

HOUSE BILL 351

C2

3lr0040

By: **Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)**

Introduced and read first time: January 25, 2013

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **State Athletic Commission – Amateur Mixed Martial Arts and Amateur**
3 **Kick Boxing – Licensing and Regulation**

4 FOR the purpose of authorizing the State Athletic Commission to license and regulate
5 amateur mixed martial arts and amateur kick boxing; expanding the scope of
6 drug testing for certain contestants; repealing certain mandatory sanctions for
7 certain contestants who refuse to submit to certain tests or test positive for the
8 presence of certain drugs; requiring certain contestants to submit to a certain
9 blood test under certain circumstances; defining certain terms; making certain
10 technical changes; and generally relating to the licensing and regulation of
11 amateur mixed martial arts and amateur kick boxing by the State Athletic
12 Commission.

13 BY repealing and reenacting, with amendments,

14 Article – Business Regulation

15 Section 4–101, 4–301, 4–302, 4–303, 4–304.1, 4–305, 4–308, 4–310, 4–314,
16 4–315, 4–316, and 4–320

17 Annotated Code of Maryland

18 (2010 Replacement Volume and 2012 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Business Regulation**

22 4–101.

23 (a) In this title the following words have the meanings indicated.

24 (b) “Boxing” includes sparring.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) “Commission” means the State Athletic Commission.

2 (d) (1) “Contest” means a boxing, kick boxing, or wrestling:

3 (i) competition;

4 (ii) exhibition;

5 (iii) match;

6 (iv) performance; or

7 (v) show.

8 (2) “Contest” includes a mixed martial arts:

9 (i) competition;

10 (ii) match;

11 (iii) performance; or

12 (iv) show.

13 (3) “Contest” does not include a mixed martial arts exhibition.

14 **(E) “CONTESTANT” MEANS AN INDIVIDUAL WHO PARTICIPATES IN A**
15 **BOXING, PROFESSIONAL KICK BOXING, AMATEUR KICK BOXING, PROFESSIONAL**
16 **MIXED MARTIAL ARTS, OR AMATEUR MIXED MARTIAL ARTS CONTEST.**

17 **[(e)] (F)** “Mixed martial arts” means a competition in which contestants use
18 interdisciplinary forms of fighting, including various forms of martial arts, involving:

19 (1) striking with the hands, feet, knees, or elbows; and

20 (2) grappling by take-downs, throws, submissions, or choke holds.

21 **[(f)] (G)** “Mixed martial arts exhibition” means mixed martial arts where:

22 (1) contact to the body is permitted in only a restrained manner;

23 (2) contact to the head is not permitted; and

24 (3) no contact is permitted that may result, or is intended to result, in
25 physical harm to an opponent.

1 4-301.

2 (a) In this subtitle, “license” means a license issued by the Commission.

3 (b) In this subtitle, “license” includes:

4 (1) a license to participate as a boxer in a contest;

5 (2) a license to participate as a **PROFESSIONAL** kick boxer in a
6 contest;

7 **(3) A LICENSE TO PARTICIPATE AS AN AMATEUR KICK BOXER IN A**
8 **CONTEST;**

9 ~~[(3)]~~ **(4)** a license to participate as a wrestler in a contest;

10 ~~[(4)]~~ **(5)** a license to participate as a **PROFESSIONAL** mixed martial
11 arts contestant in a contest;

12 **(6) A LICENSE TO PARTICIPATE AS AN AMATEUR MIXED MARTIAL**
13 **ARTS CONTESTANT IN A CONTEST;**

14 ~~[(5)]~~ **(7)** a license to act as a manager for a [boxer, kick boxer, or
15 mixed martial arts] contestant;

16 ~~[(6)]~~ **(8)** a license to act as a referee in a contest;

17 ~~[(7)]~~ **(9)** a license to act as a judge in a [boxing, kick boxing, or mixed
18 martial arts] contest;

19 ~~[(8)]~~ **(10)** a license to act as a second in a contest;

20 ~~[(9)]~~ **(11)** a license to act as a matchmaker of a [boxing, kick boxing, or
21 mixed martial arts] contest; and

22 ~~[(10)]~~ **(12)** a license to act as a promoter of a contest.

23 4-302.

24 (a) Except as provided in subsection (b) of this section, this subtitle does not
25 apply to:

26 (1) intercollegiate, interscholastic, or intramural boxing, kick boxing,
27 or wrestling;

1 (2) amateur boxing[, kick boxing, or wrestling] conducted under the
2 supervision of a nationally recognized amateur organization;

3 (3) [amateur mixed martial arts conducted under the supervision of
4 an amateur kick boxing organization or mixed martial arts organization that:

5 (i) has been reviewed by the Commission on a basis that is
6 neither arbitrary nor capricious;

7 (ii) has been approved by the Commission;

8 (iii) administers and enforces amateur mixed martial arts
9 regulations adopted by the Commission; and

10 (iv) does not have a direct or indirect financial interest in:

11 1. a mixed martial arts contestant; or

12 2. the promotion of a mixed martial arts contest;

13 (4)] martial arts where:

14 (i) contact to the body is permitted in only a restrained manner;

15 (ii) contact to the head is not permitted; and

16 (iii) no contact is permitted that may result, or is intended to
17 result, in physical harm to an opponent; or

18 [[5)] (4) a mixed martial arts exhibition.

19 (b) Each boxer shall wear protective headgear in each amateur boxing match
20 or exhibition.

21 4-303.

22 (a) A person may not participate as a [boxer, kick boxer,] wrestler[,] or
23 [mixed martial arts] contestant in a contest in the State unless the person has an
24 appropriate license.

25 (b) A person may not act as a manager, referee, judge, second, matchmaker,
26 or promoter in a contest in the State unless the person has an appropriate license.

27 4-304.1.

1 (a) Each applicant for a license to participate as a [boxer, kick boxer, or
2 mixed martial arts] contestant in a contest shall present documentary evidence,
3 satisfactory to the Commission, that:

4 (1) within the prior 30-day period, the applicant has been tested for
5 the presence of:

6 (i) antibodies to the human immunodeficiency virus (HIV);

7 (ii) the antigen of virus hepatitis B; and

8 (iii) antibodies to virus hepatitis C; and

9 (2) the results of all tests are negative.

10 (b) Whenever directed by the Commission, an individual who is licensed to
11 participate as a [boxer, kick boxer, or mixed martial arts] contestant in a contest shall
12 present documentary evidence, satisfactory to the Commission, that:

13 (1) within 30 days prior to participating in a contest, the individual
14 has been tested for the presence of:

15 (i) antibodies to the human immunodeficiency virus (HIV);

16 (ii) the antigen of virus hepatitis B; and

17 (iii) antibodies to virus hepatitis C; and

18 (2) the results of all tests are negative.

19 (c) A test for the presence of HIV conducted under the provisions of this
20 section shall be conducted in accordance with the provisions of Title 4, Subtitle 3 and §
21 18-336 of the Health – General Article.

22 (d) (1) If the Commission denies a license, suspends or revokes a license,
23 denies renewal of a license, or does not allow an individual to participate in a contest
24 because of the failure of the individual to comply with this section, the Commission
25 shall keep the information confidential and may not disclose the reason for its action.

26 (2) A person who violates paragraph (1) of this subsection is guilty of a
27 misdemeanor and on conviction is subject to a fine not exceeding \$1,000 for the first
28 offense and not exceeding \$5,000 for each subsequent conviction.

29 4-305.

30 (a) An applicant for a license shall:

1 (1) submit to the Commission an application on the form that the
2 Commission provides; and

3 (2) pay to the Commission an application fee of:

4 (i) \$10 for a license to participate as a [boxer, kick boxer,
5 wrestler[,] or [mixed martial arts] contestant in a contest or to act as a second in a
6 contest;

7 (ii) \$15 for a license to act as a referee or judge in a contest;

8 (iii) \$25 for a license to act as a manager of a [boxer, kick boxer,
9 or mixed martial arts] contestant;

10 (iv) \$25 for a license to act as a matchmaker of a contest; or

11 (v) \$150 for a license to act as a promoter of a contest.

12 (b) The application shall contain the information that the Commission
13 requires by regulation.

14 4-308.

15 (a) A boxer license authorizes the licensee to participate as a boxer in a
16 contest.

17 (b) **(1)** A **PROFESSIONAL** kick boxer license authorizes the licensee to
18 participate as a **PROFESSIONAL** kick boxer in a contest.

19 **(2) AN AMATEUR KICK BOXER LICENSE AUTHORIZES THE**
20 **LICENSEE TO PARTICIPATE AS AN AMATEUR KICK BOXER IN A CONTEST.**

21 (c) A wrestler license authorizes the licensee to participate as a wrestler in a
22 contest.

23 (d) **(1)** A **PROFESSIONAL** mixed martial arts contestant license
24 authorizes the licensee to participate as a **PROFESSIONAL** mixed martial arts
25 contestant in a contest.

26 **(2) AN AMATEUR MIXED MARTIAL ARTS CONTESTANT LICENSE**
27 **AUTHORIZES THE LICENSEE TO PARTICIPATE AS AN AMATEUR MIXED MARTIAL**
28 **ARTS CONTESTANT IN A CONTEST.**

29 (e) A manager license authorizes the licensee to act as a manager of a [boxer,
30 kick boxer, or mixed martial arts] contestant.

1 (f) A referee license authorizes the licensee to act as a referee in a contest.

2 (g) A judge license authorizes the licensee to act as a judge in a [boxing, kick
3 boxing, or mixed martial arts] contest.

4 (h) A second license authorizes the licensee to act as a second in a contest.

5 (i) A matchmaker license authorizes the licensee to act as a matchmaker of
6 a [boxing, kick boxing, or mixed martial arts] contest.

7 (j) A promoter license authorizes the licensee to act as a promoter of a
8 contest.

9 4–310.

10 (a) (1) Subject to the hearing provisions of § 4–311 of this subtitle, the
11 Commission may deny a license to an applicant, reprimand a licensee, or suspend or
12 revoke a license if the applicant or licensee:

13 (i) fraudulently or deceptively obtains or attempts to obtain a
14 license for the applicant or licensee or for another person;

15 (ii) fraudulently or deceptively uses a license;

16 (iii) violates this title; or

17 (iv) violates a regulation adopted under this title.

18 (2) (i) Instead of or in addition to reprimanding a licensee or
19 suspending or revoking a license under this subsection, the Commission may impose a
20 penalty of up to \$5,000 for each violation.

21 (ii) To determine the amount of the penalty imposed under this
22 subsection, the Commission shall consider:

23 1. the seriousness of the violation;

24 2. the good faith of the violator;

25 3. any previous violations;

26 4. the assets of the violator; and

27 5. the harmful effect of the violation on the general
28 public and the sporting industry.

1 (b) In addition to the grounds in subsection (a) of this section, the
2 Commission may deny a boxer, **AMATEUR KICK BOXER, PROFESSIONAL** kick boxer,
3 **AMATEUR MIXED MARTIAL ARTS CONTESTANT**, or **PROFESSIONAL** mixed martial
4 arts contestant license to an applicant or suspend or revoke a boxer, **AMATEUR KICK**
5 **BOXER, PROFESSIONAL** kick boxer, **AMATEUR MIXED MARTIAL ARTS**
6 **CONTESTANT**, or **PROFESSIONAL** mixed martial arts contestant license if the
7 Commission finds that the applicant or licensee is not fit, based on the neurological
8 examination required under §§ 4–304 and 4–314 of this subtitle and the
9 recommendation of the physician who made the examination.

10 (c) Subject to the hearing provisions of § 4–311 of this subtitle, the
11 Commission [shall] **MAY** suspend or revoke a boxer, **AMATEUR KICK BOXER,**
12 **PROFESSIONAL** kick boxer, **AMATEUR MIXED MARTIAL ARTS CONTESTANT**, or
13 **PROFESSIONAL** mixed martial arts contestant license and **MAY ORDER** the boxer,
14 **AMATEUR KICK BOXER, PROFESSIONAL** kick boxer, **AMATEUR MIXED MARTIAL**
15 **ARTS CONTESTANT**, or **PROFESSIONAL** mixed martial arts contestant [shall] **TO**
16 forfeit the purse or other compensation from the contest if the [boxer, kick boxer, or
17 mixed martial arts] contestant:

18 (1) refuses to submit to [the urine] **A DRUG** test required under §
19 4–315(b) of this subtitle; or

20 (2) submits a urine **OR BLOOD** sample that tests positive for the
21 presence of a controlled dangerous substance defined in § 5–101 of the Criminal Law
22 Article or other substance that the Commission prohibits by regulation, **INCLUDING**
23 **HUMAN GROWTH HORMONES, STEROIDS, OR OTHER PERFORMANCE ENHANCING**
24 **DRUGS.**

25 (d) (1) Subject to the hearing provisions of § 4–311 of this subtitle, the
26 Commission shall deny a promoter license to an applicant or revoke a promoter license
27 if the applicant or licensee:

28 (i) fails to pay the boxing and wrestling tax required under
29 Title 6 or Title 13 of the Tax – General Article; or

30 (ii) holds or participates in a fake boxing, wrestling, or mixed
31 martial arts contest.

32 (2) If a person fails to pay the boxing and wrestling tax, the
33 Commission shall:

34 (i) impose a penalty not exceeding \$5,000; and

35 (ii) act to enforce the bond of the promoter.

36 4–314.

1 (a) The Commission shall require an individual to be examined by a licensed
2 physician who is chosen by the Commission and who specializes in neurology or
3 neurosurgery before the individual may participate as a [boxer, kick boxer, or mixed
4 martial arts] contestant in a contest in the State if:

5 (1) the individual has participated as a contestant in more than 12
6 [boxing, kick boxing, or mixed martial arts] contests in or out of the State;

7 (2) a ringside physician recommends the examination; or

8 (3) in 2 successive [boxing, kick boxing, or mixed martial arts]
9 contests the individual:

10 (i) receives a technical knockout as a result of a neurological
11 injury; or

12 (ii) is knocked out.

13 (b) The Commission shall pay the cost of the neurological examination
14 required under this section from the license fees collected under this subtitle.

15 (c) On the basis of the neurological examination and the recommendation of
16 the physician who conducts the examination, the Commission may find that the
17 individual is not fit and may prohibit the individual from participating in a [boxing,
18 kick boxing, or mixed martial arts] contest in the State.

19 4-315.

20 (a) A [boxer, kick boxer, or mixed martial arts] contestant shall be allowed to
21 enter the ring only if:

22 (1) a physician approved by the Commission declares the [boxer, kick
23 boxer, or mixed martial arts] contestant to be physically fit; and

24 (2) the [boxer, kick boxer, or mixed martial arts] contestant has
25 complied with § 4-304.1 of this subtitle.

26 (b) **(1)** Each [boxer, kick boxer, or mixed martial arts] contestant in a
27 contest shall submit to:

28 **(I)** a chemical test of the urine of the [boxer, kick boxer, or
29 mixed martial arts] contestant to detect the presence of a controlled dangerous
30 substance defined in § 5-101 of the Criminal Law Article or other substance that the
31 Commission prohibits by regulation; **AND**

1 **(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A**
2 **TEST OF THE BLOOD OF THE CONTESTANT TO DETECT THE PRESENCE OF**
3 **PERFORMANCE ENHANCING DRUGS, INCLUDING:**

4 **1. HUMAN GROWTH HORMONES;**

5 **2. ANABOLIC STEROIDS; OR**

6 **3. ANY OTHER SUBSTANCE THE COMMISSION**
7 **PROHIBITS BY REGULATION.**

8 **(2) A CONTESTANT SHALL BE REQUIRED TO SUBMIT TO A BLOOD**
9 **TEST UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION IF:**

10 **(I) THERE IS REASONABLE CAUSE TO BELIEVE THE**
11 **CONTESTANT HAS USED A SUBSTANCE PROHIBITED BY REGULATION;**

12 **(II) THE CONTESTANT WAS RANDOMLY SELECTED BY**
13 **LOTTERY; OR**

14 **(III) THE CONTESTANT HAS A DOCUMENTED OR OTHERWISE**
15 **VERIFIED HISTORY OF DRUG USE WITHIN THE 5 YEARS IMMEDIATELY**
16 **PRECEDING THE DATE OF THE CONTEST.**

17 (c) The Commission shall set the length in rounds of each [boxing, kick
18 boxing, and mixed martial arts] contest.

19 (d) (1) The Commission shall adopt regulations to ensure the safety of
20 individuals who participate in amateur or professional mixed martial arts contests.

21 (2) In developing the regulations, the Commission shall consider:

22 (i) appropriate limits on acceptable maneuvers;

23 (ii) time limits for contest rounds; and

24 (iii) rules for termination of a contest.

25 4-316.

26 A [boxer, kick boxer, wrestler, or mixed martial arts] **WRESTLER OR** contestant
27 who participates in a fake contest:

1 (1) for the first offense, shall be prohibited for a period of 6 months
2 beginning immediately after the offense from participating in a contest that is held by
3 a person licensed to act as a promoter of a contest; and

4 (2) for the second offense, shall be disqualified from attendance at or
5 participation in a contest that is held by a person licensed to act as a promoter of a
6 contest.

7 4-320.

8 A promoter may not allow a person who does not have an appropriate license to
9 participate as a [boxer, kick boxer, wrestler, or mixed martial arts] **WRESTLER OR**
10 contestant in a contest or to act as a manager, referee, judge, second, or matchmaker
11 in a contest.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 July 1, 2013.