

SENATE BILL 649

C2

8lr1785
CF HB 795

By: **Senator Conway**

Introduced and read first time: February 1, 2008

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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2008

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; authorizing the Commission to deny, reprimand,
15 suspend, or revoke a mixed martial ~~artist~~ arts contestant license under certain
16 circumstances; requiring the Commission to suspend or revoke a mixed martial
17 ~~artist~~ arts contestant license under certain circumstances; requiring the
18 Commission to require an individual to be examined by a certain physician
19 before the individual may participate as a mixed martial ~~artist~~ arts contestant
20 in a contest under certain circumstances; authorizing the Commission to
21 prohibit the individual from participating in a contest as a mixed martial ~~artist~~
22 arts contestant under certain circumstances; authorizing a mixed martial ~~artist~~
23 arts contestant to enter the ring only under certain circumstances; requiring a
24 mixed martial ~~artist~~ arts contestant to submit to a certain urine test ~~and to~~
25 ~~wear certain gloves under certain circumstances;~~ repealing certain
26 requirements that a boxer or kick boxer wear certain gloves under 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.



1 circumstances; extending the application of certain prohibited acts and certain
 2 penalties to mixed martial ~~artists~~ arts contestants; altering certain prohibited
 3 acts; extending the application of the boxing and wrestling tax to gross receipts
 4 derived from mixed martial arts contests; altering the penalty for failure to pay
 5 a certain tax; providing for the applicability of certain provisions of this Act;
 6 defining a certain term; altering certain definitions; making stylistic changes;
 7 and generally relating to the licensing ~~of mixed martial artists and the~~
 8 regulation ~~of mixed martial arts~~ contests under the State Athletic Commission.

9 BY repealing and reenacting, with amendments,

10 Article – Business Regulation

11 Section 4–101; and 4–301, 4–302, 4–303(a), 4–304(a), 4–304.1(a) and (b),
 12 4–305(a), 4–308, 4–310, 4–314(a) and (c), 4–315, 4–316, 4–320, and
 13 4–321 to be under the amended subtitle “Subtitle 3. Boxing, Kick Boxing,
 14 Wrestling, and Mixed Martial Arts”

15 Annotated Code of Maryland

16 (2004 Replacement Volume and 2007 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article – Tax – General

19 Section 6–101

20 Annotated Code of Maryland

21 (2004 Replacement Volume and 2007 Supplement)

22 BY repealing and reenacting, without amendments,

23 Article – Tax – General

24 Section 6–102

25 Annotated Code of Maryland

26 (2004 Replacement Volume and 2007 Supplement)

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

29 **Article – Business Regulation**

30 4–101.

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

32 (b) “Boxing” includes sparring.

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

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

36 ~~(1)~~ (I) competition;

1 ~~(2)~~ (II) exhibition;

2 ~~(3)~~ (III) match;

3 ~~(4)~~ (IV) performance; or

4 ~~(5)~~ (V) show.

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

6 (I) COMPETITION;

7 (II) MATCH;

8 (III) PERFORMANCE; OR

9 (IV) SHOW.

10 (3) “CONTEST” DOES NOT INCLUDE A MIXED MARTIAL ARTS
11 EXHIBITION.

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

15 (E) “MIXED MARTIAL ARTS” MEANS A COMPETITION IN WHICH
16 CONTESTANTS USE INTERDISCIPLINARY FORMS OF FIGHTING, INCLUDING
17 VARIOUS FORMS OF MARTIAL ARTS, INVOLVING:

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

19 (2) GRAPPLING BY TAKE-DOWNS, THROWS, SUBMISSIONS, OR
20 CHOKE HOLDS.

21 (F) “MIXED MARTIAL ARTS EXHIBITION” MEANS MIXED MARTIAL ARTS
22 WHERE:

23 (1) CONTACT TO THE BODY IS PERMITTED IN ONLY A RESTRAINED
24 MANNER;

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

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

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

2 4–301.

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

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

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

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

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

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

10 [(4)] **(5)** a license to act as a manager for a boxer [or], kick boxer, **OR**
 11 **MIXED MARTIAL ~~ARTIST~~ ARTS CONTESTANT;**

12 [(5)] **(6)** a license to act as a referee in a contest;

13 [(6)] **(7)** a license to act as a judge in a boxing [or], kick boxing, **OR**
 14 **MIXED MARTIAL ARTS** contest;

15 [(7)] **(8)** a license to act as a second in a contest;

16 [(8)] **(9)** a license to act as a matchmaker of a boxing [or], kick
 17 **boxing, OR MIXED MARTIAL ARTS** contest; and

18 [(9)] **(10)** a license to act as a promoter of a contest.

19 4–302.

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

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

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

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

4 (I) HAS BEEN REVIEWED BY THE COMMISSION ON A BASIS
5 THAT IS NEITHER ARBITRARY NOR CAPRICIOUS;

6 (II) HAS BEEN APPROVED BY THE COMMISSION;

7 (III) ADMINISTERS AND ENFORCES AMATEUR MIXED
8 MARTIAL ARTS REGULATIONS ADOPTED BY THE COMMISSION; AND

9 (IV) DOES NOT HAVE A DIRECT OR INDIRECT FINANCIAL
10 INTEREST IN:

11 1. A MIXED MARTIAL ARTS CONTESTANT; OR

12 2. THE PROMOTION OF A MIXED MARTIAL ARTS
13 CONTEST; ~~OR~~ ;

14 [(3)] (4) martial arts where:

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

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

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

19 (5) A MIXED MARTIAL ARTS EXHIBITION.

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

22 4-303.

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

26 4-304.

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

1 4-304.1.

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

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

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

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

9 (iii) antibodies to virus hepatitis C; and

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

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

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

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

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

19 (iii) antibodies to virus hepatitis C; and

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

21 4-305.

22 (a) An applicant for a license shall:

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

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

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

- 1 (ii) \$15 for a license to act as a referee or judge in a contest;
- 2 (iii) \$25 for a license to act as a manager of a boxer [or], kick
3 boxer, **OR MIXED MARTIAL ~~ARTIST~~ ARTS CONTESTANT**;
- 4 (iv) \$25 for a license to act as a matchmaker of a contest; or
- 5 (v) \$150 for a license to act as a promoter of a contest.

6 4-308.

7 (a) A boxer license authorizes the licensee to participate as a boxer in a
8 contest.

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

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

13 **(D) A MIXED MARTIAL ~~ARTIST~~ ARTS CONTESTANT LICENSE AUTHORIZES**
14 **THE LICENSEE TO PARTICIPATE AS A MIXED MARTIAL ~~ARTIST~~ ARTS**
15 **CONTESTANT IN A CONTEST.**

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

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

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

22 [(g)] **(H)** A second license authorizes the licensee to act as a second in a
23 contest.

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

26 [(i)] **(J)** A promoter license authorizes the licensee to act as a promoter of a
27 contest.

28 4-310.

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

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

6 (ii) fraudulently or deceptively uses a license;

7 (iii) violates this title; or

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

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

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

14 1. the seriousness of the violation;

15 2. the good faith of the violator;

16 3. any previous violations;

17 4. the assets of the violator; and

18 5. the harmful effect of the violation on the general
19 public and the sporting industry.

20 (b) In addition to the grounds in subsection (a) of this section, the
21 Commission may deny a boxer [or], kick boxer, **OR MIXED MARTIAL ~~ARTIST~~ ARTS**
22 **CONTESTANT** license to an applicant or suspend or revoke a boxer [or], kick boxer,
23 **OR MIXED MARTIAL ~~ARTIST~~ ARTS CONTESTANT** license if the Commission finds
24 that the applicant or licensee is not fit, based on the neurological examination
25 required under §§ 4–304 and 4–314 of this subtitle and the recommendation of the
26 physician who made the examination.

27 (c) Subject to the hearing provisions of § 4–311 of this subtitle, the
28 Commission shall suspend or revoke a boxer [or], kick boxer, **OR MIXED MARTIAL**
29 **ARTIST ARTS CONTESTANT** license and the boxer [or], kick boxer, **OR MIXED**
30 **MARTIAL ~~ARTIST~~ ARTS CONTESTANT** shall forfeit the [boxer's] purse or other
31 compensation from the contest if the boxer [or], kick boxer, **OR MIXED MARTIAL**
32 **ARTIST ARTS CONTESTANT**:

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

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

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

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

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

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

15 (i) impose a penalty of ~~\$500~~ **\$5,000**; and

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

17 4–314.

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

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

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

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

27 (i) receives a technical knockout as a result of a neurological
28 injury; or

29 (ii) is knocked out.

30 (c) On the basis of the neurological examination and the recommendation of
31 the physician who conducts the examination, the Commission may find that the

1 individual is not fit and may prohibit the individual from participating in a boxing
2 [or], kick boxing, **OR MIXED MARTIAL ARTS** contest in the State.

3 4–315.

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

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

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

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

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

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

19 4–316.

20 A boxer, kick boxer, [or] wrestler, **OR MIXED MARTIAL ~~ARTIST~~ ARTS**
21 **CONTESTANT** who participates in a fake contest:

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

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

28 4–320.

29 A promoter may not allow a person who does not have an appropriate license to
30 participate as a boxer, kick boxer, [or] wrestler, **OR MIXED MARTIAL ~~ARTIST~~ ARTS**
31 **CONTESTANT** in a contest or to act as a manager, referee, judge, second, or
32 matchmaker in a contest.

1 4-321.

2 A manager, second, matchmaker, promoter, or principal may not accept money
3 or a gift from a boxer, exhibitor of boxing, kick boxer, [or] wrestler, **OR MIXED**
4 **MARTIAL ~~ARTIST~~ ARTS CONTESTANT** in return for a special privilege or for
5 discriminating in making a match.

6 **Article - Tax - General**

7 6-101.

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

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

11 (c) "Telecast" means:

12 (1) a closed circuit telecast;

13 (2) a subscription television broadcast; or

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

15 6-102.

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

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

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

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