

SENATE BILL 649

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By: **Senator Conway**

Introduced and read first time: February 1, 2008

Assigned to: Education, Health, and Environmental Affairs and Budget and Taxation

A BILL ENTITLED

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 in a certain contest in the State unless the person has a license issued by the
6 State Athletic Commission; requiring a mixed martial artist licensee to be
7 examined by a certain physician under certain circumstances; requiring an
8 applicant for a mixed martial artist license or licensee to provide certain
9 documentary evidence about the results of certain medical tests under certain
10 circumstances; establishing certain application fees for certain licenses;
11 establishing the scope of a mixed martial artist license; altering the scope of
12 certain licenses; authorizing the Commission to deny, reprimand, suspend, or
13 revoke a mixed martial artist license under certain circumstances; requiring the
14 Commission to suspend or revoke a mixed martial artist license under certain
15 circumstances; requiring the Commission to require an individual to be
16 examined by a certain physician before the individual may participate as a
17 mixed martial artist in a contest under certain circumstances; authorizing the
18 Commission to prohibit the individual from participating in a contest as a mixed
19 martial artist under certain circumstances; authorizing a mixed martial artist
20 to enter the ring only under certain circumstances; requiring a mixed martial
21 artist to submit to a certain urine test and to wear certain gloves under certain
22 circumstances; extending the application of certain prohibited acts and certain
23 penalties to mixed martial artists; altering certain prohibited acts; extending
24 the application of the boxing and wrestling tax to gross receipts derived from
25 mixed martial arts contests; providing for the applicability of certain provisions
26 of this Act; defining a certain term; altering certain definitions; making stylistic
27 changes; and generally relating to the licensing of mixed martial artists and the
28 regulation of mixed martial arts contests.

29 BY repealing and reenacting, with amendments,
30 Article – Business Regulation

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 4–101; and 4–301, 4–302, 4–303(a), 4–304(a), 4–304.1(a) and (b),
2 4–305(a), 4–308, 4–310, 4–314(a) and (c), 4–315, 4–316, 4–320, and 4–321
3 to be under the amended subtitle “Subtitle 3. Boxing, Kick Boxing,
4 Wrestling, and Mixed Martial Arts”
5 Annotated Code of Maryland
6 (2004 Replacement Volume and 2007 Supplement)

7 BY repealing and reenacting, with amendments,
8 Article – Tax – General
9 Section 6–101
10 Annotated Code of Maryland
11 (2004 Replacement Volume and 2007 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article – Tax – General
14 Section 6–102
15 Annotated Code of Maryland
16 (2004 Replacement Volume and 2007 Supplement)

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

19 **Article – Business Regulation**

20 4–101.

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

22 (b) “Boxing” includes sparring.

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

24 (d) “Contest” means a boxing, kick boxing, [or] wrestling, **OR MIXED**
25 **MARTIAL ARTS:**

26 (1) competition;

27 (2) exhibition;

28 (3) match;

29 (4) performance; or

30 (5) show.

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

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

5 **4–301.**

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

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

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

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

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

11 (4) **A LICENSE TO PARTICIPATE AS A MIXED MARTIAL ARTIST IN A**
12 **CONTEST;**

13 [(4)] **(5)** a license to act as a manager for a boxer [or], kick boxer, **OR**
14 **MIXED MARTIAL ARTIST;**

15 [(5)] **(6)** a license to act as a referee in a contest;

16 [(6)] **(7)** a license to act as a judge in a boxing [or], kick boxing, **OR**
17 **MIXED MARTIAL ARTS** contest;

18 [(7)] **(8)** a license to act as a second in a contest;

19 [(8)] **(9)** a license to act as a matchmaker of a boxing [or], kick
20 **boxing, OR MIXED MARTIAL ARTS** contest; and

21 [(9)] **(10)** a license to act as a promoter of a contest.

22 **4–302.**

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

25 (1) intercollegiate, interscholastic, or intramural boxing, kick boxing,
26 [or] wrestling, **OR MIXED MARTIAL ARTS;**

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

1 **(3) AMATEUR MIXED MARTIAL ARTS CONDUCTED UNDER THE**
2 **SUPERVISION OF A NATIONALLY RECOGNIZED AMATEUR KICK BOXING**
3 **ORGANIZATION OR MIXED MARTIAL ARTS ORGANIZATION OR BOTH; OR**

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

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

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

7 (iii) no contact is permitted that may result, or is intended to
8 result, in physical harm to an opponent.

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

11 4-303.

12 (a) A person may not participate as a boxer, kick boxer, [or] wrestler, **OR**
13 **MIXED MARTIAL ARTIST** in a contest in the State unless the person has an
14 appropriate license.

15 4-304.

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

20 4-304.1.

21 (a) Each applicant for a license to participate as a boxer [or], kick boxer, **OR**
22 **MIXED MARTIAL ARTIST** in a contest shall present documentary evidence,
23 satisfactory to the Commission, that:

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

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

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

28 (iii) antibodies to virus hepatitis C; and

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

1 (b) Whenever directed by the Commission, an individual who is licensed to
2 participate as a boxer [or], kick boxer, **OR MIXED MARTIAL ARTIST** in a contest shall
3 present documentary evidence, satisfactory to the Commission, that:

4 (1) within 30 days prior to participating in a contest, the individual
5 has been tested for 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 4-305.

11 (a) An applicant for a license shall:

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

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

15 (i) \$10 for a license to participate as a boxer, kick boxer, [or]
16 wrestler, **OR MIXED MARTIAL ARTIST** in a contest or to act as a second in a contest;

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

18 (iii) \$25 for a license to act as a manager of a boxer [or], kick
19 boxer, **OR MIXED MARTIAL ARTIST**;

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

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

22 4-308.

23 (a) A boxer license authorizes the licensee to participate as a boxer in a
24 contest.

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

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

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 [or], kick boxer, **OR**
4 **MIXED MARTIAL ARTIST** in a contest in the State if:

5 (1) the individual has participated as a contestant in more than 12
6 boxing [or], 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 [or], 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 (c) On the basis of the neurological examination and the recommendation of
14 the physician who conducts the examination, the Commission may find that the
15 individual is not fit and may prohibit the individual from participating in a boxing
16 [or], kick boxing, **OR MIXED MARTIAL ARTS** contest in the State.

17 4–315.

18 (a) A boxer [or], kick boxer, **OR MIXED MARTIAL ARTIST** shall be allowed to
19 enter the ring only if:

20 (1) a physician approved by the Commission declares the boxer [or],
21 kick boxer, **OR MIXED MARTIAL ARTIST** to be physically fit; and

22 (2) the boxer [or], kick boxer, **OR MIXED MARTIAL ARTIST** has
23 complied with § 4–304.1 of this subtitle.

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

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

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

1 4-316.

2 A boxer, kick boxer, [or] wrestler, **OR MIXED MARTIAL ARTIST** who
3 participates in a fake contest:

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

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

10 4-320.

11 A promoter may not allow a person who does not have an appropriate license to
12 participate as a boxer, kick boxer, [or] wrestler, **OR MIXED MARTIAL ARTIST** in a
13 contest or to act as a manager, referee, judge, second, or matchmaker in a contest.

14 4-321.

15 A manager, second, matchmaker, promoter, or principal may not accept money
16 or a gift from a boxer, exhibitor of boxing, kick boxer, [or] wrestler, **OR MIXED**
17 **MARTIAL ARTIST** in return for a special privilege or for discriminating in making a
18 match.

19 Article - Tax - General

20 6-101.

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

22 (b) "Boxing or wrestling contest" means a boxing, kick boxing, sparring, [or]
23 wrestling, **OR MIXED MARTIAL ARTS** contest, event, exhibition, or match.

24 (c) "Telecast" means:

25 (1) a closed circuit telecast;

26 (2) a subscription television broadcast; or

27 (3) a pay-per-view cable or satellite television broadcast.

28 6-102.

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

1 (1) a charge for admission to a boxing or wrestling contest in the
2 State; and

3 (2) a charge, by ticket or per event or occasion basis, to view a telecast
4 of a boxing or wrestling contest in the State regardless of the origin of the telecast.

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