATHLETIC COMMISSION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 17-22-101 is amended to read as follows:

17-22-101. Definitions.

For purposes of this chapter:

(1) "Amateur" means a person who has never received nor competed for any purse or other compensation in an amount that exceeds the sum established by the State Athletic Commission in its rules for:

(A) Expenses of training; or

(B) Participating in a combative sports contest or exhibition;

(2) "Boxing" means to compete with the fists;

(3)(A) "Combative sports" means boxing, kickboxing, wrestling, martial arts, Muay Thai, or any combination thereof, or any form of hand to hand, elbow and foot, or foot and leg, competition in which;



(i) a A blow is struck which may reasonably be expected to inflict injury; or

(ii) A surface for fighting is used that may reasonably be expected to inflict injury.

(B) "Combative sports" does not include student training or an exhibition of a student's skill when:

(i) Conducted by a martial arts school or an association of martial arts schools;

(ii) The student's participation is for health and recreational purposes rather than competition; ~~and~~

(iii) The intent is to use only partial contact; and

(iv) The scoring technique is based only on points;

(4) "Commission" means the State Athletic Commission as provided in § 17-22-201;

(5) "Exhibition" means any engagement in which the participants show or display their skills without necessarily striving to win;

(6) "Kick boxing" means any form of boxing in which blows are delivered with the hand and any part of the leg below the hip, including the foot;

(7) "Manager" means any person who directly or indirectly controls or administers the combative sports affairs of any professional participant of the same;

(8) "Martial arts" or "mixed martial arts" means any discipline in which the participants utilize kicks, punches, blows, strikes, or other techniques, including without limitation any form of judo, kung fu, karate, and tae kwon do, ju jitsu, or any combination thereof;

(9) "Match" means any engagement in which the participants show or display their skills while striving in good faith to win;

(10) "Person" means any individual, partnership, corporation, association, or club;

(11) "Professional" means an individual who is eighteen (18) years of age or older and who, as a means of obtaining pecuniary gain:

(A) Competes for money, prizes, or purses in combative sports contests or exhibitions; or

(B) Teaches, instructs, or assists in the practice of professional combative sports;

(12) "Promoter" means any person, club, organization, corporation, or association, and in the case of a corporate promoter includes any officer, director, employee, or stockholder thereof who produces, arranges, or stages any professional boxing, kick boxing, wrestling, or martial arts match or exhibition; ~~and~~

(13) "Professional wrestling" means an event or form of combat between two (2) or more participants, whether the outcome is predetermined or not, in which a participant:

(A) Delivers or appears to deliver blows to his or her opponent's body;

(B) Executes throws to his or her opponent's body; or

(C) Applies holds to his or her opponent's body; and

~~(13)~~(14) "Wrestling" means any form of combat between two (2) or more participants in which a participant delivers blows to his or her opponent's body, executes throws to his or her opponent's body, or applies holds to his or her opponent's body.

SECTION 2. Arkansas Code § 17-22-201 is amended to read as follows:
17-22-201. Creation – Members.

(a) A State Athletic Commission is created, which shall consist of seven (7) members who shall be at least twenty-five (25) years of age.

(b)(1) Members shall be appointed by the Governor for a term of two (2) years.

(2) ~~Two (2)~~ One (1) of the members of the commission shall be ~~members~~ a member of the state executive committees of any patriotic organizations chartered by authority of a special act of the Congress of the United States.

(3) One (1) member shall be a representative of the field of physical education.

(4) One (1) member shall be a representative of the field of sports promotion.

(5) One (1) member shall be a consumer representative.

(6) ~~The remaining two~~ Two (2) members may be citizens at large but shall have experience with combative sports.

(7) One (1) member shall be a representative of the field of medicine and have experience with combative sports.

~~(7)~~(8)(A) Furthermore, one (1) of the seven (7) members of the commission shall be a member of a minority race.

(B) One (1) of the seven (7) members shall be a senior citizen.

(C) Four (4) of the seven (7) members shall have experience with combative sports.

(c) The members of the commission shall serve without pay except for a stipend provided for by Arkansas law.

(d) The members of the commission shall have authority to promulgate such rules and regulations as are necessary for the operation and enforcement of this chapter and not in conflict with this chapter.

(e) The members of the commission may receive expense reimbursement in accordance with § 25-16-901 et seq.

(f) When any member of the commission shall cease to be a member of the state executive committee of any such patriotic organization as herein mentioned, his or her commission as a member of the commission shall automatically expire. The Governor shall appoint a successor, whose qualifications shall be as prescribed in this section.

SECTION 3. Arkansas Code § 17-22-202 is amended to read as follows:
17-22-202. Chair.

The State Athletic Commission shall elect one (1) of its members as chair and one (1) of its members as one (1) vice chair.

SECTION 4. Arkansas Code § 17-22-204 is amended to read as follows:
17-22-204. Authority.

(a)(1)(A) The State Athletic Commission shall have the sole discretion, management, control, and jurisdiction over all combative sports matches and exhibitions in this state.

(B) The Commission shall adopt uniform policies, fees, and forms to ensure fair regulation of the combative sports industry.

(2) ~~Combative~~ A combative sports matches match and exhibitions declaring themselves exhibition declared to be amateur are and self-regulated shall be governed by the commission unless sanctioned by a body approved in writing by the commission, including without limitation:

(A) A federally recognized sanctioning body approved in

writing by the commission; ~~or~~ and

(B) A national oversight body with 501(c)(3) status under the Internal Revenue Code operating in at least six (6) states approved in writing by the commission.

(b)(1) The commission shall have the authority to appoint and pay inspectors and other officials necessary to properly conduct any match or exhibition authorized by this chapter.

(2) The inspectors and other officials may receive reimbursement for travel under § 25-16-901.

(c) The commission shall have the authority to adopt and promulgate, amend, or abrogate any and all rules and regulations considered by it necessary or expedient for the performance of its functions as provided in this chapter and in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(d) The commission may issue subpoenas, examine witnesses, and administer oaths and shall, at its discretion, investigate allegations or practices violating the provisions of this chapter.

(e) The commission shall have the authority to hire an investigator for the purposes outlined in this section.

(f) The commission shall have the authority to require event permits and insurance for combative sports with limits to be adjusted by the rules and regulations of the commission.

(g) The commission shall have the authority to make a claim on the bond or check posted by a promoter for combative sports events in order to make reimbursements for any unpaid fees, prize money, or other financial commitments of the promoter related to combative sports activity licensed by the commission.

(h) The commission shall have the authority to specify the forms required under this chapter.

SECTION 5. Arkansas Code § 17-22-206 is amended to read as follows:
17-22-206. Combative sports.

The General Assembly finds and declares to be the public policy of this state that it is in the best interest of the public and combative sports that combative sports be subject to an effective and efficient system of strict control and regulation in order to protect the safety and well-being of the

participants in combative sports matches and exhibitions and to promote the public confidence in the regulatory process and the conduct of combative sports matches and exhibitions. To further such public confidence and trust, the State Athletic Commission shall have the authority to adopt and promulgate, amend, or abrogate any and all rules and regulations concerning combative sports, to recover inspector and investigator fees, and recover the actual cost of the national and federal fighter database fees charged to the commission.

SECTION 6. Arkansas Code § 17-22-208 is amended to read as follows:

17-22-208. Combative sports elimination contests.

(a) This chapter applies to combative sports elimination contests in which:

(1) The contestants compete for prizes only in combative sports elimination contests and are not:

(A) Professional boxers licensed through the Professional Boxing and Safety Act of 1996, 15 U.S.C. § 6301 et seq., competing in four (4) or more rounds of non-elimination boxing; or

(B) Professional mixed martial arts or any other professional form of combative sports discipline combatants;

(2) Each bout is scheduled to consist of three (3) or fewer one-minute rounds with combative sports elimination contests conducted on no more than two (2) consecutive calendar days;

(3) Contestants are prohibited from competing for more than twelve (12) minutes on each combative sports elimination contest day and are prohibited from being scheduled for more than twelve (12) minutes over the two-day period;

(4) The contestants participating in the combative sports elimination contest are to be insured by the promoter for not less than ~~five thousand dollars (\$5,000)~~ ten thousand dollars (\$10,000) for medical and hospital expenses to be paid to the contestants to cover injuries sustained in the combative sports elimination contest and for not less than ~~five thousand dollars (\$5,000)~~ ten thousand dollars (\$10,000) to be paid in accordance with the statutes of descent and distribution of personal property if a contestant dies as a result of injuries sustained in the combative sports elimination contest;

(5) A licensed physician is in attendance at ringside, and the physician has authority to stop the combative sports elimination contest for medical reasons;

(6) All contestants pass a physical examination using the State Athletic Commission's form given by a licensed physician before the combative sports elimination contest;

(7) A preliminary breath test is administered to each contestant that indicates a blood alcohol content of two-tenths of one percent (0.2%) or less; and

(8) The promoter conducts the combative sports elimination contest in compliance with the following:

(A) A contestant who has lost by a technical knockout is not permitted to compete again for a period of thirty (30) calendar days or until the contestant has submitted to the promoter the results of a physical examination equivalent to that required of professional boxers or professional mixed martial arts combatants;

(B)(i) The ringside physician examines a contestant who has been knocked out in a combative sports elimination contest or whose fight has been stopped by the referee because the contestant received hard blows to the head that made the contestant defenseless or incapable of continuing immediately after the knockout or stoppage.

(ii) The ringside physician may recommend post-fight neurological examinations, which may include computerized axial tomography scans or magnetic resonance imaging, to be performed on the contestant immediately after the contestant leaves the location of the combative sports elimination contest.

(iii) The promoter shall not permit the contestant to compete until a physician has certified that the contestant is fit to compete.

(iv) If the physician recommends further neurological examinations, the promoter shall not permit the contestant to compete until the promoter receives copies of examination reports demonstrating that the contestant is fit to compete;

(C)(i) The promoter shall require that a contestant who has sustained a severe injury or knockout in a combative sports elimination contest be examined by a physician.

(ii) The promoter shall not permit the contestant to compete until the physician has certified that the contestant has fully recovered;

(D) The promoter shall not permit a contestant to compete in a combative sports elimination contest for a period of not less than sixty (60) days if the contestant has been knocked out or has received excessive hard blows to the head that required the fight to be stopped;

(E) A contestant who has been knocked out twice in a period of three (3) months or who has had excessive head blows causing a fight to be stopped shall not be permitted by a promoter to participate in a combative sports elimination contest for a period of not less than one hundred twenty (120) days after the second knockout or stoppage;

(F) A contestant who has been knocked out or had excessive hard blows to the head causing a fight to be stopped three (3) times consecutively in a period of twelve (12) months shall not be permitted by a promoter to participate in a combative sports elimination contest for a period of one (1) year after the third knockout; and

(G) Before resuming competition after any of the periods of rest prescribed in subdivisions (a)(8)(D) – (F) of this section, a promoter shall require the contestant to produce a certification by a physician stating that the contestant is fit to take part in a combative sports elimination contest.

(b) As part of the physical examination given before the combative sports elimination contest, the licensed physician or other trained person shall administer a preliminary breath test in compliance with standards imposed in rules promulgated by the Department of Arkansas State Police regarding equipment calibration and methods of administration.

(c)(1) The promoter shall keep a log of preliminary breath test results of contestants on file at its place of business for at least three (3) years after the date of administration of the test.

(2) These results shall be made available to law enforcement officials upon request.

(d) A combative sports elimination contest held under subsection (a) of this section is not considered to be in violation of the law.

(e) Any person violating the provisions of this section shall be guilty of a Class A misdemeanor and shall be subject to a fine not to exceed

one thousand dollars (\$1,000).

SECTION 7. Arkansas Code § 17-22-302 is amended to read as follows:

17-22-302. Issuance of licenses – Fees.

(a) The State Athletic Commission shall have the authority to appoint and issue annual licenses to the following persons with regard to participation in combative sports in this state:

- (1) A person engaging in combative sports;*
- (2) A promoter of a combative sports match or exhibition;*
- (3) A manager;*
- (4) A matchmaker;*
- (5) A referee;*
- (6) A judge;*
- (7) A physician;*
- (8) A timekeeper; and*
- (9) A person arranging, participating in, or otherwise involved*

with matches and exhibitions as provided in § 17-22-301(a).

(b) The ~~commission~~ State Athletic Commission shall have the authority to refuse to issue a license to any person or organization that has been sanctioned in any way by any comparable licensing body of another state.

(c)(1) The State Athletic Commission shall not license a person who at the time of application is a registered sex offender designated as level two (2) or higher on the Arkansas Sex Offender Database.

(2) A person's status as a registered sex offender is good cause for the revocation of the person's license previously issued by the commission.

~~(e)~~(d) Fees for the licenses shall be established by the ~~commission~~ State Athletic Commission.

~~(d)~~(e) All licenses as provided in this section shall expire annually on June 30.

(f)(1) A referee or judge for professional events shall attend courses given by and obtain certification from the Association of Boxing Commissions for the referee or judge's discipline.

(2) A referee or judge may take the courses provided by the Association of Boxing Commissions anywhere in the United States if documentation of training and certification is provided upon application for

a license.

(g) The State Athletic Commission may set an event permit processing fee not to exceed fifty dollars (\$50.00).

SECTION 8. Arkansas Code § 17-22-303 is amended to read as follows:

17-22-303. License required – Penalty for unlicensed activity.

(a) No person shall participate in or engage in the promotion of a combative sports match or exhibition in this state without first having obtained a license from the State Athletic Commission.

(b) No person shall participate in a combative sports match or exhibition in this state as a manager, matchmaker, referee, judge, physician, or timekeeper, without first having obtained a license from the commission.

(c) Any person mentioned in subsection (a) or (b) of this section who does not first obtain a license from the commission before participating in a combative sports match or exhibition shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than one thousand dollars (\$1,000) nor more than two thousand five hundred dollars (\$2,500).

(d) A venue, entity, or person who knowingly assists in making an unlicensed combative sports match or exhibition occur shall be subject to the penalties under subsection (c) of this section.

SECTION 9. Arkansas Code § 17-22-304 is amended to read as follows:

17-22-304. Bond required.

(a) As a condition to the issuance of a license as provided in § 17-22-302(a)(2), the person applying for the license shall file with the State Athletic Commission a cashier's check, a an acceptable letter of credit, or a corporate surety bond in an amount to be established by the commission in its rules, but not less than the sum of ~~one thousand dollars (\$1,000)~~ two thousand dollars (\$2,000) written by a corporate surety authorized to do business in this state, conditioned upon the licensee's payment of all taxes and other charges due the state and its political subdivisions on account of such matches or exhibitions.

(b) The surety under this section shall be written or held by the commission for at least six (6) months.

SECTION 10. Arkansas Code § 17-22-306 is amended to read as follows:

17-22-306. Fees.

(a)(1) Within five (5) business days after a combative sports match or exhibition, the licensed manager, promoter, or person responsible for the match or exhibition shall furnish to the State Athletic Commission a written report under the penalty of perjury on a form that shall be provided by the commission showing the number of tickets that were issued or sold and the gross receipts therefor without any deductions whatsoever.

(2)(A) The person shall also pay to the commission at the same time a five percent (5%) fee of the total gross receipts received from admission charges for each exhibition held under the authority of this chapter.

(B) The five percent (5%) shall be computed using gross gate receipts, unless the venue collects and remits sales tax for the promoter.

(C) If the venue collects and remits sales tax for the promoter, the five percent (5%) shall be computed on the net gate receipts after sales tax.

(D)(i) If a promoter allows admission to a match or exhibition in return for a payment other than the cash purchase of tickets, the commission shall:

(a) Determine the method to be used to calculate the five-percent value of the gate receipts; or

(b) Set a reasonable price per person to be paid by the promoter to the commission.

(ii) If the promoter requests a decision from the commission regarding the payment under this section before the match or exhibition, the commission shall make the determination and notify the promoter of the determination before the match or exhibition.

(3)(A) The promoter shall pay the cost of an event inspector or investigator present at the event.

(B) The cost of the event inspector or investigator shall not exceed one hundred twenty-five dollars (\$125.00) per day for each inspector or investigator.

(C) The commission shall:

(i) Determine if there is a need to appoint an inspector or investigator at an event;

(ii) Determine the number of inspectors or investigators to be appointed for the event; and

(iii) Notify the promoter in writing before the event of:

(a) The number of inspectors or investigators to be appointed;

(b) The cost of the inspectors or investigators; and

(c) The reasons for the appointment.

(b)(1)(A) The commission may designate a representative to be present and to observe the computation of the number of tickets issued or sold and the determination of the gross receipts.

(B) All events shall utilize tickets for admission.

(2)(A) When the tickets are sold through an electronic ticket system, the commission may accept a computerized certification of tickets sold and a statement from the venue.

(B) The statement from the venue shall be signed by an arena representative and the promoter.

SECTION 11. DO NOT CODIFY. TEMPORARY LANGUAGE. A referee or judge who is licensed by the State Athletic Commission on the effective date of this act shall have until January 1, 2014, to obtain the certification under § 17-22-302(f). The referee or judge to whom this section applies shall not be denied renewal of his or her license or have his or her license revoked for failure to obtain certification before January 1, 2014.

/s/Hickey