

SENATE BILL 649

C2

(8lr1785)

ENROLLED BILL

—*Education, Health, and Environmental Affairs and Budget and Taxation / Economic Matters*—

Introduced by **Senator Conway**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Athletics – Mixed Martial Arts – Regulation by State Athletic Commission –**
3 **Boxing and Wrestling Tax**

4 FOR the purpose of prohibiting a person from participating as a mixed martial ~~artist~~
5 arts contestant in a certain contest in the State unless the person has a license
6 issued by the State Athletic Commission; exempting certain amateur mixed
7 martial arts from the requirements of this Act under certain circumstances;
8 requiring a mixed martial ~~artist~~ arts contestant licensee to be examined by a
9 certain physician under certain circumstances; requiring an applicant for a
10 mixed martial ~~artist~~ arts contestant license or licensee to provide certain
11 documentary evidence about the results of certain medical tests under certain
12 circumstances; establishing certain application fees for certain licenses;
13 establishing the scope of a mixed martial ~~artist~~ arts contestant license; altering
14 the scope of certain licenses; requiring the Commission to adopt certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 regulations; authorizing the Commission to deny, reprimand, suspend, or revoke
 2 a mixed martial ~~artist~~ arts contestant license under certain circumstances;
 3 requiring the Commission to suspend or revoke a mixed martial ~~artist~~ arts
 4 contestant license under certain circumstances; requiring the Commission to
 5 require an individual to be examined by a certain physician before the
 6 individual may participate as a mixed martial ~~artist~~ arts contestant in a contest
 7 under certain circumstances; authorizing the Commission to prohibit the
 8 individual from participating in a contest as a mixed martial ~~artist~~ arts
 9 contestant under certain circumstances; authorizing a mixed martial ~~artist~~ arts
 10 contestant to enter the ring only under certain circumstances; requiring a mixed
 11 martial ~~artist~~ arts contestant to submit to a certain urine test ~~and to wear~~
 12 ~~certain gloves under certain circumstances~~; repealing certain requirements that
 13 a boxer or kick boxer wear certain gloves under certain circumstances;
 14 extending the application of certain prohibited acts and certain penalties to
 15 mixed martial ~~artists~~ arts contestants; altering certain prohibited acts;
 16 extending the application of the boxing and wrestling tax to gross receipts
 17 derived from mixed martial arts contests; altering the penalty for failure to pay
 18 a certain tax; providing for the applicability of certain provisions of this Act;
 19 defining a certain term; altering certain definitions; making stylistic changes;
 20 and generally relating to ~~the licensing of mixed martial artists and the~~
 21 ~~regulation of mixed martial arts contests~~ certain licensing and regulation under
 22 the State Athletic Commission.

23 BY repealing and reenacting, with amendments,

24 Article – Business Regulation

25 Section 4–101; and 4–301, 4–302, 4–303(a), 4–304(a), 4–304.1(a) and (b),

26 4–305(a), 4–308, 4–310, 4–314(a) and (c), 4–315, 4–316, 4–320, and

27 4–321 to be under the amended subtitle “Subtitle 3. Boxing, Kick Boxing,
 28 Wrestling, and Mixed Martial Arts”

29 Annotated Code of Maryland

30 (2004 Replacement Volume and 2007 Supplement)

31 BY repealing and reenacting, with amendments,

32 Article – Tax – General

33 Section 6–101

34 Annotated Code of Maryland

35 (2004 Replacement Volume and 2007 Supplement)

36 BY repealing and reenacting, without amendments,

37 Article – Tax – General

38 Section 6–102

39 Annotated Code of Maryland

40 (2004 Replacement Volume and 2007 Supplement)

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

1 **Article – Business Regulation**

2 4–101.

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

4 (b) “Boxing” includes sparring.

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

6 (d) **(1)** “Contest” means a boxing, kick boxing, ~~for~~ wrestling, ~~OR MIXED~~
 7 ~~MARTIAL ARTS:~~

8 ~~(1)~~ **(I)** competition;

9 ~~(2)~~ **(II)** exhibition;

10 ~~(3)~~ **(III)** match;

11 ~~(4)~~ **(IV)** performance; or

12 ~~(5)~~ **(V)** show.

13 **(2) “CONTEST” INCLUDES A MIXED MARTIAL ARTS:**

14 **(I) COMPETITION;**

15 **(II) MATCH;**

16 **(III) PERFORMANCE; OR**

17 **(IV) SHOW.**

18 **(3) “CONTEST” DOES NOT INCLUDE A MIXED MARTIAL ARTS**
 19 **EXHIBITION.**

20 ~~**(E) “MIXED MARTIAL ARTS” MEANS A COMPETITION INVOLVING THE**~~
 21 ~~**USE OF A COMBINATION OF TECHNIQUES FROM DIFFERENT DISCIPLINES OF**~~
 22 ~~**THE MARTIAL ARTS, INCLUDING GRAPPLING, KICKING, AND STRIKING.**~~

23 **(E) “MIXED MARTIAL ARTS” MEANS A COMPETITION IN WHICH**
 24 **CONTESTANTS USE INTERDISCIPLINARY FORMS OF FIGHTING, INCLUDING**
 25 **VARIOUS FORMS OF MARTIAL ARTS, INVOLVING:**

26 **(1) STRIKING WITH THE HANDS, FEET, KNEES, OR ELBOWS; AND**

1 **(2) GRAPPLING BY TAKE-DOWNS, THROWS, SUBMISSIONS, OR**
 2 **CHOKE HOLDS.**

3 **(F) “MIXED MARTIAL ARTS EXHIBITION” MEANS MIXED MARTIAL ARTS**
 4 **WHERE:**

5 **(1) CONTACT TO THE BODY IS PERMITTED IN ONLY A RESTRAINED**
 6 **MANNER;**

7 **(2) CONTACT TO THE HEAD IS NOT PERMITTED; AND**

8 **(3) NO CONTACT IS PERMITTED THAT MAY RESULT, OR IS**
 9 **INTENDED TO RESULT, IN PHYSICAL HARM TO AN OPPONENT.**

10 Subtitle 3. Boxing, Kick Boxing, [and] Wrestling, **AND MIXED MARTIAL ARTS.**

11 4–301.

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

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

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

15 (2) a license to participate as a kick boxer in a contest;

16 (3) a license to participate as a wrestler in a contest;

17 **(4) A LICENSE TO PARTICIPATE AS A MIXED MARTIAL ~~ARTIST~~**
 18 **ARTS CONTESTANT IN A CONTEST;**

19 **[(4)] (5) a license to act as a manager for a boxer [or], kick boxer, OR**
 20 **MIXED MARTIAL ~~ARTIST~~ ARTS CONTESTANT;**

21 **[(5)] (6) a license to act as a referee in a contest;**

22 **[(6)] (7) a license to act as a judge in a boxing [or], kick boxing, OR**
 23 **MIXED MARTIAL ARTS contest;**

24 **[(7)] (8) a license to act as a second in a contest;**

25 **[(8)] (9) a license to act as a matchmaker of a boxing [or], kick**
 26 **boxing, OR MIXED MARTIAL ARTS contest; and**

1 [(9)] (10) a license to act as a promoter of a contest.

2 4-302.

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

5 (1) intercollegiate, interscholastic, or intramural boxing, kick boxing,
6 ~~for] wrestling, OR MIXED MARTIAL ARTS;~~

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

9 (3) **AMATEUR MIXED MARTIAL ARTS CONDUCTED UNDER THE**
10 **SUPERVISION OF ~~A NATIONALLY RECOGNIZED~~ AN AMATEUR KICK BOXING**
11 **ORGANIZATION OR MIXED MARTIAL ARTS ORGANIZATION ~~OR BOTH~~ THAT:**

12 **(I) HAS BEEN REVIEWED BY THE COMMISSION ON A BASIS**
13 **THAT IS NEITHER ARBITRARY NOR CAPRICIOUS;**

14 **(II) HAS BEEN APPROVED BY THE COMMISSION;**

15 **(III) ADMINISTERS AND ENFORCES AMATEUR MIXED**
16 **MARTIAL ARTS REGULATIONS ADOPTED BY THE COMMISSION; AND**

17 **(IV) DOES NOT HAVE A DIRECT OR INDIRECT FINANCIAL**
18 **INTEREST IN:**

19 **1. A MIXED MARTIAL ARTS CONTESTANT; OR**

20 **2. THE PROMOTION OF A MIXED MARTIAL ARTS**
21 **CONTEST; OR ;**

22 [(3)] (4) martial arts where:

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

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

25 (iii) no contact is permitted that may result, or is intended to
26 result, in physical harm to an opponent; **OR**

27 **(5) A MIXED MARTIAL ARTS EXHIBITION.**

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

3 4-303.

4 (a) A person may not participate as a boxer, kick boxer, [or] wrestler, **OR**
5 **MIXED MARTIAL ~~ARTIST~~ ARTS CONTESTANT** in a contest in the State unless the
6 person has an appropriate license.

7 4-304.

8 (a) A licensee shall be examined by a licensed physician who is chosen by the
9 Commission and who specializes in neurology or neurosurgery prior to the licensee's
10 first appearance as a contestant in a kick boxing [or], boxing, **OR MIXED MARTIAL**
11 **ARTS** contest following the issuance or renewal of a license.

12 4-304.1.

13 (a) Each applicant for a license to participate as a boxer [or], kick boxer, **OR**
14 **MIXED MARTIAL ~~ARTIST~~ ARTS CONTESTANT** in a contest shall present documentary
15 evidence, satisfactory to the Commission, that:

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

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

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

20 (iii) antibodies to virus hepatitis C; and

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

22 (b) Whenever directed by the Commission, an individual who is licensed to
23 participate as a boxer [or], kick boxer, **OR MIXED MARTIAL ~~ARTIST~~ ARTS**
24 **CONTESTANT** in a contest shall present documentary evidence, satisfactory to the
25 Commission, that:

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

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

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

30 (iii) antibodies to virus hepatitis C; and

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

2 4-305.

3 (a) An applicant for a license shall:

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

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

7 (i) \$10 for a license to participate as a boxer, kick boxer, [or]
8 wrestler, **OR MIXED MARTIAL ~~ARTIST~~ ARTS CONTESTANT** in a contest or to act as a
9 second in a contest;

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

11 (iii) \$25 for a license to act as a manager of a boxer [or], kick
12 boxer, **OR MIXED MARTIAL ~~ARTIST~~ ARTS CONTESTANT**;

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

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

15 4-308.

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

18 (b) A kick boxer license authorizes the licensee to participate as a kick boxer
19 in a contest.

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

22 **(D) A MIXED MARTIAL ~~ARTIST~~ ARTS CONTESTANT LICENSE AUTHORIZES**
23 **THE LICENSEE TO PARTICIPATE AS A MIXED MARTIAL ~~ARTIST~~ ARTS**
24 **CONTESTANT IN A CONTEST.**

25 [(d)] **(E)** A manager license authorizes the licensee to act as a manager of a
26 boxer [or], kick boxer, **OR MIXED MARTIAL ~~ARTIST~~ ARTS CONTESTANT.**

27 [(e)] **(F)** A referee license authorizes the licensee to act as a referee in a
28 contest.

1 [(f)] (G) A judge license authorizes the licensee to act as a judge in a boxing
2 [or], kick boxing, **OR MIXED MARTIAL ARTS** contest.

3 [(g)] (H) A second license authorizes the licensee to act as a second in a
4 contest.

5 [(h)] (I) A matchmaker license authorizes the licensee to act as a
6 matchmaker of a boxing [or], kick boxing, **OR MIXED MARTIAL ARTS** contest.

7 [(i)] (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 [or], kick boxer, **OR MIXED MARTIAL ~~ARTIST~~ ARTS**
 3 **CONTESTANT** license to an applicant or suspend or revoke a boxer [or], kick boxer,
 4 **OR MIXED MARTIAL ~~ARTIST~~ ARTS CONTESTANT** license if the Commission finds
 5 that the applicant or licensee is not fit, based on the neurological examination
 6 required under §§ 4–304 and 4–314 of this subtitle and the recommendation of the
 7 physician who made the examination.

8 (c) Subject to the hearing provisions of § 4–311 of this subtitle, the
 9 Commission shall suspend or revoke a boxer [or], kick boxer, **OR MIXED MARTIAL**
 10 **~~ARTIST~~ ARTS CONTESTANT** license and the boxer [or], kick boxer, **OR MIXED**
 11 **MARTIAL ~~ARTIST~~ ARTS CONTESTANT** shall forfeit the [boxer's] purse or other
 12 compensation from the contest if the boxer [or], kick boxer, **OR MIXED MARTIAL**
 13 **~~ARTIST~~ ARTS CONTESTANT**:

14 (1) refuses to submit to the urine test required under § 4–315(b) of this
 15 subtitle; or

16 (2) submits a urine sample that tests positive for the presence of a
 17 controlled dangerous substance defined in § 5–101 of the Criminal Law Article or
 18 other substance that the Commission prohibits by regulation.

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

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

24 (ii) holds or participates in a fake boxing [or], wrestling, **OR**
 25 **MIXED MARTIAL ARTS** contest.

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

28 (i) impose a penalty ~~of~~ **NOT EXCEEDING \$500** ~~to~~ **\$5,000**; and

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

30 4–314.

31 (a) The Commission shall require an individual to be examined by a licensed
 32 physician who is chosen by the Commission and who specializes in neurology or
 33 neurosurgery before the individual may participate as a boxer [or], kick boxer, **OR**
 34 **MIXED MARTIAL ~~ARTIST~~ ARTS CONTESTANT** in a contest in the State if:

1 (1) the individual has participated as a contestant in more than 12
2 boxing [or], kick boxing, **OR MIXED MARTIAL ARTS** contests in or out of the State;

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

4 (3) in 2 successive boxing [or], kick boxing, **OR MIXED MARTIAL ARTS**
5 contests the individual:

6 (i) receives a technical knockout as a result of a neurological
7 injury; or

8 (ii) is knocked out.

9 (c) On the basis of the neurological examination and the recommendation of
10 the physician who conducts the examination, the Commission may find that the
11 individual is not fit and may prohibit the individual from participating in a boxing
12 [or], kick boxing, **OR MIXED MARTIAL ARTS** contest in the State.

13 4–315.

14 (a) A boxer [or], kick boxer, **OR MIXED MARTIAL ~~ARTIST~~ ARTS**
15 **CONTESTANT** shall be allowed to enter the ring only if:

16 (1) a physician approved by the Commission declares the boxer [or],
17 kick boxer, **OR MIXED MARTIAL ~~ARTIST~~ ARTS CONTESTANT** to be physically fit; and

18 (2) the boxer [or], kick boxer, **OR MIXED MARTIAL ~~ARTIST~~ ARTS**
19 **CONTESTANT** has complied with § 4–304.1 of this subtitle.

20 (b) Each boxer [or], kick boxer, **OR MIXED MARTIAL ~~ARTIST~~ ARTS**
21 **CONTESTANT** in a contest shall submit to a chemical test of the urine of the boxer
22 [or], kick boxer, **OR MIXED MARTIAL ~~ARTIST~~ ARTS CONTESTANT** to detect the
23 presence of a controlled dangerous substance defined in § 5–101 of the Criminal Law
24 Article or other substance that the Commission prohibits by regulation.

25 (c) ~~Each boxer [or], kick boxer, **OR MIXED MARTIAL ARTIST** in a contest~~
26 ~~shall wear gloves that weigh at least 5 ounces.~~

27 ~~(d)~~ The Commission shall set the length in rounds of each boxing [and], kick
28 boxing, **AND MIXED MARTIAL ARTS** contest.

29 **(D) (1) THE COMMISSION SHALL ADOPT REGULATIONS TO ENSURE**
30 **THE SAFETY OF INDIVIDUALS WHO PARTICIPATE IN AMATEUR OR PROFESSIONAL**
31 **MIXED MARTIAL ARTS CONTESTS.**

- 1 (1) a closed circuit telecast;
- 2 (2) a subscription television broadcast; or
- 3 (3) a pay-per-view cable or satellite television broadcast.

4 6-102.

5 Except as provided in § 6-103 of this subtitle, a tax is imposed on gross receipts
6 derived from:

- 7 (1) a charge for admission to a boxing or wrestling contest in the
8 State; and
- 9 (2) a charge, by ticket or per event or occasion basis, to view a telecast
10 of a boxing or wrestling contest in the State regardless of the origin of the telecast.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2008.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.