

AMATEUR MIXED MARTIAL ARTS REGULATION

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House Bill 4295

Sponsor: Rep. Dave Agema

Committee: Regulatory Reform

Complete to 4-12-11

A SUMMARY OF HOUSE BILL 4295 AS INTRODUCED 2-17-11

The bill would create the Amateur Mixed Martial Arts Regulatory Act to regulate amateur mixed martial arts; create the Amateur Mixed Martial Arts Commission and prescribe the make-up and duties of the commission; create the Amateur Mixed Martial Arts Fund; require licensing for some activities and establish license fees; prohibit certain conduct and establish criminal penalties; provide for investigation of complaints and enforcement of the act; allow certain remedies; and define terms.

Currently, professional mixed martial arts (MMA) and boxing are regulated under the Unarmed Combat Regulatory Act. However, that act does not apply to amateur MMA events.

Highlights of the Amateur Mixed Martial Arts Regulatory Act include the following:

- Prohibit a person from engaging in an activity regulated under the act unless the person is licensed or exempt from licensure. This would include promoters, contestants, referees, timekeepers, matchmakers, judges, and a manager or second of a contestant. A first offense would be a 93-day misdemeanor; a second or subsequent offense a one-year misdemeanor.
- Make it a felony punishable – per incident – by up to three years imprisonment and/or a fine up to \$10,000 to knowingly allow a professional to participate as a contestant in an amateur MMA contest with an amateur.
- Require a person holding or conducting an amateur MMA contest or exhibition to hold a state promoter's license. The annual license fee would be \$300. The initial application processing fee would be at least \$300. A promoter could hold both an amateur and a professional promoter's license.
- Require promoters to pay a regulatory and enforcement fee of two percent of the gross ticket sales or \$300, whichever is greater, for each event for the first year after the bill's effective date. After that date, an event fee would have to be paid in an amount determined by the Department of Energy, Labor, and Economic Growth to pay for the inspection and the officials at each event. (DLEG will be renamed as of April 24, 2011 as the Department of Licensing and Regulatory Affairs by Executive Order 2001 - 4.)

- Establish the Amateur Mixed Martial Arts Commission and prescribe the membership and duties of the commission.
- Vest the commission and the DELEG/LARA director with supervision, control, and jurisdiction over all amateur MMA contests or exhibitions conducted, held, or given in the state.
- Require the DELEG/LARA director, in consultation with the commission, to promulgate certain rules and permit the promulgation of other rules, including the adoption of standards and procedures for the conduct of amateur MMA contests or exhibitions and drug and disease tests.
- Require promoters to insure each contestant for not less than \$10,000 for any medical and hospital expenses paid by the contestant for injuries received in the contest or exhibition and for not less than \$10,000 to be in accordance with the statutes of descent and distribution of personal property if the contestant died as a result of injuries.
- Require participants to be certified in proper physical condition by a licensed physician, license physician's assistant, or certified nurse practitioner prior to an exhibition or contest. "Participant" is defined in the bill as a referee, judge, matchmaker, or timekeeper, a contestant, or a manager or second of a contestant. A "contestant" means an individual who competes in an amateur MMA contest or performs or demonstrates MMA in an amateur MMA exhibition.
- Require a licensed physician to be in attendance at each amateur MMA contest or exhibition and to examine each contestant before entering the ring.
- Prohibit a contestant or participant who loses consciousness in an event from being eligible to participate in another event until that person is certified by a commission-appointed physician as being fit to do so. The certification would be the participant's expense.
- Require DELEG/LARA to investigate complaints regarding violations of the act and establish procedures, reporting requirements, and time frames for certain aspects of an investigation.
- Allow summary suspension of a license based on information and belief that an imminent threat to the integrity of the sport, the public interest, or the welfare and safety of a contestant exists, and allow an appeals and hearing process for an affected licensee.
- Establish criteria under which licenses can be suspended, administrative fines imposed, cease and desist orders issued, or injunctive relief issued or granted. Establish a mechanism by which a licensee can contest the sanctions.

- Establish such things as the length of rounds; weight of gloves; and experience requirements for referees, judges, and timekeepers.
- Define numerous terms.
- The bill would take effect 90 days after enactment.

FISCAL IMPACT:

The bill's provisions establish a misdemeanor penalty for engaging in an activity regulated by the bill without a license and a felony penalty for knowingly allowing a professional to participate as a contestant in an amateur mixed martial arts contest. To the extent that persons are convicted under these new provisions, the bill could increase local incarceration costs in county jails and/or state incarceration costs in state prisons. County jail costs vary by jurisdiction. State prison costs average around \$34,000 per year per prisoner. Supervision of felony probationers averages around \$2,100 per year. Any increase in penal fine revenues resulting from the bills would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

An analysis on the fiscal implications to the Department of Energy, Labor, and Economic Growth/Department of Licensing and Regulatory Affairs is in process.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.