

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S3/27/13

A Bill

SENATE BILL 935

5 By: Senator Hickey
6 *By: Representative B. Wilkins*
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE STATE ATHLETIC
10 COMMISSION; TO EXPAND THE TYPES OF SPORTS UNDER THE
11 AUTHORITY OF THE STATE ATHLETIC COMMISSION; AND FOR
12 OTHER PURPOSES.
13

Subtitle

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16 TO AMEND THE LAW CONCERNING THE STATE
17 ATHLETIC COMMISSION; TO EXPAND THE TYPES
18 OF SPORTS UNDER THE AUTHORITY OF THE
19 STATE ATHLETIC COMMISSION.
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 *SECTION 1. Arkansas Code § 17-22-101 is amended to read as follows:*
25 *17-22-101. Definitions.*

26 *For purposes of this chapter:*

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

30 *(A) Expenses of training; or*

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

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

34 *(3)(A) "Combative sports" means boxing, kickboxing, wrestling,*
35 *martial arts, Muay Thai, or any combination thereof, or any form of hand to*
36 *hand, elbow and foot, or foot and leg, competition in which;*



1 (i) a A blow is struck which may reasonably be
2 expected to inflict injury; or

3 (ii) A surface for fighting is used that may
4 reasonably be expected to inflict injury.

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

7 (i) Conducted by a martial arts school or an
8 association of martial arts schools;

9 (ii) The student's participation is for health and
10 recreational purposes rather than competition; ~~and~~

11 (iii) The intent is to use only partial contact; and

12 (iv) The scoring technique is based only on points;

13 (4) "Commission" means the State Athletic Commission as provided
14 in § 17-22-201;

15 (5) "Exhibition" means any engagement in which the participants
16 show or display their skills without necessarily striving to win;

17 (6) "Kick boxing" means any form of boxing in which blows are
18 delivered with the hand and any part of the leg below the hip, including the
19 foot;

20 (7) "Manager" means any person who directly or indirectly
21 controls or administers the combative sports affairs of any professional
22 participant of the same;

23 (8) "Martial arts" or "mixed martial arts" means any discipline
24 in which the participants utilize kicks, punches, blows, strikes, or other
25 techniques, including without limitation any form of judo, kung fu, karate,
26 and tae kwon do, ju jitsu, or any combination thereof;

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

29 (10) "Person" means any individual, partnership, corporation,
30 association, or club;

31 (11) "Professional" means an individual who is eighteen (18)
32 years of age or older and who, as a means of obtaining pecuniary gain:

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

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

1 (12) "Promoter" means any person, club, organization,
2 corporation, or association, and in the case of a corporate promoter includes
3 any officer, director, employee, or stockholder thereof who produces,
4 arranges, or stages any professional boxing, kick boxing, wrestling, or
5 martial arts match or exhibition; ~~and~~

6 (13) "Professional wrestling" means an event or form of combat
7 between two (2) or more participants, whether the outcome is predetermined or
8 not, in which a participant:

9 (A) Delivers or appears to deliver blows to his or her
10 opponent's body;

11 (B) Executes throws to his or her opponent's body; or

12 (C) Applies holds to his or her opponent's body; and

13 ~~(13)~~(14) "Wrestling" means any form of combat between two (2) or
14 more participants in which a participant delivers blows to his or her
15 opponent's body, executes throws to his or her opponent's body, or applies
16 holds to his or her opponent's body.

17
18 SECTION 2. Arkansas Code § 17-22-201 is amended to read as follows:
19 17-22-201. Creation – Members.

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

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

24 (2) ~~Two (2)~~ One (1) of the members of the commission shall be
25 ~~members~~ a member of the state executive committees of any patriotic
26 organizations chartered by authority of a special act of the Congress of the
27 United States.

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

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

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

33 (6) ~~The remaining two~~ Two (2) members may be citizens at large
34 but shall have experience with combative sports.

35 (7) One (1) member shall be a representative of the field of
36 medicine and have experience with combative sports.

1 ~~(7)~~(8)(A) Furthermore, one (1) of the seven (7) members of the
2 commission shall be a member of a minority race.

3 (B) One (1) of the seven (7) members shall be a senior
4 citizen.

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

7 (c) The members of the commission shall serve without pay except for a
8 stipend provided for by Arkansas law.

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

12 (e) The members of the commission may receive expense reimbursement in
13 accordance with § 25-16-901 et seq.

14 (f) When any member of the commission shall cease to be a member of
15 the state executive committee of any such patriotic organization as herein
16 mentioned, his or her commission as a member of the commission shall
17 automatically expire. The Governor shall appoint a successor, whose
18 qualifications shall be as prescribed in this section.

19
20 SECTION 3. Arkansas Code § 17-22-202 is amended to read as follows:
21 17-22-202. Chair.

22 The State Athletic Commission shall elect one (1) of its members as
23 chair and one (1) of its members as one (1) vice chair.

24
25 SECTION 4. Arkansas Code § 17-22-204 is amended to read as follows:
26 17-22-204. Authority.

27 (a)(1)(A) The State Athletic Commission shall have the sole
28 discretion, management, control, and jurisdiction over all combative sports
29 matches and exhibitions in this state.

30 (B) The Commission shall adopt uniform policies, fees, and
31 forms to ensure fair regulation of the combative sports industry.

32 (2) ~~Combative~~ A combative sports matches match and exhibitions
33 ~~declaring themselves~~ exhibition declared to be amateur are and self-regulated
34 shall be governed by the commission unless sanctioned by a body approved in
35 ~~writing by the commission, including without limitation:~~

36 (A) A federally recognized sanctioning body approved in

1 writing by the commission; ~~or~~ and

2 (B) A national oversight body with 501(c)(3) status under
3 the Internal Revenue Code operating in at least six (6) states approved in
4 writing by the commission.

5 (b)(1) The commission shall have the authority to appoint and pay
6 inspectors and other officials necessary to properly conduct any match or
7 exhibition authorized by this chapter.

8 (2) The inspectors and other officials may receive reimbursement
9 for travel under § 25-16-901.

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

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

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

20 (f) The commission shall have the authority to require event permits
21 and insurance for combative sports with limits to be adjusted by the rules
22 and regulations of the commission.

23 (g) The commission shall have the authority to make a claim on the
24 bond or check posted by a promoter for combative sports events in order to
25 make reimbursements for any unpaid fees, prize money, or other financial
26 commitments of the promoter related to combative sports activity licensed by
27 the commission.

28 (h) The commission shall have the authority to specify the forms
29 required under this chapter.

30
31 SECTION 5. Arkansas Code § 17-22-206 is amended to read as follows:
32 17-22-206. Combative sports.

33 The General Assembly finds and declares to be the public policy of this
34 state that it is in the best interest of the public and combative sports that
35 combative sports be subject to an effective and efficient system of strict
36 control and regulation in order to protect the safety and well-being of the

1 participants in combative sports matches and exhibitions and to promote the
2 public confidence in the regulatory process and the conduct of combative
3 sports matches and exhibitions. To further such public confidence and trust,
4 the State Athletic Commission shall have the authority to adopt and
5 promulgate, amend, or abrogate any and all rules and regulations concerning
6 combative sports, to recover inspector and investigator fees, and recover the
7 actual cost of the national and federal fighter database fees charged to the
8 commission.

9
10 SECTION 6. Arkansas Code § 17-22-208 is amended to read as follows:

11 17-22-208. Combative sports elimination contests.

12 (a) This chapter applies to combative sports elimination contests in
13 which:

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

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

19 (B) Professional mixed martial arts or any other
20 professional form of combative sports discipline combatants;

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

24 (3) Contestants are prohibited from competing for more than
25 twelve (12) minutes on each combative sports elimination contest day and are
26 prohibited from being scheduled for more than twelve (12) minutes over the
27 two-day period;

28 (4) The contestants participating in the combative sports
29 elimination contest are to be insured by the promoter for not less than ~~five~~
30 ~~thousand dollars (\$5,000)~~ ten thousand dollars (\$10,000) for medical and
31 hospital expenses to be paid to the contestants to cover injuries sustained
32 in the combative sports elimination contest and for not less than ~~five~~
33 ~~thousand dollars (\$5,000)~~ ten thousand dollars (\$10,000) to be paid in
34 accordance with the statutes of descent and distribution of personal property
35 if a contestant dies as a result of injuries sustained in the combative
36 sports elimination contest;

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

4 (6) All contestants pass a physical examination using the State
5 Athletic Commission's form given by a licensed physician before the combative
6 sports elimination contest;

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

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

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

17 (B)(i) The ringside physician examines a contestant who
18 has been knocked out in a combative sports elimination contest or whose fight
19 has been stopped by the referee because the contestant received hard blows to
20 the head that made the contestant defenseless or incapable of continuing
21 immediately after the knockout or stoppage.

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

27 (iii) The promoter shall not permit the contestant
28 to compete until a physician has certified that the contestant is fit to
29 compete.

30 (iv) If the physician recommends further
31 neurological examinations, the promoter shall not permit the contestant to
32 compete until the promoter receives copies of examination reports
33 demonstrating that the contestant is fit to compete;

34 (C)(i) The promoter shall require that a contestant who
35 has sustained a severe injury or knockout in a combative sports elimination
36 contest be examined by a physician.

1 (ii) The promoter shall not permit the contestant to
2 compete until the physician has certified that the contestant has fully
3 recovered;

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

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

13 (F) A contestant who has been knocked out or had excessive
14 hard blows to the head causing a fight to be stopped three (3) times
15 consecutively in a period of twelve (12) months shall not be permitted by a
16 promoter to participate in a combative sports elimination contest for a
17 period of one (1) year after the third knockout; and

18 (G) Before resuming competition after any of the periods
19 of rest prescribed in subdivisions (a)(8)(D) – (F) of this section, a
20 promoter shall require the contestant to produce a certification by a
21 physician stating that the contestant is fit to take part in a combative
22 sports elimination contest.

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

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

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

33 (d) A combative sports elimination contest held under subsection (a)
34 of this section is not considered to be in violation of the law.

35 (e) Any person violating the provisions of this section shall be
36 guilty of a Class A misdemeanor and shall be subject to a fine not to exceed

1 one thousand dollars (\$1,000).

2
3 SECTION 7. Arkansas Code § 17-22-302 is amended to read as follows:

4 17-22-302. Issuance of licenses – Fees.

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

8 (1) A person engaging in combative sports;

9 (2) A promoter of a combative sports match or exhibition;

10 (3) A manager;

11 (4) A matchmaker;

12 (5) A referee;

13 (6) A judge;

14 (7) A physician;

15 (8) A timekeeper; and

16 (9) A person arranging, participating in, or otherwise involved
17 with matches and exhibitions as provided in § 17-22-301(a).

18 (b) ~~The commission~~ State Athletic Commission shall have the authority
19 to refuse to issue a license to any person or organization that has been
20 sanctioned in any way by any comparable licensing body of another state.

21 (c)(1) The State Athletic Commission shall not license a person who at
22 the time of application is a registered sex offender designated as level two
23 (2) or higher on the Arkansas Sex Offender Database.

24 (2) A person's status as a registered sex offender is good cause
25 for the revocation of the person's license previously issued by the
26 commission.

27 ~~(e)(d)~~ Fees for the licenses shall be established by the ~~commission~~
28 State Athletic Commission.

29 ~~(d)(e)~~ All licenses as provided in this section shall expire annually
30 on June 30.

31 (f)(1) A referee or judge for professional events shall attend courses
32 given by and obtain certification from the Association of Boxing Commissions
33 for the referee or judge's discipline.

34 (2) A referee or judge may take the courses provided by the
35 Association of Boxing Commissions anywhere in the United States if
36 documentation of training and certification is provided upon application for

1 a license.

2 (g) The State Athletic Commission may set an event permit processing
3 fee not to exceed fifty dollars (\$50.00).

4
5 SECTION 8. Arkansas Code § 17-22-303 is amended to read as follows:

6 17-22-303. License required – Penalty for unlicensed activity.

7 (a) No person shall participate in or engage in the promotion of a
8 combative sports match or exhibition in this state without first having
9 obtained a license from the State Athletic Commission.

10 (b) No person shall participate in a combative sports match or
11 exhibition in this state as a manager, matchmaker, referee, judge, physician,
12 or timekeeper, without first having obtained a license from the commission.

13 (c) Any person mentioned in subsection (a) or (b) of this section who
14 does not first obtain a license from the commission before participating in a
15 combative sports match or exhibition shall be deemed guilty of a misdemeanor
16 and upon conviction shall be fined in any sum not less than one thousand
17 dollars (\$1,000) nor more than two thousand five hundred dollars (\$2,500).

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

21
22 SECTION 9. Arkansas Code § 17-22-304 is amended to read as follows:

23 17-22-304. Bond required.

24 (a) As a condition to the issuance of a license as provided in § 17-
25 22-302(a)(2), the person applying for the license shall file with the State
26 Athletic Commission a cashier's check, ~~a~~ an acceptable letter of credit, or a
27 corporate surety bond in an amount to be established by the commission in its
28 rules, but not less than the sum of ~~one thousand dollars (\$1,000)~~ two
29 thousand dollars (\$2,000) written by a corporate surety authorized to do
30 business in this state, conditioned upon the licensee's payment of all taxes
31 and other charges due the state and its political subdivisions on account of
32 such matches or exhibitions.

33 (b) The surety under this section shall be written or held by the
34 commission for at least six (6) months.

35
36 SECTION 10. Arkansas Code § 17-22-306 is amended to read as follows:

1 17-22-306. Fees.

2 (a)(1) Within five (5) business days after a combative sports match or
3 exhibition, the licensed manager, promoter, or person responsible for the
4 match or exhibition shall furnish to the State Athletic Commission a written
5 report under the penalty of perjury on a form that shall be provided by the
6 commission showing the number of tickets that were issued or sold and the
7 gross receipts therefor without any deductions whatsoever.

8 (2)(A) The person shall also pay to the commission at the same
9 time a five percent (5%) fee of the total gross receipts received from
10 admission charges for each exhibition held under the authority of this
11 chapter.

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

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

18 (D)(i) If a promoter allows admission to a match or
19 exhibition in return for a payment other than the cash purchase of tickets,
20 the commission shall:

21 (a) Determine the method to be used to
22 calculate the five-percent value of the gate receipts; or

23 (b) Set a reasonable price per person to be
24 paid by the promoter to the commission.

25 (ii) If the promoter requests a decision from the
26 commission regarding the payment under this section before the match or
27 exhibition, the commission shall make the determination and notify the
28 promoter of the determination before the match or exhibition.

29 (3)(A) The promoter shall pay the cost of an event inspector or
30 investigator present at the event.

31 (B) The cost of the event inspector or investigator shall
32 not exceed one hundred twenty-five dollars (\$125.00) per day for each
33 inspector or investigator.

34 (C) The commission shall:

35 (i) Determine if there is a need to appoint an
36 inspector or investigator at an event;

1 (ii) Determine the number of inspectors or
2 investigators to be appointed for the event; and

3 (iii) Notify the promoter in writing before the
4 event of:

5 (a) The number of inspectors or investigators
6 to be appointed;

7 (b) The cost of the inspectors or
8 investigators; and

9 (c) The reasons for the appointment.

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

13 (B) All events shall utilize tickets for admission.

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

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

19
20 SECTION 11. DO NOT CODIFY. TEMPORARY LANGUAGE. A referee or judge who
21 is licensed by the State Athletic Commission on the effective date of this
22 act shall have until January 1, 2014, to obtain the certification under § 17-
23 22-302(f). The referee or judge to whom this section applies shall not be
24 denied renewal of his or her license or have his or her license revoked for
25 failure to obtain certification before January 1, 2014.

26
27 /s/Hickey

28
29
30 APPROVED: 04/11/2013