

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.
Act 781 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

HOUSE BILL 1785

5 By: Representative Harrelson
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND CERTAIN PROVISIONS OF ARKANSAS
10 CODE TITLE 17, CHAPTER 22 CONCERNING THE
11 AUTHORITY OF THE STATE ATHLETIC COMMISSION; AND
12 FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT TO AMEND CERTAIN PROVISIONS OF
15 ARKANSAS CODE TITLE 17, CHAPTER 22
16 CONCERNING THE AUTHORITY OF THE STATE
17 ATHLETIC COMMISSION.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 17-22-101 is amended to read as follows:
24 17-22-101. Definitions.

25 For purposes of this chapter:

26 (1) "Amateur" means a person who has never received nor competed for
27 any purse or other compensation ~~except reimbursement for expenses in an~~
28 amount that exceeds the sum established by the State Athletic Commission in
29 its rules for:

30 (A) Expenses of training; or

31 (B) Participating in a combative sports contest or exhibition;

32 (2) "Boxing" means to compete with the fists;

33 (3)(A) "Combative Sports" means boxing, kickboxing, wrestling, martial
34 arts, or any combination thereof, or any form of competition in which a blow
35 is struck which may reasonably be expected to inflict injury;



1 (B) "Combative sports" does not include student training or an
 2 exhibition of a student's skill when:

3 (i) Conducted by a martial arts school or an association
 4 of martial arts schools;

5 (ii) The student's participation is for health and
 6 recreational purposes rather than competition; and

7 (iii) The intent is to use only partial contact.

8 ~~(3)~~ (4) "Commission" means the State Athletic Commission as provided
 9 in § 17-22-201;

10 ~~(4)~~ (5) "Exhibition" means any engagement in which the participants
 11 show or display their skills without necessarily striving to win;

12 ~~(5)~~ (6) "Kick boxing" means any form of boxing in which blows are
 13 delivered with the hand and any part of the leg below the hip, including the
 14 foot;

15 ~~(6)~~ (7) "Manager" means any person who, directly or indirectly,
 16 controls or administers the ~~wrestling, boxing, kick boxing, or martial arts~~
 17 combative sports affairs of any professional participant of the same;

18 ~~(7)~~ (8) "Martial arts" or "mixed martial arts" means any discipline
 19 ~~where~~ in which the participants utilize kicks, punches, blows, strikes, or
 20 other techniques, including, ~~but not limited to,~~ without limitation any form
 21 of judo, kung fu, karate, and tae kwon do, ju jitsu, or any combination
 22 thereof;

23 ~~(8)~~ (9) "Match" means any engagement in which the participants show or
 24 display their skills while striving in good faith to win;

25 ~~(9)~~ (10) "Person" means any individual, partnership, corporation,
 26 association, or club;

27 ~~(10)~~ (11) "Professional" means ~~a person who has received or competed~~
 28 ~~for any purse or other article of a value greater than fifty dollars~~
 29 ~~(\$50.00), either for the expenses of training or for participating in any~~
 30 ~~match or exhibition~~ an individual who is eighteen (18) years of age or older
 31 and who, as a means of obtaining pecuniary gain:

32 (A) Competes for money, prizes, or purses in combative sports
 33 contests or exhibitions; or

34 (B) Teaches, instructs, or assists in the practice of
 35 professional combative sports;

36 ~~(11)~~ (12) "Promoter" means any person, club, organization, corporation,

1 or association, and in the case of a corporate promoter includes any officer,
2 director, employee, or stockholder thereof who produces, arranges, or stages
3 any professional boxing, kick boxing, wrestling, or martial arts match or
4 exhibition; and

5 ~~(12) "Semi-professional" means a person engaging in an activity~~
6 ~~regulated by this chapter for pay or gain but not as a full-time occupation;~~
7 ~~and~~

8 ~~(13) "State" means the State of Arkansas.~~

9 (13) "Wrestling" means any form of combat between two (2) or more
10 participants in which the participants deliver blows to his or her opponent's
11 body, execute throws to his or her opponent's body, or apply holds to his or
12 her opponent's body.

13
14 SECTION 2. Arkansas Code § 17-22-201 is amended to read as follows:

15 17-22-201. Creation – Members.

16 (a) A State Athletic Commission is created which shall consist of
17 seven (7) members who shall be at least twenty-five (25) years of age.

18 (b)(1) Members shall be appointed by the Governor for a term of two
19 (2) years.

20 (2) ~~Four (4)~~ Two (2) of the members of the commission shall be
21 members of the state executive committees of any patriotic organizations
22 chartered by authority of a special act of the Congress of the United States.

23 (3) One (1) member shall be a representative of the field of
24 physical education.

25 (4) One (1) member shall be a representative of the field of
26 sports promotion.

27 (5) One (1) member shall be a consumer representative.

28 (6) The remaining two (2) members may be citizens at large, but
29 shall have experience with combative sports.

30 ~~(6)(7)(A)~~ Furthermore, one (1) of the seven (7) members of the
31 commission shall be a member of a minority race~~.~~

32 (B) and one One (1) of the seven (7) members shall
33 be a senior citizen.

34 (C) Four (4) of the seven (7) members shall have
35 experience with combative sports.

36 (c)~~(1)~~ The members of the commission shall serve without pay.

1 (d) ~~and~~ The members of the commission shall have authority to
2 promulgate such rules and regulations as are necessary for the operation and
3 enforcement of this chapter and not in conflict with this chapter.

4 ~~(2)(e)~~ The members of the commission may receive expense
5 reimbursement in accordance with § 25-16-901 et seq.

6 ~~(d)(f)~~ When any member of the commission shall cease to be a member of
7 the state executive committee of any such patriotic organization as herein
8 mentioned, his or her commission as a member of the commission shall
9 automatically expire. The Governor shall appoint a successor, whose
10 qualifications shall be as prescribed in this section.

11
12 SECTION 3. Arkansas Code § 17-22-204 is amended to read as follows:
13 17-22-204. Authority.

14 (a)(1) The State Athletic Commission shall have the sole discretion,
15 management, control, and jurisdiction over all ~~professional or semi-~~
16 professional combative sports matches and exhibitions ~~involving boxing, kick~~
17 ~~boxing, wrestling, or martial arts~~ in this state.

18 (2) Combative sports matches and exhibitions declaring
19 themselves amateur are governed by the commission unless sanctioned by a body
20 approved in writing by the commission, including without limitation:

21 (A) A federally recognized sanctioning body; or

22 (B) A national oversight body with 501(c)(3) status under
23 the Internal Revenue Code operating in at least six (6) states.

24 (b) The commission shall have the authority to appoint inspectors and
25 other officials necessary to properly conduct any match or exhibition
26 authorized by this chapter.

27 (c) The commission shall have the authority to adopt and promulgate,
28 amend, or abrogate any and all rules and regulations considered by it
29 necessary or expedient for the performance of its functions as provided in
30 this chapter and in accordance with the Arkansas Administrative Procedure
31 Act, § 25-15-201 et seq.

32 (d) The commission may issue subpoenas, examine witnesses, and
33 administer oaths and shall, at its discretion, investigate allegations or
34 practices violating the provisions of this chapter.

35 (e) The commission shall have the authority to hire an investigator
36 for the purposes outlined in this section.

1 elimination contests in which ~~all of the following~~ apply:

2 (1) The contestants compete for prizes only in combative sports
 3 elimination contests and are not:

4 (A) ~~also professional~~ Professional boxers licensed
 5 through the Professional Boxing and Safety Act of 1996, 15 U.S.C. § 6301 et
 6 seq. competing in four (4) or more rounds of non-elimination boxing; or

7 (B) Professional mixed martial arts combatants;

8 (2) Each bout is scheduled to consist of three (3) or fewer one-
 9 minute rounds with combative sports elimination contests conducted on no more
 10 than two (2) consecutive calendar days;

11 (3) ~~Competing contestants~~ Contestants are prohibited from ~~boxing~~
 12 competing for more than twelve (12) minutes on each combative sports
 13 elimination contest day;

14 (4) The contestants participating in the combative sports
 15 elimination contest are to be insured by the promoter for not less than ~~one~~
 16 five thousand dollars ~~(\$1,000)~~ (\$5,000) for medical and hospital expenses to
 17 be paid to the contestants to cover injuries sustained in the combative
 18 sports elimination contest and for not less than five thousand dollars
 19 (\$5,000) to be paid in accordance with the statutes of descent and
 20 distribution of personal property if a contestant dies as a result of
 21 injuries sustained in the combative sports elimination contest;

22 (5) A licensed physician is in attendance at ringside, and the
 23 physician has authority to stop the combative sports elimination contest for
 24 medical reasons;

25 (6) All contestants pass a physical examination given by a
 26 licensed physician before the combative sports elimination contest;

27 (7) A preliminary breath test is administered to each contestant
 28 which indicates a blood alcohol content of two-tenths of one percent (0.2%)
 29 or less; and

30 (8) The promoter conducts the combative sports elimination
 31 contest in compliance with the following:

32 (A) A contestant who has lost by a technical knockout is
 33 not permitted to compete again for a period of thirty (30) calendar days or
 34 until the contestant has submitted to the promoter the results of a physical
 35 examination equivalent to that required of professional boxers or
 36 professional mixed martial arts combatants;

1 (B)(i) The ringside physician examines a contestant who
 2 has been knocked out in ~~an~~ a combative sports elimination contest or whose
 3 fight has been stopped by the referee because the contestant received hard
 4 blows to the head that made the contestant defenseless or incapable of
 5 continuing immediately after the knockout or stoppage.

6 (ii) The ringside physician may recommend post-fight
 7 neurological examinations, which may include computerized axial tomography
 8 scans or magnetic resonance imaging, to be performed on the contestant
 9 immediately after the contestant leaves the location of the combative sports
 10 elimination contest.

11 (iii) The promoter shall not permit the contestant
 12 to compete until a physician has certified that the contestant is fit to
 13 compete.

14 (iv) If the physician recommends further
 15 neurological examinations, the promoter shall not permit the contestant to
 16 compete until the promoter receives copies of examination reports
 17 demonstrating that the contestant is fit to compete;

18 (C)(i) The promoter shall require that a contestant who
 19 has sustained a severe injury or knockout in ~~an~~ a combative sports
 20 elimination contest be examined by a physician.

21 (ii) The promoter shall not permit the contestant to
 22 compete until the physician has certified that the contestant has fully
 23 recovered;

24 (D) The promoter shall not permit a contestant to compete
 25 in ~~an~~ a combative sports elimination contest for a period of not less than
 26 sixty (60) days if the contestant has been knocked out or has received
 27 excessive hard blows to the head that required the fight to be stopped;

28 (E) A contestant who has been knocked out twice in a
 29 period of three (3) months or who has had excessive head blows causing a
 30 fight to be stopped shall not be permitted by a promoter to participate in ~~an~~
 31 a combative sports elimination contest for a period of not less than one
 32 hundred and twenty (120) days after the second knockout or stoppage;

33 (F) A contestant who has been knocked out or had excessive
 34 hard blows to the head causing a fight to be stopped three (3) times
 35 consecutively in a period of twelve (12) months shall not be permitted by a
 36 promoter to participate in ~~an~~ a combative sports elimination contest for a

1 period of one (1) year after the third knockout; and

2 (G) Before resuming competition after any of the periods
3 of rest prescribed in subdivisions (a)(8)(D) – (F) of this section, a
4 promoter shall require the contestant to produce a certification by a
5 physician stating that the contestant is fit to take part in ~~an~~ a combative
6 sports elimination contest.

7 (b) As part of the physical examination given before the combative
8 sports elimination contest, the licensed physician or other trained person
9 shall administer a preliminary breath test in compliance with standards
10 imposed in rules promulgated by the Department of Arkansas State Police
11 regarding equipment calibration and methods of administration.

12 (c)(1) The promoter shall keep a log of preliminary breath test
13 results of contestants on file at its place of business for at least three
14 (3) years after the date of administration of the test.

15 (2) These results shall be made available to law enforcement
16 officials upon request.

17 (d) ~~An~~ A combative sports elimination contest held ~~pursuant to~~ under
18 subsection (a) of this section is not considered to be in violation of the
19 law.

20 (e) Any person violating the provisions of this section shall be
21 guilty of a Class A misdemeanor and shall be subject to a fine not to exceed
22 one thousand dollars (\$1,000).

23
24 SECTION 7. Arkansas Code §§ 17-22-301 through 17-22-306 are amended to
25 read as follows:

26 17-22-301. Authorized matches and exhibitions ~~—Sponsoring~~
27 ~~organizations.~~

28 (a) ~~Professional or semi-professional~~ All combative sports matches or
29 exhibitions in this state ~~that involve wrestling, boxing, kick boxing,~~
30 ~~martial arts, or any combination thereof, which are conducted for purses or~~
31 ~~where an admission fee is charged,~~ are authorized by subject to the
32 requirements of this chapter and the rules and regulations of the State
33 Athletic Commission, unless exempted by § 17-22-204(a) or § 17-22-101(3)(B).

34 (b) All matches or exhibitions as provided in subsection (a) of this
35 section shall be conducted only in accordance with the provisions of this
36 chapter and acts amendatory or supplemental hereto and in accordance with the

1 rules and regulations of the State Athletic Commission commission.

2 ~~(c) All matches or exhibitions as provided in subsection (a) of this~~
3 ~~section shall be sponsored by and held under the auspices of a patriotic~~
4 ~~organization chartered by authority of a special act of the Congress of the~~
5 ~~United States, a chartered civic club, a nonprofit corporation, or any part~~
6 ~~of such organizations. No sponsoring organization or part of any sponsoring~~
7 ~~organization may be composed of persons under the age of twenty one (21).~~

8 ~~(d) The commission shall have no authority to limit the number of~~
9 ~~organizations as provided in subsection (c) of this section which may sponsor~~
10 ~~matches or exhibitions in any area of the state, nor to limit or restrict the~~
11 ~~number of wrestling organizations or federations promoting or organizing~~
12 ~~matches or exhibitions in the state.~~

13 ~~(e) No sponsoring organization, or any part thereof, as provided in~~
14 ~~subsection (c) of this section shall also be a promoter in the same match or~~
15 ~~exhibition that is authorized in subsection (a) of this section. Neither~~
16 ~~shall a promoter also be a sponsoring organization in the same match or~~
17 ~~exhibition as authorized in subsection (a) of this section.~~

18
19 17-22-302. Issuance of licenses - Fees.

20 (a) The State Athletic Commission shall have the authority to appoint
21 and issue annual licenses to the following persons with regard to
22 participation in combative sports in this state:

23 (1) persons ~~A person~~ engaging in professional or semi-
24 professional wrestling, boxing, kick boxing, and martial arts combative
25 sports in this state.;

26 ~~(b) The commission shall have the authority to appoint and issue~~
27 annual licenses to promoters ~~(2) A promoter~~ of a professional or semi-
28 professional wrestling, boxing, kick boxing, or martial arts combative sports
29 match or exhibition ~~in this state.;~~

30 ~~(c) The commission shall have the authority to appoint and issue~~
31 ~~annual licenses to managers, matchmakers, referees, judges, physicians,~~
32 ~~timekeepers,~~ (3) A manager;

33 (4) A matchmaker;

34 (5) A referee;

35 (6) A judge;

36 (7) A physician;

1 (8) A timekeeper; and

2 (9) any other persons A person arranging, participating
3 in, or otherwise involved with matches and exhibitions as provided in § 17-
4 22-301(a).

5 ~~(d) The commission shall have the authority to appoint and issue~~
6 ~~licenses to sponsoring organizations as provided in § 17-22-301(e).~~

7 ~~(e)~~ (b) The commission shall have the authority to refuse to issue a
8 license to any person or organization ~~which~~ that has been sanctioned in any
9 way by any comparable licensing body of another state.

10 ~~(f)~~ (c) Fees for the licenses shall be established by the commission.

11 ~~(g)~~ (d) All licenses as provided in this section shall expire annually
12 on June 30.

13
14 17-22-303. License required – Penalty for unlicensed activity.

15 (a) No person shall participate in or engage in the promotion of a
16 ~~professional or semi-professional wrestling, boxing, kick boxing, or martial~~
17 ~~arts~~ combative sports match or exhibition in this state without first having
18 obtained a license from the State Athletic Commission.

19 (b) No person shall participate in a ~~professional or semi-professional~~
20 ~~wrestling, boxing, kick boxing, or martial arts~~ combative sports match or
21 exhibition as a manager, matchmaker, referee, judge, physician, or
22 timekeeper, without first having obtained a license from the commission.

23 ~~(c) No sponsoring organization as provided in § 17-22-301(e) shall~~
24 ~~sponsor any professional or semi-professional wrestling, boxing, kick boxing,~~
25 ~~or martial arts match or exhibition without first obtaining a license from~~
26 ~~the commission.~~

27 ~~(d)~~ (c) Any person mentioned in ~~subsections~~ subsection (a), or (b), ~~or~~
28 ~~(e)~~ of this section who does not first obtain a license from the commission
29 before participating in a ~~professional or semi-professional wrestling,~~
30 ~~boxing, kick boxing, or martial arts~~ combative sports match or exhibition
31 shall be deemed guilty of a misdemeanor and upon conviction shall be fined in
32 any sum not less than one thousand dollars (\$1,000) nor more than two
33 thousand five hundred dollars (\$2,500).

34 (d) A venue, entity, or person who knowingly assists in making an
35 unlicensed combative sports match or exhibition occur shall be subject to the
36 penalties under subsection (c) of this section.

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17-22-304. Bond required.

~~(a)~~ As a condition to the issuance of a license as provided in § ~~17-22-301(e)~~ 17-22-302(a)(2), the person applying for the license shall file with the State Athletic Commission a cashier's check, a letter of credit, or a corporate surety bond in an amount to be established by the commission in its rules, but not less than the sum of one thousand dollars (\$1,000) written by a corporate surety authorized to do business in this state, conditioned upon the licensee's payment of all taxes and other charges due the state and its political subdivisions on account of such matches or exhibitions ~~as provided in § 17-22-301(a)~~.

~~(b)~~ Each promoter as defined in § ~~17-22-101~~ shall file with the commission a bond in the sum of one thousand dollars (\$1,000) written by a corporate surety authorized to do business in this state, conditioned upon the promoter's payment of ticket sales, fees, and other revenues to the sponsor and participants.

17-22-305. Refusal or revocation of license.

~~The State Athletic Commission for good cause may refuse to grant a license to any sponsoring organization as provided in § 17-22-301(e).~~

(a) The State Athletic Commission may refuse for good cause to issue a license under § 17-22-302(a).

(b) The commission may also revoke for good cause any license granted under authority of this chapter.

17-22-306. ~~Sponsoring organizations~~ — Fees.

~~(a)(1)~~ Within ~~ten (10)~~ five (5) business days after a combative sports match or exhibition, ~~as provided in § 17-22-301(a), every sponsoring organization as provided in § 17-22-301(e)~~ the licensed manager, promoter, or person responsible for the match or exhibition shall furnish to the State Athletic Commission a written report under the penalty of perjury on a form ~~which that~~ that shall be provided by the commission showing the number of tickets ~~which that~~ that were issued or sold and the gross receipts therefor without any deductions whatsoever.

(2)(A) The person shall also pay to the commission at the same time a five percent (5%) fee ~~exclusive of federal taxes thereon~~ of the

1 total gross receipts received from admission charges for each ~~main or~~
2 ~~principal~~ exhibition held under the authority of this chapter.

3 (B) The five percent (5%) shall be computed using gross
4 gate receipts, unless the venue collects and remits sales tax for the
5 promoter.

6 (C) If the venue collects and remits sales tax for the
7 promoter, the five percent (5%) shall be computed on the net gate receipts
8 after sales tax.

9 (b)(1) The commission may designate a representative to be present and
10 to observe the computation of the number of tickets issued or sold and the
11 determination of the gross receipts.

12 (2)(A) When the tickets are sold through an electronic ticket
13 system, the commission may accept a computerized certification of tickets
14 sold and a statement from the venue.

15 (B) The statement from the venue shall be signed by an
16 arena representative and the promoter.

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18 **APPROVED: 4/3/2009**
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