

**Effective 5/12/2015**

### **Part 3 Licensing**

#### **63N-10-301 Licensing.**

- (1) A license is required for a person to act as or to represent that the person is:
  - (a) a promoter;
  - (b) a manager;
  - (c) a contestant;
  - (d) a second;
  - (e) a referee;
  - (f) a judge; or
  - (g) another official established by the commission by rule.
- (2) The commission shall issue to a person who qualifies under this chapter a license in the classifications of:
  - (a) promoter;
  - (b) manager;
  - (c) contestant;
  - (d) second;
  - (e) referee;
  - (f) judge; or
  - (g) another official who meets the requirements established by rule under Subsection (1)(g).
- (3) All money collected under this section and Sections 63N-10-304, 63N-10-307, 63N-10-310, and 63N-10-313 shall be retained as dedicated credits to pay for commission expenses.
- (4) Each applicant for licensure as a promoter shall:
  - (a) submit an application in a form prescribed by the commission;
  - (b) pay the fee determined by the commission under Section 63J-1-504;
  - (c) provide to the commission evidence of financial responsibility, which shall include financial statements and other information that the commission may reasonably require to determine that the applicant or licensee is able to competently perform as and meet the obligations of a promoter in this state;
  - (d) make assurances that the applicant:
    - (i) is not engaging in illegal gambling with respect to sporting events or gambling with respect to the promotions the applicant is promoting;
    - (ii) has not been found in a criminal or civil proceeding to have engaged in or attempted to engage in any fraud or misrepresentation in connection with a contest or any other sporting event; and
    - (iii) has not been found in a criminal or civil proceeding to have violated or attempted to violate any law with respect to a contest in any jurisdiction or any law, rule, or order relating to the regulation of contests in this state or any other jurisdiction;
  - (e) acknowledge in writing to the commission receipt, understanding, and intent to comply with this chapter and the rules made under this chapter; and
  - (f) if requested by the commission or the director, meet with the commission or the director to examine the applicant's qualifications for licensure.
- (5) Each applicant for licensure as a contestant shall:
  - (a) be not less than 18 years of age at the time the application is submitted to the commission;
  - (b) submit an application in a form prescribed by the commission;

- (c) pay the fee established by the commission under Section 63J-1-504;
  - (d) provide a certificate of physical examination, dated not more than 60 days prior to the date of application for licensure, in a form provided by the commission, completed by a licensed physician and surgeon certifying that the applicant is free from any physical or mental condition that indicates the applicant should not engage in activity as a contestant;
  - (e) make assurances that the applicant:
    - (i) is not engaging in illegal gambling with respect to sporting events or gambling with respect to a contest in which the applicant will participate;
    - (ii) has not been found in a criminal or civil proceeding to have engaged in or attempted to have engaged in any fraud or misrepresentation in connection with a contest or any other sporting event; and
    - (iii) has not been found in a criminal or civil proceeding to have violated or attempted to violate any law with respect to contests in any jurisdiction or any law, rule, or order relating to the regulation of contests in this state or any other jurisdiction;
  - (f) acknowledge in writing to the commission receipt, understanding, and intent to comply with this chapter and the rules made under this chapter; and
  - (g) if requested by the commission or the director, meet with the commission or the director to examine the applicant's qualifications for licensure.
- (6) Each applicant for licensure as a manager or second shall:
- (a) submit an application in a form prescribed by the commission;
  - (b) pay a fee determined by the commission under Section 63J-1-504;
  - (c) make assurances that the applicant:
    - (i) is not engaging in illegal gambling with respect to sporting events or gambling with respect to a contest in which the applicant is participating;
    - (ii) has not been found in a criminal or civil proceeding to have engaged in or attempted to have engaged in any fraud or misrepresentation in connection with a contest or any other sporting event; and
    - (iii) has not been found in a criminal or civil proceeding to have violated or attempted to violate any law with respect to a contest in any jurisdiction or any law, rule, or order relating to the regulation of contests in this state or any other jurisdiction;
  - (d) acknowledge in writing to the commission receipt, understanding, and intent to comply with this chapter and the rules made under this chapter; and
  - (e) if requested by the commission or director, meet with the commission or the director to examine the applicant's qualifications for licensure.
- (7) Each applicant for licensure as a referee or judge shall:
- (a) submit an application in a form prescribed by the commission;
  - (b) pay a fee determined by the commission under Section 63J-1-504;
  - (c) make assurances that the applicant:
    - (i) is not engaging in illegal gambling with respect to sporting events or gambling with respect to a contest in which the applicant is participating;
    - (ii) has not been found in a criminal or civil proceeding to have engaged in or attempted to have engaged in any fraud or misrepresentation in connection with a contest or any other sporting event; and
    - (iii) has not been found in a criminal or civil proceeding to have violated or attempted to violate any law with respect to contests in any jurisdiction or any law, rule, or order relating to the regulation of contests in this state or any other jurisdiction;
  - (d) acknowledge in writing to the commission receipt, understanding, and intent to comply with this chapter and the rules made under this chapter;

- (e) provide evidence satisfactory to the commission that the applicant is qualified by training and experience to competently act as a referee or judge in a contest; and
  - (f) if requested by the commission or the director, meet with the commission or the director to examine the applicant's qualifications for licensure.
- (8) The commission may make rules concerning the requirements for a license under this chapter, that deny a license to an applicant for the violation of a crime that, in the commission's determination, would have a material affect on the integrity of a contest held under this chapter.
- (9)
- (a) A licensee serves at the pleasure, and under the direction, of the commission while participating in any way at a contest.
  - (b) A licensee's license may be suspended, or a fine imposed, if the licensee does not follow the commission's direction at an event or contest.

Renumbered and Amended by Chapter 283, 2015 General Session

**63N-10-302 Term of license -- Expiration -- Renewal.**

- (1) The commission shall issue each license under this chapter in accordance with a renewal cycle established by rule.
- (2) At the time of renewal, the licensee shall show satisfactory evidence of compliance with renewal requirements established by rule by the commission.
- (3) Each license automatically expires on the expiration date shown on the license unless the licensee renews it in accordance with the rules established by the commission.

Renumbered and Amended by Chapter 283, 2015 General Session

**63N-10-303 Grounds for denial of license -- Disciplinary proceedings -- Reinstatement.**

- (1) The commission shall refuse to issue a license to an applicant and shall refuse to renew or shall revoke, suspend, restrict, place on probation, or otherwise act upon the license of a licensee who does not meet the qualifications for licensure under this chapter.
- (2) The commission may refuse to issue a license to an applicant and may refuse to renew or may revoke, suspend, restrict, place on probation, issue a public or private reprimand to, or otherwise act upon the license of any licensee if:
  - (a) the applicant or licensee has engaged in unlawful or unprofessional conduct, as defined by statute or rule under this chapter;
  - (b) the applicant or licensee has been determined to be mentally incompetent for any reason by a court of competent jurisdiction; or
  - (c) the applicant or licensee is unable to practice the occupation or profession with reasonable skill and safety because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material, or as a result of any other mental or physical condition, when the licensee's condition demonstrates a threat or potential threat to the public health, safety, or welfare, as determined by a ringside physician or the commission.
- (3) Any licensee whose license under this chapter has been suspended, revoked, or restricted may apply for reinstatement of the license at reasonable intervals and upon compliance with any conditions imposed upon the licensee by statute, rule, or terms of the license suspension, revocation, or restriction.
- (4) The commission may issue cease and desist orders:
  - (a) to a licensee or applicant who may be disciplined under Subsection (1) or (2); and
  - (b) to any person who otherwise violates this chapter or any rules adopted under this chapter.

- (5)
  - (a) The commission may impose an administrative fine for acts of unprofessional or unlawful conduct under this chapter.
  - (b) An administrative fine under this Subsection (5) may not exceed \$2,500 for each separate act of unprofessional or unlawful conduct.
  - (c) The commission shall comply with Title 63G, Chapter 4, Administrative Procedures Act, in any action to impose an administrative fine under this chapter.
  - (d) The imposition of a fine under this Subsection (5) does not affect any other action the commission or department may take concerning a license issued under this chapter.
- (6)
  - (a) The commission may not take disciplinary action against any person for unlawful or unprofessional conduct under this chapter, unless the commission initiates an adjudicative proceeding regarding the conduct within four years after the conduct is reported to the commission, except under Subsection (6)(b).
  - (b) The commission may not take disciplinary action against any person for unlawful or unprofessional conduct more than 10 years after the occurrence of the conduct, unless the proceeding is in response to a civil or criminal judgment or settlement and the proceeding is initiated within one year following the judgment or settlement.
- (7)
  - (a) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, the following may immediately suspend the license of a licensee at such time and for such period that the following believes is necessary to protect the health, safety, and welfare of the licensee, another licensee, or the public:
    - (i) the commission;
    - (ii) a designated commission member; or
    - (iii) if a designated commission member is not present, the director.
  - (b) The commission shall establish by rule appropriate procedures to invoke the suspension and to provide a suspended licensee a right to a hearing before the commission with respect to the suspension within a reasonable time after the suspension.

Renumbered and Amended by Chapter 283, 2015 General Session

**63N-10-304 Additional fees for license of promoter -- Dedicated credits -- Promotion of contests -- Annual exemption of showcase event.**

- (1) In addition to the payment of any other fees and money due under this chapter, every promoter shall pay a license fee determined by the commission and established in rule.
- (2) License fees collected under this Subsection (2) from professional boxing contests or exhibitions shall be retained by the commission as a dedicated credit to be used by the commission to award grants to organizations that promote amateur boxing in the state and cover commission expenses.
- (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall adopt rules:
  - (a) governing the manner in which applications for grants under Subsection (2) may be submitted to the commission; and
  - (b) establishing standards for awarding grants under Subsection (2) to organizations which promote amateur boxing in the state.
- (4)

- (a) For the purpose of creating a greater interest in contests in the state, the commission may exempt from the payment of license fees under this section one contest or exhibition in each calendar year, intended as a showcase event.
- (b) The commission shall select the contest or exhibition to be exempted based on factors which include:
  - (i) attraction of the optimum number of spectators;
  - (ii) costs of promoting and producing the contest or exhibition;
  - (iii) ticket pricing;
  - (iv) committed promotions and advertising of the contest or exhibition;
  - (v) rankings and quality of the contestants; and
  - (vi) committed television and other media coverage of the contest or exhibition.

Renumbered and Amended by Chapter 283, 2015 General Session

**63N-10-305 Jurisdiction of commission.**

- (1)
  - (a) The commission has the sole authority concerning direction, management, control, and jurisdiction over all contests or exhibitions of unarmed combat to be conducted, held, or given within this state.
  - (b) A contest or exhibition may not be conducted, held, or given within this state except in accordance with this chapter.
- (2) Any contest involving a form of unarmed self-defense must be conducted pursuant to rules for that form which are approved by the commission before the contest is conducted, held, or given.
- (3)
  - (a) An area not less than six feet from the perimeter of the ring shall be reserved for the use of:
    - (i) the designated commission member;
    - (ii) other commission members in attendance;
    - (iii) the director;
    - (iv) commission employees;
    - (v) officials;
    - (vi) licensees participating or assisting in the contest; and
    - (vii) others granted credentials by the commission.
  - (b) The promoter shall provide security at the direction of the commission or designated commission member to secure the area described in Subsection (3)(a).
- (4) The area described in Subsection (3), the area in the dressing rooms, and other areas considered necessary by the designated commission member for the safety and welfare of a licensee and the public shall be reserved for the use of:
  - (a) the designated commission member;
  - (b) other commission members in attendance;
  - (c) the director;
  - (d) commission employees;
  - (e) officials;
  - (f) licensees participating or assisting in the contest; and
  - (g) others granted credentials by the commission.
- (5) The promoter shall provide security at the direction of the commission or designated commission member to secure the areas described in Subsections (3) and (4).
- (6)

- (a) The designated commission member may direct the removal from the contest venue and premises, of any individual whose actions:
  - (i) are disruptive to the safe conduct of the contest; or
  - (ii) pose a danger to the safety and welfare of the licensees, the commission, or the public, as determined by the designated commission member.
- (b) The promoter shall provide security at the direction of the commission or designated commission member to effectuate a removal under Subsection (6)(a).

Renumbered and Amended by Chapter 283, 2015 General Session

**63N-10-306 Club fighting prohibited.**

- (1) Club fighting is prohibited.
- (2) Any person who publicizes, promotes, conducts, or engages in a club fighting match is:
  - (a) guilty of a class A misdemeanor as provided in Section 76-9-705; and
  - (b) subject to license revocation under this chapter.

Renumbered and Amended by Chapter 283, 2015 General Session

**63N-10-307 Approval to hold contest or promotion -- Bond required.**

- (1) An application to hold a contest or multiple contests as part of a single promotion shall be made by a licensed promoter to the commission on forms provided by the commission.
- (2) The application shall be accompanied by a contest fee determined by the commission under Section 63J-1-505.
- (3)
  - (a) The commission may approve or deny approval to hold a contest or promotion permitted under this chapter.
  - (b) Provisional approval under Subsection (3)(a) shall be granted upon a determination by the commission that:
    - (i) the promoter of the contest or promotion is properly licensed;
    - (ii) a bond meeting the requirements of Subsection (6) has been posted by the promoter of the contest or promotion; and
    - (iii) the contest or promotion will be held in accordance with this chapter and rules made under this chapter.
- (4)
  - (a) Final approval to hold a contest or promotion may not be granted unless the commission receives, not less than seven days before the day of the contest with 10 or more rounds:
    - (i) proof of a negative HIV test performed not more than 180 days before the day of the contest for each contestant;
    - (ii) a copy of each contestant's federal identification card;
    - (iii) a copy of a signed contract between each contestant and the promoter for the contest;
    - (iv) a statement specifying the maximum number of rounds of the contest;
    - (v) a statement specifying the site, date, and time of weigh-in; and
    - (vi) the name of the physician selected from among a list of registered and commission-approved ringside physicians who shall act as ringside physician for the contest.
  - (b) Notwithstanding Subsection (4)(a), the commission may approve a contest or promotion if the requirements under Subsection (4)(a) are not met because of unforeseen circumstances beyond the promoter's control.

- (5) Final approval for a contest under 10 rounds in duration may be granted as determined by the commission after receiving the materials identified in Subsection (4) at a time determined by the commission.
- (6) An applicant shall post a surety bond or cashier's check with the commission in the greater of \$10,000 or the amount of the purse, providing for forfeiture and disbursement of the proceeds if the applicant fails to comply with:
  - (a) the requirements of this chapter; or
  - (b) rules made under this chapter relating to the promotion or conduct of the contest or promotion.

Renumbered and Amended by Chapter 283, 2015 General Session

**63N-10-308 Rules for the conduct of contests.**

- (1) The commission shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the conduct of contests in the state.
- (2) The rules shall include:
  - (a) authority for:
    - (i) stopping contests; and
    - (ii) impounding purses with respect to contests when there is a question with respect to the contest, contestants, or any other licensee associated with the contest; and
  - (b) reasonable and necessary provisions to ensure that all obligations of a promoter with respect to any promotion or contest are paid in accordance with agreements made by the promoter.
- (3)
  - (a) The commission may, in its discretion, exempt a contest and each contestant from the definition of unprofessional conduct found in Subsection 63N-10-102(25)(f) after:
    - (i) a promoter requests the exemption; and
    - (ii) the commission considers relevant factors, including:
      - (A) the experience of the contestants;
      - (B) the win and loss records of each contestant;
      - (C) each contestant's level of training; and
      - (D) any other evidence relevant to the contestants' professionalism and the ability to safely conduct the contest.
  - (b) The commission's hearing of a request for an exemption under this Subsection (3) is an informal adjudicative proceeding under Section 63G-4-202.
  - (c) The commission's decision to grant or deny a request for an exemption under this Subsection (3) is not subject to agency review under Section 63G-4-301.

Renumbered and Amended by Chapter 283, 2015 General Session

**63N-10-309 Medical examinations and drug tests.**

- (1) The commission shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for medical examinations and drug testing of contestants, including provisions under which contestants shall:
  - (a) produce evidence based upon competent laboratory examination that they are HIV negative as a condition of participating as a contestant in any contest;
  - (b) be subject to random drug testing before or after participation in a contest, and sanctions, including barring participation in a contest or withholding a percentage of any purse, that shall be placed against a contestant testing positive for alcohol or any other drug that in the opinion

of the commission is inconsistent with the safe and competent participation of that contestant in a contest;

- (c) be subject to a medical examination by the ringside physician not more than 30 hours before the contest to identify any physical ailment or communicable disease that, in the opinion of the commission or designated commission member, are inconsistent with the safe and competent participation of that contestant in the contest; and
  - (d) be subject to medical testing for communicable diseases as considered necessary by the commission to protect the health, safety, and welfare of the licensees and the public.
- (2)
- (a) Medical information concerning a contestant shall be provided by the contestant or medical professional or laboratory.
  - (b) A promoter or manager may not provide to or receive from the commission medical information concerning a contestant.

Renumbered and Amended by Chapter 283, 2015 General Session

**63N-10-310 Contests.**

- (1) Except as provided in Section 63N-10-317, a licensee may not participate in an unarmed combat contest within a predetermined time after another unarmed combat contest, as prescribed in rules made by the commission.
- (2) During the period of time beginning 60 minutes before the beginning of a contest, the promoter shall demonstrate the promoter's compliance with the commission's security requirements to all commission members present at the contest.
- (3) The commission shall establish fees in accordance with Section 63J-1-504 to be paid by a promoter for the conduct of each contest or event composed of multiple contests conducted under this chapter.

Renumbered and Amended by Chapter 283, 2015 General Session

**63N-10-311 Ringside physician.**

- (1) The commission shall maintain a list of ringside physicians who hold a Doctor of Medicine (MD) degree and are registered with the commission as approved to act as a ringside physician and meet the requirements of Subsection (2).
- (2)
  - (a) The commission shall appoint a registered ringside physician to perform the duties of a ringside physician at each contest held under this chapter.
  - (b) The promoter of a contest shall pay a fee determined by the commission by rule to the commission for a ringside physician.
- (3) An applicant for registration as a ringside physician shall:
  - (a) submit an application for registration;
  - (b) provide the commission with evidence of the applicant's licensure to practice medicine in the state; and
  - (c) satisfy minimum qualifications established by the department by rule.
- (4) A ringside physician at attendance at a contest:
  - (a) may stop the contest at any point if the ringside physician determines that a contestant's physical condition renders the contestant unable to safely continue the contest; and
  - (b) works under the direction of the commission.

Renumbered and Amended by Chapter 283, 2015 General Session

**63N-10-312 Contracts.**

Before a contest is held, a copy of the signed contract or agreement between the promoter of the contest and each contestant shall be filed with the commission. Approval of the contract's terms and conditions shall be obtained from the commission as a condition precedent to the contest.

Renumbered and Amended by Chapter 283, 2015 General Session

**63N-10-313 Withholding of purse.**

- (1) The commission, the director, or any other agent authorized by the commission may order a promoter to withhold any part of a purse or other money belonging or payable to any contestant, manager, or second if, in the judgment of the commission, director, or other agent:
  - (a) the contestant is not competing honestly or to the best of the contestant's skill and ability or the contestant otherwise violates any rules adopted by the commission or any of the provisions of this chapter; or
  - (b) the manager or second violates any rules adopted by the commission or any of the provisions of this chapter.
- (2) This section does not apply to any contestant in a wrestling exhibition who appears not to be competing honestly or to the best of the contestant's skill and ability.
- (3) Upon the withholding of any part of a purse or other money pursuant to this section, the commission shall immediately schedule a hearing on the matter, provide adequate notice to all interested parties, and dispose of the matter as promptly as possible.
- (4) If it is determined that a contestant, manager, or second is not entitled to any part of that person's share of the purse or other money, the promoter shall pay the money over to the commission.

Renumbered and Amended by Chapter 283, 2015 General Session

**63N-10-314 Penalty for unlawful conduct.**

A person who engages in any act of unlawful conduct, as defined in Section 63N-10-102, is guilty of a class A misdemeanor.

Renumbered and Amended by Chapter 283, 2015 General Session

**63N-10-315 Exemptions.**

This chapter does not apply to:

- (1) any amateur contest or exhibition of unarmed combat conducted by or participated in exclusively by:
  - (a) a school accredited by the Utah Board of Education;
  - (b) a college or university accredited by the United States Department of Education; or
  - (c) any association or organization of a school, college, or university described in Subsections (1) (a) and (b), when each participant in the contests or exhibitions is a bona fide student in the school, college, or university;
- (2) any contest or exhibition of unarmed combat conducted in accordance with the standards and regulations of USA Boxing, Inc.; or
- (3) a white-collar contest.

Renumbered and Amended by Chapter 283, 2015 General Session

**63N-10-316 Contest weights and classes -- Matching contestants.**

- (1) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing boxing contest weights and classes consistent with those adopted by the Association of Boxing Commissions.
- (2) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing contest weights and classes for unarmed combat that is not boxing.
- (3)
  - (a) As to any unarmed combat contest, a contestant may not fight another contestant who is outside of the contestant's weight classification.
  - (b) Notwithstanding Subsection (3)(a), the commission may permit a contestant to fight another contestant who is outside of the contestant's weight classification.
- (4) Except as provided in Subsection (3)(b), as to any unarmed combat contest:
  - (a) a contestant who has contracted to participate in a given weight class may not be permitted to compete if the contestant is not within that weight class at the weigh-in; and
  - (b) a contestant may have two hours to attempt to gain or lose not more than three pounds in order to be reweighed.
- (5)
  - (a) As to any unarmed combat contest, the commission may not allow a contest in which the contestants are not fairly matched.
  - (b) Factors in determining if contestants are fairly matched include:
    - (i) the win-loss record of the contestants;
    - (ii) the weight differential between the contestants;
    - (iii) the caliber of opponents for each contestant;
    - (iv) each contestant's number of fights; and
    - (v) previous suspensions or disciplinary actions of the contestants.

Renumbered and Amended by Chapter 283, 2015 General Session

**63N-10-317 Elimination contests -- Conduct of contests -- Applicability of provisions -- Limitations on license -- Duration of contests -- Equipment -- Limitations on contests.**

- (1) An elimination unarmed combat contest shall be conducted under the supervision and authority of the commission.
- (2) Except as otherwise provided in this section and except as otherwise provided by specific statute, the provisions of this chapter pertaining to boxing apply to an elimination unarmed combat contest.
- (3)
  - (a) All contests in an elimination unarmed combat contest shall be no more than three rounds in duration.
  - (b) A round of unarmed combat in an elimination unarmed combat contest shall:
    - (i) be no more than one minute in duration; or
    - (ii) be up to three minutes in duration if there is only a single round.
  - (c) A period of rest following a round shall be no more than one minute in duration.
- (4) A contestant:
  - (a) shall wear gloves approved by the commission; and

- (b) shall wear headgear approved by the commission, the designated commission member, or the director if a designated commission member is not present.
- (5) A contestant may participate in more than one contest, but may not participate in more than a total of seven rounds in the entire tournament.

Renumbered and Amended by Chapter 283, 2015 General Session

**63N-10-318 Commission rulemaking.**

The commission may make rules governing the conduct of a contest held under this chapter to protect the health and safety of licensees and members of the public.

Renumbered and Amended by Chapter 283, 2015 General Session