

**SUBSTITUTE FOR  
HOUSE BILL NO. 4295**

A bill to regulate amateur mixed martial arts; to create the mixed martial arts commission and establish its powers and duties; to provide certain powers and duties for certain state agencies and departments; to license and regulate promoters of amateur mixed martial arts contests and events; to assess certain fees and fines; to establish the amateur mixed martial arts fund and provide for the use of the money in the fund; to authorize the promulgation of rules; and to provide penalties and remedies.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1. This act shall be known and may be cited as the  
2 "amateur mixed martial arts regulatory act".

3       Sec. 3. As used in this act:

4       (a) "Amateur" means an individual mixed martial artist who is  
5 not competing and has never competed in a mixed martial arts

1 contest for a prize or who is not competing and has never competed  
2 with or against a professional in a mixed martial arts contest for  
3 a prize.

4 (b) "Applicant" means an individual who applies for a license  
5 under this act.

6 (c) "Commission" means the amateur mixed martial arts  
7 commission created in section 7.

8 (d) "Contest" does not include a mixed martial arts  
9 exhibition.

10 (e) "Contestant" means an individual who competes in an  
11 amateur mixed martial arts contest or event.

12 (f) "Department" means the department of licensing and  
13 regulatory affairs.

14 (g) "Director" means the director of the department or his or  
15 her designee.

16 (h) "Event" means a program of 1 or more individual amateur  
17 mixed martial arts contests.

18 (i) "Fund" means the amateur mixed martial arts fund created  
19 in section 9.

20 (j) "License" means the document issued to an individual under  
21 this act that enables him or her to engage in an activity that  
22 would otherwise be prohibited under this act. The term includes an  
23 initial license and any renewal license issued to an individual.

24 (k) "Medical professional" means any of the following:

25 (i) An individual who has a specialty certification as a nurse  
26 practitioner under article 15 of the public health code, 1978 PA  
27 368, MCL 333.16101 to 333.18838.

1           (ii) A physician's assistant licensed under article 15 of the  
2 public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

3           (iii) A physician as defined in section 17001 or 17501 of the  
4 public health code, 1978 PA 368, MCL 333.17001 and 333.17501.

5           (l) "Mixed martial arts" means the general term that describes  
6 the convergence of techniques from a variety of combative sports  
7 disciplines. The term includes boxing, wrestling, judo, jujitsu,  
8 kickboxing, and other combination of techniques from different  
9 disciplines of the martial arts.

10          (m) "Mixed martial arts exhibition" means a performance or  
11 demonstration of mixed martial arts that meets all of the  
12 following:

13           (i) The performance or demonstration is held at a promoter's  
14 gym, dojo, or similar training facility or at a training center.

15           (ii) Participants in the performance or demonstration do not  
16 pay a fee to participate.

17           (iii) Spectators do not pay a fee to attend the performance or  
18 demonstration.

19           (n) "Prize" means money or another form of compensation or  
20 reward offered or given to a contestant. The term does not include  
21 a watch, medal, article of jewelry, trophy, or ornament that is  
22 suitably inscribed to show that it is given for participation in a  
23 contest or event and costs \$200.00 or less.

24           (o) "Professional" means an individual who is competing or has  
25 competed in the past for a prize in any sport regulated under the  
26 Michigan unarmed combat regulatory act, 2004 PA 403, MCL 338.3601  
27 to 338.3663.

1 (p) "Promoter" means an individual who produces or stages an  
2 amateur mixed martial arts contest or event. The term does not  
3 include the venue where a contest or event is held unless the venue  
4 contracts with the individual promoter to be a copromoter.

5 (q) "Proper medical clearance" means a certification by a  
6 medical professional that a contestant is fit to compete in a  
7 contest.

8 (r) "Training center" means an institution formed or operated  
9 principally to provide instruction in mixed martial arts.

10 Sec. 5. This act does not apply to any of the following:

11 (a) Amateur wrestling.

12 (b) Amateur martial arts sports or activities held by and at a  
13 public or private training center.

14 (c) A mixed martial arts exhibition.

15 (d) A contest or event conducted by or participated in  
16 exclusively by an agency of the United States government, by a  
17 school, college, or university, or by an organization composed  
18 exclusively of those entities, if each contestant is an amateur.

19 Sec. 7. (1) The amateur mixed martial arts commission is  
20 created as an advisory body within the department. All of the  
21 following apply to the commission:

22 (a) The commission shall establish appropriate disciplinary  
23 sanctions against licensees or other individuals who violate this  
24 act or rules promulgated under this act.

25 (b) The commission shall consist of the following:

26 (i) The director, serving as a nonvoting ex officio member of  
27 the commission.

1           (ii) Seven voting members appointed by the governor with the  
2 advice and consent of the senate. The governor shall appoint 1  
3 voting member who is a former contestant, physician, referee, or  
4 judge, who has experience in the sport of amateur mixed martial  
5 arts.

6           (c) A member appointed by the governor under subdivision (b)  
7 serves at the pleasure of the governor. Except as provided in  
8 subdivision (d) or (e), the term of office of a member appointed to  
9 the commission is 4 years and an individual shall not be appointed  
10 to or serve for more than 2 consecutive terms.

11           (d) The governor shall appoint the initial members of the  
12 commission to serve for the following terms of office:

13           (i) Three of the members, 4 years.

14           (ii) Two of the members, 3 years.

15           (iii) Two of the members, 2 years.

16           (e) If an individual is appointed to fill a vacancy on the  
17 commission that is the result of a member's resignation, death,  
18 disability, or removal by the governor, he or she shall serve for  
19 the balance of the term of the member replaced and may be  
20 reappointed for not more than 2 additional 4-year terms.

21           (f) A majority of the members appointed and serving constitute  
22 a quorum of the commission.

23           (g) A member of the commission shall not vote by proxy.

24           (h) The commission shall annually elect 1 of its members as  
25 the chair of the commission.

26           (i) The commission shall meet as often as necessary to fulfill  
27 its duties under this act.

1 (j) The legislature shall annually establish the per diem  
2 compensation of members of the commission. Members shall receive  
3 reimbursement for their actual travel expenses to commission  
4 meetings from the department. The amount of the reimbursement for  
5 travel expenses under this subdivision shall not exceed the amounts  
6 allowed under the standardized travel regulations of the department  
7 of technology, management, and budget.

8 (2) While serving as a member of the commission, an individual  
9 shall not promote or sponsor any contest or event of amateur mixed  
10 martial arts or have any financial interest in an entity that  
11 promotes or sponsors any amateur mixed martial arts contests or  
12 events.

13 (3) An individual who has a material financial interest in a  
14 club, organization, or other legal entity is not eligible for  
15 appointment to the commission if the primary purpose of that entity  
16 is conducting amateur or professional mixed martial arts contests  
17 or events.

18 Sec. 9. (1) Except as provided in section 7(1) concerning the  
19 authority of the commission, the department is responsible for  
20 administering and enforcing this act. All of the following apply to  
21 the department's enforcement of this act:

22 (a) In enforcing this act, the department may initiate an  
23 administrative or court action against an applicant or licensee or  
24 take any other action against a licensee or his or her license that  
25 is authorized under this act for a violation of this act.

26 (b) The department shall not take any action against an  
27 applicant, licensee, or license under subdivision (a) more than 1

1 year after the occurrence of the violation of this act that is the  
2 subject of the department's action.

3 (2) The amateur mixed martial arts fund is created in the  
4 state treasury. All of the following apply to the fund:

5 (a) The department shall deposit into the fund all money  
6 received from application fees, license fees, and administrative  
7 fines imposed under this act.

8 (b) The state treasurer shall direct the investment of the  
9 fund. The state treasurer shall credit to the fund interest and  
10 earnings from fund investments.

11 (c) Money in the fund at the close of the fiscal year shall  
12 remain in the fund and shall not lapse to the general fund.

13 (d) The department is the administrator of the fund for  
14 auditing purposes.

15 (e) The department shall expend money from the fund, upon  
16 appropriation, to administer and enforce this act and for its  
17 expenditures under this act.

18 (3) The director may promulgate rules to administer and  
19 enforce this act under the administrative procedures act of 1969,  
20 1969 PA 306, MCL 24.201 to 24.328.

21 Sec. 11. (1) An individual shall not hold or conduct an  
22 amateur mixed martial arts contest or event in this state or engage  
23 in any other activity regulated under this act unless the  
24 individual holds a promoter's license under this act or the  
25 individual is exempt from licensure under this act.

26 (2) An individual seeking a license under this act shall  
27 submit a license application to the department, in writing and

1 under oath, accompanied by a nonrefundable application processing  
2 fee and an annual license fee. The application shall be made on a  
3 form provided by the department and shall include the legal name,  
4 street address, and telephone number of the applicant and any other  
5 information reasonably required by the department.

6 (3) An annual license under this act shall expire on September  
7 30 of the calendar year following the year the license was issued.

8 (4) Beginning on the effective date of this act, the  
9 nonrefundable application fee required under this section is  
10 \$100.00 and the annual license fee required under this section is  
11 \$300.00. Beginning 1 year after the effective date of this act, the  
12 director may biannually adjust the amount of the fees described in  
13 this section based on the increase or decrease for the immediately  
14 preceding 6-month period in the Detroit consumer price index as  
15 reported by the United States department of labor.

16 Sec. 13. By filing an application for a license under this  
17 act, an applicant does both of the following:

18 (a) Certifies his or her general suitability, character,  
19 integrity, and ability to participate in, engage in, or be  
20 associated with amateur mixed martial arts contests or events. The  
21 burden of proof is on the applicant to establish that the applicant  
22 possesses suitability, character, and integrity and is qualified to  
23 promote and participate in mixed martial arts amateur contests or  
24 events.

25 (b) Accepts the risk of adverse public notice, embarrassment,  
26 criticism, financial loss, or other action with respect to his or  
27 her application and expressly waives any claim for damages as a



1 result of any adverse public notice, embarrassment, criticism,  
2 financial loss, or other action.

3 Sec. 15. (1) An applicant is ineligible to receive a  
4 promoter's license under this act if he or she meets any of the  
5 following:

6 (a) He or she was convicted of a felony that involved  
7 violence, theft, fraud, or an element of financial dishonesty under  
8 the laws of this state or any other jurisdiction in the United  
9 States in the 5-year period preceding the application.

10 (b) He or she has an unsatisfied tax lien in the amount of at  
11 least \$5,000.00 under any federal, state, or local law at the time  
12 of the application.

13 (c) He or she submitted an application for a license under  
14 this act that contained false information.

15 (2) If the department does not issue an initial or renewal  
16 license to an individual under this act, he or she may petition the  
17 department and the commission for a review. The petition must be in  
18 writing and set forth the reasons the petitioner believes that the  
19 department should issue a license to him or her. The department may  
20 issue a license to the petitioner if, based on a review of the  
21 qualifications of the individual who submitted the petition, the  
22 department and the commission determine that the individual could  
23 perform as a promoter with competence.

24 Sec. 17. (1) An individual who fails to renew a license on or  
25 before its expiration date shall not hold or conduct an amateur  
26 mixed martial arts contest or event or advertise, operate, or use  
27 the title "promoter" or "amateur promoter" after the expiration

1 date printed on the license.

2 (2) An individual who fails to renew a license on or before  
3 its expiration date is permitted to renew the license within 60  
4 days after the expiration date by meeting all requirements for  
5 licensure under this act, paying the required license fee, and  
6 paying a late renewal fee in the amount of \$30.00. After that 60-  
7 day period, the individual may only obtain a license under this act  
8 by complying with the requirements of section 11.

9 (3) Except as provided in subsection (4) or otherwise provided  
10 in this act, an individual may seek reinstatement of a license  
11 under this act by filing an application on a form provided by the  
12 department, paying the application processing fee and annual  
13 license fee, and filing a petition with the department that states  
14 the reasons reinstatement is appropriate and includes evidence that  
15 the individual can and is likely to serve the public in the  
16 regulated activity with competence and in conformance with all  
17 other requirements prescribed by law, rule, or an order of the  
18 department.

19 (4) If a license is revoked or suspended by the department  
20 under this act, the department may reinstate the revoked license or  
21 lift a suspension if it receives an application for reinstatement  
22 and is paid any administrative fine assessed by the commission.

23 Sec. 19. (1) In addition to the fees described in section 11,  
24 a licensee shall pay a regulatory and enforcement fee of \$200.00  
25 for each amateur mixed martial arts event presented by the  
26 promoter. The department shall deposit regulatory and enforcement  
27 fees it receives under this section in the fund. By December 1 of

1 each year, the department shall report to the legislature the  
2 amount of revenue generated by the regulatory and enforcement fee  
3 in the preceding state fiscal year.

4 (2) A licensee who presents an amateur mixed martial arts  
5 event in this state must comply with all of the following:

6 (a) At least 5 business days before the event, pay the  
7 regulatory and enforcement fee described in subsection (1) and  
8 provide notice to the department that describes the event. The  
9 department shall prescribe the form and contents of the notice  
10 described in this subdivision.

11 (b) Pay all obligations related to the normal course of  
12 promoting an amateur mixed martial arts event, including, but not  
13 limited to, venue rent and judge, medical professional, referee,  
14 and timekeeper fees.

15 (c) Maintain records of the amateur mixed martial arts event  
16 for at least 1 year after the date of the scheduled event and make  
17 those records available to the department or law enforcement  
18 officials on request.

19 (3) A licensee presenting an amateur mixed martial arts event  
20 in this state shall ensure that all of the following are met in the  
21 conduct of the event:

22 (a) Except as provided in subdivision (b), each individual  
23 contest consists of not more than 3 rounds, of not more than 3  
24 minutes' duration, with at least a 1-minute rest period between  
25 each round.

26 (b) Each individual national or international championship  
27 contest consists of not more than 5 rounds, of not more than 5

1 minutes' duration, with at least a 1-minute rest period between  
2 each round.

3 (c) Each contestant wears gloves, supplied by the promoter,  
4 that weigh at least 4 ounces and not more than 8 ounces.

5 (d) The referee examines the gloves worn by each contestant  
6 before and during a contest. If the referee finds that a glove is  
7 misplaced, lumpy, broken, roughed, or otherwise unfit, the  
8 contestant must change the glove before the start of the contest.

9 (e) Before a contestant participates in a contest, he or she  
10 is weighed and placed in the appropriate weight class. As used in  
11 this subdivision and subdivision (f), "weight class" means 1 of the  
12 following:

13 (i) Flyweight, if he or she weighs 125.9 pounds or less.

14 (ii) Bantamweight, if he or she weighs 126 pounds or more and  
15 not more than 135 pounds.

16 (iii) Featherweight, if he or she weighs 135.1 pounds or more  
17 and not more than 145 pounds.

18 (iv) Lightweight, if he or she weighs 145.1 pounds or more and  
19 not more than 155 pounds.

20 (v) Welterweight, if he or she weighs 155.1 pounds or more and  
21 not more than 170 pounds.

22 (vi) Middleweight, if he or she weighs 170.1 pounds or more and  
23 not more than 185 pounds.

24 (vii) Light heavyweight, if he or she weighs 185.1 pounds or  
25 more and not more than 205 pounds.

26 (viii) Heavyweight, if he or she weighs 205.1 pounds or more and  
27 not more than 265 pounds.

1           (ix) Super heavyweight, if he or she weighs more than 265  
2 pounds.

3           (f) a contestant only participates in a contest with another  
4 contestant who meets 1 of the following:

5           (i) The second contestant is in the same weight class.

6           (ii) The second contestant is in the next higher weight class,  
7 if the first contestant agrees to participate with that heavier  
8 contestant.

9           (g) Professional mixed martial artists who are subject to the  
10 Michigan unarmed combat regulatory act, 2004 PA 403, MCL 338.3601  
11 to 338.3663, do not participate as contestants in a contest.

12           (h) A contestant does not participate in a contest unless the  
13 contestant has submitted medical certification of negative results  
14 for hepatitis B and C and HIV tests conducted within the 180-day  
15 period preceding the scheduled contest or event.

16           (i) A female contestant does not participate in a contest  
17 unless the contestant has submitted the results of a pregnancy test  
18 performed on the contestant within the 7-day period preceding the  
19 event and the results of that pregnancy test are negative.

20           (j) An individual is not allowed to participate as a  
21 contestant without proper medical clearance.

22           (k) The event does not take place or continue without a  
23 medical professional at the event.

24           (l) The event does not take place or continue without a trained  
25 and competent referee.

26           (m) An individual is not allowed to participate in a contest  
27 if there is any reason to suspect that he or she is impaired. As

1 used in this subsection:

2 (i) "Impaired" means the inability or immediately impending  
3 inability of an individual to safely participate in an amateur  
4 mixed martial arts contest or event due to his or her substance  
5 abuse, chemical dependency, or use of drugs or alcohol that does  
6 not constitute substance abuse or chemical dependency.

7 (ii) "Chemical dependency" means that term as defined in  
8 section 16106a of the public health code, 1978 PA 368, MCL  
9 333.16106a.

10 (iii) "Substance abuse" means that term as defined in section  
11 16106a of the public health code, 1978 PA 368, MCL 333.16106a.

12 (n) A professional is not allowed to participate as a  
13 contestant in the event.

14 (o) If an individual lost a mixed martial arts contest or  
15 exhibition by a technical knockout in the 30-day period preceding  
16 the event, he or she is not allowed to participate as a contestant  
17 unless he or she submits the results of a physical examination to  
18 the promoter that indicate that he or she is fit to compete.

19 (p) The medical professional at the event determines the  
20 status of a contestant who is knocked out in an amateur mixed  
21 martial arts contest or whose fight is stopped by the referee  
22 because he or she received hard blows to the head that made him or  
23 her defenseless or incapable of continuing immediately after the  
24 knockout or stoppage. The medical professional may recommend post-  
25 fight neurological examinations, which may include performing  
26 computerized axial tomography (CAT) scans or magnetic resonance  
27 imaging (MRI) on the contestant immediately after the contestant

1 leaves the event venue.

2 (q) A contestant described in subdivision (p) does not compete  
3 in another contest without proper medical clearance.

4 (r) If a medical professional recommended further neurological  
5 examinations of a contestant under subdivision (p), the contestant  
6 does not compete in another contest until the promoter receives  
7 copies of the examination reports and the reports demonstrate that  
8 the contestant is fit to compete.

9 (s) A contestant who sustains a severe injury or knockout in a  
10 contest is examined by a medical professional and is not permitted  
11 to compete in another contest until a medical professional  
12 certifies that the contestant is fully recovered.

13 (t) An individual who meets all of the following does not  
14 participate as a contestant:

15 (i) He or she participated in a contest or exhibition in the  
16 60-day period preceding the event.

17 (ii) In the contest or exhibition described in subparagraph (i),  
18 he or she was knocked out or the contest or exhibition was stopped  
19 because he or she received excessive hard blows to the head.

20 (u) An individual who meets all of the following does not  
21 participate as a contestant:

22 (i) He or she participated in multiple contests or exhibitions  
23 before the event.

24 (ii) In any 90-day period, he or she was knocked out twice or 2  
25 of his or her contests or exhibitions were stopped because he or  
26 she received excessive hard blows to the head.

27 (iii) The second knockout or stoppage described in subparagraph

1 (ii) occurred in the 120-day period preceding the event.

2 (v) An individual who meets all of the following does not  
3 participate as a contestant:

4 (i) He or she participated in multiple contests or exhibitions  
5 before the event.

6 (ii) In any 12-month period, he or she was knocked out in 3  
7 consecutive contests or exhibitions or 3 consecutive contests or  
8 exhibitions were stopped because he or she received excessive hard  
9 blows to the head.

10 (iii) The third knockout or stoppage described in subparagraph  
11 (ii) occurred in the 1-year period preceding the event.

12 (w) If an individual was not allowed to participate as a  
13 contestant in an earlier event because he or she met the  
14 requirements of subdivision (t), (u), or (v) at the time of that  
15 earlier event, he or she does not participate as a contestant  
16 unless he or she provides the promoter with proper medical  
17 clearance.

18 (x) Each contestant is insured for at least \$10,000.00 for any  
19 medical and hospital expenses, including deductibles paid by the  
20 contestant, to cover injuries sustained in a contest and for at  
21 least \$10,000.00 to be paid in accordance with the statutes of  
22 descent and distribution of individual property if the contestant  
23 dies as a result of injuries received in a contest.

24 Sec. 21. (1) An individual who does any of the following is  
25 subject to the remedies and penalties described in this section:

26 (a) Violates this act or a rule promulgated or order issued  
27 under this act.



1 (b) Practices fraud or deceit in obtaining a license.

2 (c) Practices fraud, deceit, or dishonesty in performing his  
3 or her duties as a promoter.

4 (d) Practices false advertising.

5 (e) Fails to comply with a subpoena issued under this act.

6 (f) Fails to provide requested documents or records to the  
7 department.

8 (g) Violates or fails to comply with a stipulation or  
9 settlement agreement with or a final order issued by the department  
10 or commission.

11 (h) Aids or abets another individual in promoting an amateur  
12 mixed martial arts contest without a license.

13 (i) Fails to pay any obligation related to the normal course  
14 of promoting an amateur mixed martial arts event, including, but  
15 not limited to, venue rent or judge, medical professional, referee,  
16 or timekeeper fees.

17 (j) Enters into a contract for an amateur mixed martial arts  
18 contest or event in bad faith.

19 (k) Gambles on the outcome of an amateur mixed martial arts  
20 contest or event of which he or she is a promoter.

21 (l) Fails to file current address information with the  
22 department.

23 (m) Assaults another licensee, a commission member, or an  
24 employee of the department.

25 (n) Tampers with or coerces another promoter's contestants.

26 (2) If a licensee violates this act or a rule or order  
27 promulgated or issued under this act, the department may take 1 or

1 more of the following actions:

2 (a) Place a limitation on his or her license.

3 (b) Suspend his or her license.

4 (c) Deny him or her a license or renewal of a license.

5 (d) Revoke his or her license.

6 (e) Assess an administrative fine under section 35.

7 (f) Censure the licensee.

8 (g) Require that he or she pay restitution, based on proofs  
9 submitted to and findings made by the hearings examiner after a  
10 contested case. If restitution is required and the individual is a  
11 licensee, the department may suspend his or her license until the  
12 restitution is paid.

13 (3) An individual who violates this act is guilty of a  
14 misdemeanor punishable by imprisonment for not more than 93 days or  
15 a fine of not more than \$500.00, or both.

16 (4) An individual who violates this act a second or any  
17 subsequent time is guilty of a misdemeanor punishable by  
18 imprisonment for not more than 1 year or a fine of not more than  
19 \$1,000.00, or both.

20 (5) An individual who knowingly allows a professional to  
21 participate as a contestant in an amateur mixed martial arts  
22 contest with an amateur is guilty of a felony punishable by  
23 imprisonment for not more than 3 years or a fine of \$10,000.00 per  
24 incident, or both.

25 (6) The department may bring an injunctive action in a court  
26 of competent jurisdiction to restrain or prevent an individual from  
27 violating this act. If successful in obtaining injunctive relief,

1 the department is entitled to its costs and reasonable attorney  
2 fees.

3 (7) The department may conduct an investigation to enforce  
4 this act. An individual who violates this act is subject to the  
5 penalties and remedies described in this section.

6 (8) The penalties and remedies under this section are  
7 independent and cumulative. The imposition of a remedy or penalty  
8 against an individual under this section does not bar the pursuit  
9 of any lawful remedy by that individual or the pursuit of a lawful  
10 remedy by any other person against that individual.

11 Sec. 23. (1) Any person may file a written complaint with the  
12 department alleging that an individual has violated this act or a  
13 rule promulgated or an order issued under this act.

14 (2) If the department receives a complaint described in  
15 subsection (1), the department immediately shall begin and pursue  
16 an investigation of the allegations of the complaint. The  
17 department shall acknowledge the complaint in writing within 15  
18 days after it receives the complaint.

19 (3) For purposes of its investigation under this section, the  
20 department may administer oaths; take testimony under oath; require  
21 the appearance and testimony of witnesses, including the production  
22 of books, records, or other documents; or request that the attorney  
23 general petition a court of competent jurisdiction to issue a  
24 subpoena requiring a person to appear before the department and be  
25 examined with reference to any matter within the scope of the  
26 investigation and to produce books, papers, or documents pertaining  
27 to the investigation.

1           (4) If the department determines after conducting an  
2 investigation under this section that there is not sufficient  
3 evidence that there was a violation of this act or a rule  
4 promulgated or an order issued under this act by the respondent,  
5 the department shall close the complaint. The department shall  
6 provide its reasons for closing the complaint to the complainant,  
7 who then may provide additional information to reopen the  
8 complaint, and to the respondent.

9           (5) If the department determines after conducting an  
10 investigation under this section that there is sufficient evidence  
11 that there was a violation of this act or a rule promulgated or an  
12 order issued under this act by the respondent, the department or  
13 the department of attorney general shall take appropriate action  
14 against the respondent, which may include any of the following:

15           (a) Issuing a formal complaint.

16           (b) Obtaining a cease and desist order.

17           (c) Issuing an order of summary suspension under section 25.

18           (d) Seeking injunctive relief under section 21(6).

19           (6) At any time during its investigation or after it issues a  
20 formal complaint, the department may meet with the complainant and  
21 the respondent for an informal conference. At the meeting, the  
22 department shall attempt to resolve issues raised in the complaint  
23 and may attempt to aid the parties in reaching a formal settlement  
24 or stipulation.

25           Sec. 25. (1) After it conducts an investigation under section  
26 23, the department may issue an order summarily suspending a  
27 license based on an affidavit by a person familiar with the facts

1 set forth in the affidavit or, if appropriate, based on an  
2 affidavit on information and belief that an imminent threat to the  
3 integrity of the sport of amateur mixed martial arts, the public  
4 interest, or the welfare and safety of a contestant exists.

5 (2) If a promoter's license is summarily suspended under this  
6 section, the promoter may petition the department to dissolve the  
7 suspension order. After receiving a petition to dissolve a  
8 suspension order, the department shall immediately schedule a  
9 hearing to decide whether to grant or deny the requested relief.

10 (3) After the hearing concerning a petition to dissolve a  
11 suspension order under subsection (2), the administrative law  
12 hearings examiner shall dissolve the summary suspension order  
13 unless sufficient evidence is presented that an imminent threat to  
14 the integrity of the sport, the public interest, or the welfare and  
15 safety of a contestant exists that requires emergency action and  
16 continuation of the department's summary suspension order.

17 (4) The record created at a hearing to dissolve a summary  
18 suspension order is considered part of the record of the complaint  
19 at any subsequent hearing in a contested case.

20 Sec. 27. (1) If the department conducts an investigation under  
21 section 23, the department after the investigation may order a  
22 person to cease and desist violating this act or a rule promulgated  
23 or order issued under this act.

24 (2) A person ordered to cease and desist under subsection (1)  
25 may request a hearing on that order by filing a written request for  
26 a hearing with the department within 30 days after the effective  
27 date of the order.

1           (3) If a person violates a cease and desist order issued under  
2 this act, the department of attorney general may apply to a court  
3 of competent jurisdiction to restrain and enjoin, temporarily or  
4 permanently, or both, the person from further violating the cease  
5 and desist order.

6           Sec. 29. (1) A summary suspension order under section 25, a  
7 cease and desist order under section 27, or injunctive relief  
8 issued or granted in an action under section 21(6) concerning a  
9 license is in addition to and not in place of an informal  
10 conference; criminal prosecution; proceeding to impose a remedy  
11 described in section 21(2); or any other action authorized under  
12 this act.

13           (2) If the department conducts an investigation and prepares  
14 or receives a formal complaint under section 23, the department  
15 shall serve the formal complaint on the respondent and the  
16 complainant. At the same time, the department shall serve the  
17 respondent with a notice describing the compliance conference and  
18 hearing process and offering the respondent a choice of 1 of the  
19 following options:

20           (a) An opportunity to meet with the department to negotiate a  
21 settlement of the matter.

22           (b) If the respondent is a licensee under this act, an  
23 opportunity to demonstrate compliance before the department holds a  
24 contested case hearing.

25           (c) An opportunity to proceed to a contested case hearing.

26           (3) A respondent who is served with a formal complaint under  
27 this section may select, within 15 days after receiving the notice,

1 1 of the options described in subsection (2). If the respondent  
2 does not notify the department of the selection of 1 of those  
3 options within the time period described in this subsection, the  
4 department shall proceed with a contested case hearing as described  
5 in subsection (2)(c).

6 (4) At the discretion of the department, a member of the  
7 commission may attend an informal conference described in  
8 subsection (2)(a). The conference may result in a settlement,  
9 consent order, waiver, default, or other method of settlement  
10 agreed on by the parties and the department. A settlement may  
11 include any remedy under section 21(2) or any other remedy  
12 authorized under this act. The commission may reject a settlement  
13 and require a contested case hearing.

14 (5) An employee of the department may represent the department  
15 in any contested case hearing.

16 (6) This section does not prevent a person against whom a  
17 complaint is filed from showing compliance with this act or a rule  
18 promulgated or order issued under this act.

19 (7) The department or the department of the attorney general  
20 may petition a court of competent jurisdiction to issue a subpoena  
21 to require the person subpoenaed to appear or testify or produce  
22 relevant documentary material for examination at a proceeding.

23 Sec. 31. (1) At the conclusion of a contested case hearing  
24 conducted under section 29, the administrative law hearings  
25 examiner shall submit a hearing report that includes findings of  
26 fact and conclusions of law to the department, the department of  
27 attorney general, and the commission. The examiner may recommend in

1 the hearing report the assessment of a penalty or remedy under this  
2 act.

3 (2) An administrative law hearings examiner shall submit a  
4 copy of a hearing report prepared under subsection (1) to the  
5 complainant and to the respondent.

6 (3) Within 60 days after it receives an administrative law  
7 hearings examiner's hearing report, the commission shall meet and  
8 determine what penalty or remedy is appropriate. The commission  
9 shall make its determination based on the administrative law  
10 hearings examiner's report. The examiner shall make a transcript of  
11 a hearing or a portion of the transcript available to the  
12 commission on request. If a transcript or a portion of the  
13 transcript is requested, the commission shall make its  
14 determination of the penalty or remedy to assess under this act at  
15 a meeting held within 60 days after it receives the transcript or  
16 portion of the transcript.

17 (4) If the commission does not determine which penalty or  
18 remedy to assess within the time period described in subsection  
19 (3), the director may determine the appropriate remedy or penalty  
20 and issue a final order.

21 (5) A member of the commission who has participated in an  
22 investigation or administrative hearing on a complaint filed with  
23 the department or who has attended an informal conference shall not  
24 participate in making a final determination in a proceeding on that  
25 complaint.

26 Sec. 33. (1) If a licensee violates this act or a rule or  
27 order promulgated or issued under this act, the department may



1 impose an administrative fine on the licensee, in an amount of not  
2 more than \$10,000.00 per violation. The commission may impose the  
3 administrative fine in addition to, or in lieu of, any other  
4 penalty or remedy under this act, including, but not limited to,  
5 the penalties and remedies described in section 21, based on proofs  
6 submitted to and findings made by the hearings examiner after a  
7 contested case.

8 (2) If the department imposes an administrative fine under  
9 this section, the department may also recover the costs of the  
10 proceeding, including investigative costs, court costs, and  
11 reasonable attorney fees. The department or the attorney general  
12 may bring an action in a court of competent jurisdiction to recover  
13 any administrative fines, investigative and other allowable costs,  
14 court costs, and reasonable attorney fees. The filing of an action  
15 to recover administrative fines and costs does not bar the  
16 imposition of other penalty or remedy under this act.

17 Enacting section 1. This act takes effect 90 days after the  
18 date this act is enacted into law.