

UTAH BOXING COMMISSION AMENDMENTS

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Pete Suazo

AN ACT RELATING TO OCCUPATIONAL AND PROFESSIONAL LICENSING AND COMMUNITY AND ECONOMIC DEVELOPMENT; TRANSFERRING JURISDICTION OVER PROFESSIONAL BOXING TO THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT; APPROPRIATING \$40,000 FROM THE GENERAL FUND FOR FISCAL YEAR 2000-01 FOR BOXING PROMOTION AND REGULATION; MAKING TECHNICAL CHANGES; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

RENUMBERS AND AMENDS:

9-2-1801, (Renumbered from 58-66-101, as enacted by Chapter 11, Laws of Utah 1995)

9-2-1802, (Renumbered from 58-66-102, as last amended by Chapter 208, Laws of Utah 1998)

9-2-1803, (Renumbered from 58-66-201, as enacted by Chapter 11, Laws of Utah 1995)

9-2-1804, (Renumbered from 58-66-301, as enacted by Chapter 11, Laws of Utah 1995)

9-2-1805, (Renumbered from 58-66-302, as enacted by Chapter 11, Laws of Utah 1995)

9-2-1806, (Renumbered from 58-66-401, as enacted by Chapter 11, Laws of Utah 1995)

9-2-1807, (Renumbered from 58-66-501, as enacted by Chapter 11, Laws of Utah 1995)

9-2-1808, (Renumbered from 58-66-502, as enacted by Chapter 11, Laws of Utah 1995)

9-2-1809, (Renumbered from 58-66-503, as enacted by Chapter 83, Laws of Utah 1997)

9-2-1810, (Renumbered from 58-66-601, as enacted by Chapter 11, Laws of Utah 1995)

9-2-1811, (Renumbered from 58-66-602, as enacted by Chapter 11, Laws of Utah 1995)

9-2-1812, (Renumbered from 58-66-603, as enacted by Chapter 11, Laws of Utah 1995)

9-2-1813, (Renumbered from 58-66-604, as last amended by Chapter 83, Laws of Utah 1997)

28 **9-2-1814**, (Renumbered from 58-66-605, as enacted by Chapter 11, Laws of Utah 1995)

29 **9-2-1815**, (Renumbered from 58-66-606, as enacted by Chapter 11, Laws of Utah 1995)

30 **9-2-1816**, (Renumbered from 58-66-607, as enacted by Chapter 11, Laws of Utah 1995)

31 **9-2-1817**, (Renumbered from 58-66-608, as enacted by Chapter 11, Laws of Utah 1995)

32 REPEALS:

33 **58-66-303**, as enacted by Chapter 11, Laws of Utah 1995

34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section **9-2-1801**, which is renumbered from Section 58-66-101 is renumbered
36 and amended to read:

37 **[58-66-101]. 9-2-1801. Title.**

38 This [chapter] part is known as the "Utah Professional Boxing Regulation Act."

39 Section 2. Section **9-2-1802**, which is renumbered from Section 58-66-102 is renumbered
40 and amended to read:

41 **[58-66-102]. 9-2-1802. Definitions.**

42 ~~[In addition to the definitions in Section 58-1-102, as]~~ As used in this chapter:

43 (1) "Bodily injury" means as defined in Section 76-1-601.

44 (2) "Commission" means the Utah Boxing Commission established under Section
45 ~~[58-66-201]~~ 9-2-1803.

46 (3) (a) "Contest" means:

47 (i) a live boxing contest, match, performance, sparring match, or exhibition demonstrating
48 the skill and ability of professional contestants when an admission fee is charged or that is telecast,
49 televised, or broadcast to the public in any manner, including television, radio, transmission via
50 a cable television system, microwave, closed circuit, satellite, fiber optic link, or any other method
51 of distribution; or

52 (ii) a tough man contest as defined in Subsection (15).

53 (b) "Contest" does not include a boxing contest, match, performance, sparring match, or
54 exhibition staged outside the state that is telecast, televised, or broadcast as a "pay-per-view
55 telecast," closed circuit or otherwise, that is not intended to be available for viewing without the
56 payment of a fee for the privilege of viewing the telecast, collected for or based upon each event
57 viewed.

58 (4) "Exhibition" means an engagement in which the participants show or display their

skills without necessarily striving to win.

(5) "Judge" means an individual qualified by training or experience to:

(a) rate the performance of professional contestants;

(b) score a contest; and

(c) determine with other judges whether there is a winner of the contest or whether the professional contestants performed equally resulting in a draw.

(6) "Manager" means an individual who represents a professional contestant for the purposes of obtaining matches, negotiating terms and conditions of the contract under which the professional contestant will engage in a contest, or arranging for a second for the professional contestant at a contest.

(7) "Professional contestant" means an individual who participates in a contest for a cash purse in any amount or for a noncash purse with more than nominal value as defined by rule.

(8) "Promoter" means a person who engages in producing or staging professional contests and promotions.

(9) "Promotion" means a single contest or a combination of contests that occur during the same time at the same location and that is produced or staged by a promoter.

(10) (a) "Purse" means any money, prize, remuneration, or any other valuable consideration a professional contestant receives or may receive for participation in a contest.

(b) "Purse" does not mean a trophy, medal, or similar object of nominal value as defined by rule that is received for participation in a contest.

(11) "Referee" means an individual qualified by training or experience to act as the official attending a professional contest at the point of contact between professional contestants for the purpose of:

(a) enforcing the rules relating to the professional contest;

(b) stopping the contest in the event the health, safety, and welfare of a professional contestant or any other person in attendance at the contest is in jeopardy; and

(c) to act as a judge if so designated by the commission.

(12) "Second" means an individual who attends a professional contestant at the site of the contest before, during, and after the contest in accordance with contest rules.

(13) "Serious bodily injury" means as defined in Section 76-1-601.

(14) "Total gross receipts" means the amount of the face value of all tickets sold to a

particular contest plus any sums received as consideration for holding the contest at a particular location.

(15) "Tough man contest" means a contest in which tough man contestants compete.

(16) "Tough man contestant" means a person who:

(a) participates in a contest for a cash purse in any amount or for a noncash purse with more than nominal value as defined by rule; and

(b) is not licensed as a professional contestant in any state.

(17) "Ultimate fighting match" means a live match in which:

(a) an admission fee is charged;

(b) match rules permit professional contestants to use a combination of boxing, kicking, wrestling, hitting, punching, or other combative, contact techniques; and

(c) match rules do not:

(i) incorporate a formalized system of combative techniques against which a contestant's performance is judged to determine the prevailing contestant;

(ii) divide a match into two or more equal and specified time periods for a match total of no more than 50 minutes; or

(iii) prohibit contestants from:

(A) using anything that is not part of the human body, except for boxing gloves, to intentionally inflict serious bodily injury upon an opponent through direct contact or the expulsion of a projectile;

(B) striking a person who demonstrates an inability to protect himself from the advances of an opponent;

(C) biting; or

(D) direct, intentional, and forceful strikes to the eyes, groin area, adam's apple area of the neck, and temple area of the head.

Section 3. Section **9-2-1803**, which is renumbered from Section 58-66-201 is renumbered and amended to read:

[58-66-201]. 9-2-1803. Commission.

(1) There is created the Utah Boxing Commission consisting of five members appointed by the director.

~~[(2) The commission shall be appointed and serve in accordance with Section 58-1-201~~

except a member of the commission may not be licensed under this chapter.]

(2) (a) Except as required by Subsection (2)(b), as terms of current commission members expire, the director shall appoint each new member or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection (2)(a), the director shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of commission members are staggered so that approximately half of the commission is appointed every two years.

(c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(d) If a commission member fails or refuses to fulfill the responsibilities and duties of a commission member, including the attendance at commission meetings, the director with the approval of the commission may remove the commission member and replace the member in accordance with this section.

(3) A majority of the commission members constitutes a quorum. A quorum is sufficient authority for the commission to act.

(4) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

(5) The commission shall annually designate one of its members to serve as chair for a one-year period.

~~[(3)]~~ (6) The duties and responsibilities of the commission [shall be in accordance with Sections 58-1-202 and 58-1-203 and shall] include the following:

(a) recommending to the director appropriate rules;

(b) recommending to the director policy and budgetary matters;

(c) screening applicants and recommending licensing, renewal, reinstatement, and relicensure actions to the director in writing;

(d) acting as presiding officer in conducting hearings associated with adjudicative proceedings and in issuing recommended orders when so designated by the director; and

(e) advising and assisting the division in the division's exercise of jurisdiction over contests under this chapter. [In addition, the]

(7) The commission shall designate one of its members on a permanent or rotating basis to:

(a) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and

(b) advise the division in its investigation of these complaints.

[(4)] (8) A commission member who has, under Subsection [(3)] (7), reviewed a complaint or advised in its investigation is disqualified from participating with the commission when the commission serves as a presiding officer in an adjudicative proceeding concerning the complaint.

Section 4. Section **9-2-1804**, which is renumbered from Section 58-66-301 is renumbered and amended to read:

[58-66-301]. 9-2-1804. Licensing.

(1) A license is required for a person to represent himself as, or to act as a:

(a) promoter of a contest;

(b) manager of a professional contestant;

(c) professional contestant;

(d) second to a professional contestant;

(e) referee of a contest; or

(f) judge of a contest.

(2) The division shall issue to a person who qualified under this chapter a license in the classifications of:

(a) contest promoter;

(b) contestant manager;

(c) professional contestant;

(d) second;

(e) referee; or

(f) judge.

(3) Each applicant for licensure as a contest promoter shall:

(a) submit an application in a form prescribed by the division;

(b) pay the fee determined by the department under Section 63-38-3.2;

(c) post a bond, letter of credit, certificate of deposit, or cash deposit with the division in an amount equal to the total purses of all contests promoted by the promoter in a single promotion, but not less than \$10,000, in a bond form acceptable to the division, and under a written agreement with the division, providing for forfeiture and subsequent disbursement of the proceeds from the bond, letter of credit, certificate of deposit, or the cash deposit to the division, in accordance with rule, if the applicant or licensee fails to comply with the provisions of Utah law or rules regulating the promotion or conduct of a professional boxing contest or promotion;

(d) provide to the division evidence of financial responsibility which shall include financial statements and other information that the division may reasonably require to determine that the applicant or licensee is able to competently perform as and meet the obligations of a promoter in the state;

(e) produce information, documentation, and assurances as may be required to establish by a preponderance of the evidence the applicant's reputation for good character, honesty, integrity, and responsibility, which shall include information, documentation, and assurances that the applicant:

(i) has not and at the time of application is not associating or consorting with a person engaging in illegal activity to the extent that the association or consorting represents a threat to the conduct of professional boxing contests in the public's interest within the state, or a threat to the health, safety, and welfare of the applicant or a licensed professional contestant;

(ii) has not been convicted of a felony in any jurisdiction;

(iii) is not associating or consorting with a person who has been convicted of a felony in any jurisdiction to the extent that the association or consorting represents a threat to the conduct of professional boxing contests in the public's interest within the state, or a threat to the health, safety, and welfare of the applicant or a licensed professional contestant;

(iv) is not associating or consorting with a person engaging in illegal gambling or similar pursuits or a person gambling with respect to the promotion for which the applicant is receiving a license to the extent that the association or consorting represents a threat to the conduct of

professional boxing contests in the public's interest within the state, or a threat to the health, safety, and welfare of the applicant or a licensed professional contestant;

(v) is not engaging in illegal gambling with respect to sporting events or gambling with respect to the promotion the applicant is promoting;

(vi) has not been found in an administrative, criminal, or civil proceeding to have engaged in or attempted to engage in any fraud or misrepresentation in connection with boxing or any other sporting event; and

(vii) has not been found in an administrative, criminal, or civil proceeding to have violated or attempted to violate any law with respect to boxing in any jurisdiction or any law, rule, or order relating to the regulation of boxing in Utah or any other jurisdiction;

(f) acknowledge in writing to the division receipt, understanding, and intent to comply with this [chapter] part and the rules made under this [chapter] part; 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.

(4) Each applicant for licensure as a professional contestant shall:

(a) be not less than 18 years of age at the time the application is submitted to the division;

(b) submit an application in a form prescribed by the division not less than 30 days prior to the date of any contest in which the applicant is to participate, unless submission at a time less than 30 days is authorized in writing by the commission;

(c) pay the fee established by the department under Section 63-38-3.2;

(d) provide a certificate of physical examination, dated not more than 60 days prior to the date of application for license, in a form provided by the division, 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 professional contestant;

(e) provide the division with an accurate history of all matches that the applicant has engaged in since becoming a professional contestant, including information on whether the applicant won or lost each contest, and the matches in which there was a technical knockout or knockout;

(f) produce information, documentation, and assurances as may be required to establish by a preponderance of the evidence the applicant's reputation for good character, honesty, integrity, and responsibility, which shall include information, documentation, and assurances that the

245 applicant:

246 (i) has not and at the time of application is not associating or consorting with a person
247 engaging in illegal activity to the extent that the association or consorting represents a threat to the
248 conduct of professional boxing contests in the public's interest within the state, or a threat to the
249 health, safety, and welfare of the applicant or a licensed professional contestant;

250 (ii) has not been convicted of a crime in any jurisdiction which the division and
251 commission determine by the nature of the crime and circumstances surrounding that crime should
252 disqualify the applicant from licensure in the public interest;

253 (iii) is not associating or consorting with any person who has been convicted of a felony
254 in any jurisdiction to the degree that the division and commission find that the association or
255 consorting represents a threat to the conduct of professional boxing contests in the public's interest
256 within the state, or a threat to the health, safety, and welfare of the applicant or a licensed
257 professional contestant;

258 (iv) is not associating or consorting with a person engaging in illegal gambling or similar
259 pursuits or a person gambling with respect to the promotion for which the applicant is receiving
260 a license to the extent that the association or consorting represents a threat to the conduct of
261 professional boxing contests in the public's interest within the state, or a threat to the health, safety,
262 and welfare of the applicant or a licensed professional contestant;

263 (v) is not engaging in illegal gambling with respect to sporting events or gambling with
264 respect to a contest in which the applicant will participate;

265 (vi) has not been found in an administrative, criminal, or civil proceeding to have engaged
266 in or attempted to have engaged in any fraud or misrepresentation in connection with boxing or
267 any other sporting event; and

268 (vii) has not been found in an administrative, criminal, or civil proceeding to have violated
269 or attempted to violate any law with respect to boxing in any jurisdiction or any law, rule, or order
270 relating to the regulation of boxing in Utah or any other jurisdiction;

271 (g) acknowledge in writing to the division receipt, understanding, and intent to comply
272 with this [chapter] part and the rules made under this [chapter] part; and

273 (h) if requested by the commission or the director, meet with the commission or the
274 director to examine the applicant's qualifications for licensure.

275 (5) Each applicant for licensure as a contestant manager or second shall:

(a) submit an application in a form prescribed by the division;
(b) pay a fee determined by the department under Section 63-38-3.2;
(c) produce information, documentation, and assurances as may be required to establish by a preponderance of the evidence the applicant's reputation for good character, honesty, integrity, and responsibility, which shall include information, documentation, and assurances that the applicant:

(i) has not and at the time of application is not associating or consorting with a person engaging in illegal activity to the extent that the association or consorting represents a threat to the conduct of professional boxing contests in the public's interest within the state, or a threat to the health, safety, and welfare of the applicant or a licensed professional contestant;

(ii) has not been convicted of a crime in any jurisdiction which the division and commission determine by the nature of the crime and circumstances surrounding that crime should disqualify the applicant from licensure in the public interest;

(iii) is not associating or consorting with any person who has been convicted of a felony in any jurisdiction to the degree that the division and commission find that the association or consorting represents a threat to the conduct of professional boxing contests in the public's interest within the state, or a threat to the health, safety, and welfare of the applicant or a licensed professional contestant;

(iv) is not associating or consorting with a person engaging in illegal gambling or similar pursuits or a person gambling with respect to the promotion for which the applicant is receiving a license to the extent that the association or consorting represents a threat to the conduct of professional boxing contests in the public's interest within the state, or a threat to the health, safety, and welfare of the applicant or a licensed professional contestant;

(v) is not engaging in illegal gambling with respect to sporting events or gambling with respect to a contest in which the applicant is participating;

(vi) has not been found in an administrative, criminal, or civil proceeding to have engaged in or attempted to have engaged in any fraud or misrepresentation in connection with boxing or any other sporting event; and

(vii) has not been found in an administrative, criminal, or civil proceeding to have violated or attempted to violate any law with respect to boxing in any jurisdiction or any law, rule, or order relating to the regulation of boxing in Utah or any other jurisdiction;

(d) acknowledge in writing to the division receipt, understanding, and intent to comply with this [chapter] part and the rules made under this [chapter] part; and

(e) if requested by the commission or director, meet with the commission or the director to examine the applicant's qualifications for licensure.

(6) Each applicant for licensure as a referee or judge shall:

(a) submit an application in a form prescribed by the division;

(b) pay a fee determined by the department under Section 63-38-3.2;

(c) produce information, documentation, and assurances as may be required to establish by a preponderance of the evidence the applicant's reputation for good character, honesty, integrity, and responsibility, which shall include information, documentation, and assurances that the applicant:

(i) has not and at the time of application is not associating or consorting with a person engaging in illegal activity to the extent that the association or consorting represents a threat to the conduct of professional boxing contests in the public's interest within the state, or a threat to the health, safety, and welfare of the applicant or a licensed professional contestant;

(ii) has not been convicted of a felony in any jurisdiction;

(iii) is not associating or consorting with any person who has been convicted of a felony in any jurisdiction to the extent that the association or consorting represents a threat to the conduct of professional boxing contests in the public's interest within the state, or a threat to the health, safety, and welfare of the applicant or a licensed professional contestant;

(iv) is not associating or consorting with a person engaging in illegal gambling or similar pursuits or a person gambling with respect to the promotion for which the applicant is receiving a license to the extent that the association or consorting represents a threat to the conduct of professional boxing contests in the public's interest within the state, or a threat to the health, safety, and welfare of the applicant or a licensed professional contestant;

(v) is not engaging in illegal gambling with respect to sporting events or gambling with respect to a contest in which the applicant is participating;

(vi) has not been found in an administrative, criminal, or civil proceeding to have engaged in or attempted to have engaged in any fraud or misrepresentation in connection with boxing or any other sporting event; and

(vii) has not been found in an administrative, criminal, or civil proceeding to have violated

or attempted to violate any law with respect to boxing in any jurisdiction or any law, rule, or order relating to the regulation of boxing in Utah or any other jurisdiction;

(d) acknowledge in writing to the division receipt, understanding, and intent to comply with this [chapter] part and the rules made under this [chapter] part;

(e) provide evidence satisfactory to the division and commission that the applicant is qualified by training and experience to competently act as a referee or judge in a professional boxing 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.

Section 5. Section **9-2-1805**, which is renumbered from Section 58-66-302 is renumbered and amended to read:

[58-66-302]. 9-2-1805. Term of license -- Expiration -- Renewal.

(1) (a) Except as provided in Subsection (1)(b), the division shall issue each license under this chapter in accordance with a one-year renewal cycle established by rule. The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.

(b) A contest promoter license shall be for a single promotion and shall expire upon termination of the promotion.

(2) At the time of renewal, the licensee shall show satisfactory evidence of compliance with renewal requirements to be established by rule by the division in collaboration with the commission.

(3) Each license automatically expires on the expiration date shown on the license unless the licensee renews it in accordance with ~~[Section 58-1-308]~~ procedures established by rule.

Section 6. Section **9-2-1806**, which is renumbered from Section 58-66-401 is renumbered and amended to read:

[58-66-401]. 9-2-1806. Grounds for denial of license -- Disciplinary proceedings.

~~[(1) Grounds for refusing to issue a license to an applicant, for refusing to renew the license of a licensee, for revoking, suspending, restricting, or placing on probation the license of a licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and desist order shall be in accordance with Section 58-1-401, except as provided in Subsection (2).]~~

369 (1) The division shall refuse to issue a license to an applicant and shall refuse to renew or
370 shall revoke, suspend, restrict, place on probation, or otherwise act upon the license of a licensee
371 who does not meet the qualifications for licensure under this part.

372 (2) The division may refuse to issue a license to an applicant and may refuse to renew or
373 may revoke, suspend, restrict, place on probation, issue a public or private reprimand to, or
374 otherwise act upon the license of any licensee in any of the following cases:

375 (a) the applicant or licensee has engaged in unprofessional conduct, as defined by statute
376 or rule under this part;

377 (b) the applicant or licensee has engaged in unlawful conduct as defined by statute under
378 this part;

379 (c) the applicant or licensee has been determined to be mentally incompetent for any
380 reason by a court of competent jurisdiction; or

381 (d) the applicant or licensee is unable to practice the occupation or profession with
382 reasonable skill and safety because of illness, drunkenness, excessive use of drugs, narcotics,
383 chemicals, or any other type of material, or as a result of any other mental or physical condition,
384 when the licensee's condition demonstrates a threat or potential threat to the public health, safety,
385 or welfare.

386 (3) Any licensee whose license to practice an occupation or profession regulated by this
387 part has been suspended, revoked, or restricted may apply for reinstatement of the license at
388 reasonable intervals and upon compliance with any conditions imposed upon the licensee by
389 statute, rule, or terms of the license suspension, revocation, or restriction.

390 (4) The division may issue cease and desist orders:

391 (a) to a licensee or applicant who may be disciplined under Subsection (1) or (2);

392 (b) to any person who engages in or represents himself to be engaged in an occupation or
393 profession regulated under this part; and

394 (c) to any person who otherwise violates this part or any rules adopted under this part.

395 (5) (a) Except as provided in Subsection (5)(b) or Subsection (6), the division may not take
396 disciplinary action against any person for unprofessional or unlawful conduct under this part,
397 unless the division initiates an adjudicative proceeding regarding the conduct within four years
398 after the conduct is reported to the division.

399 (b) The division may not take disciplinary action against any person for unprofessional or

unlawful conduct more than ten 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.

[(2)] (6) Notwithstanding the provisions of Title 63, Chapter 46b, Administrative Procedures Act, the division in collaboration with the commission shall have the authority to immediately suspend the license of a professional contestant at such time and for such period that the division and commission believe is necessary to protect the health, safety, and welfare of the contestant, other contestants, or the public. The division shall establish by rule appropriate procedures to invoke the suspension and to provide a suspended contestant a right to a hearing before the commission and division with respect to the suspension within a reasonable time after the suspension.

Section 7. Section **9-2-1807**, which is renumbered from Section 58-66-501 is renumbered and amended to read:

[58-66-501]. 9-2-1807. Unlawful conduct.

"Unlawful conduct" [is as defined by Subsection 58-1-501(1):] means:

(1) practicing or engaging in, representing oneself to be practicing or engaging in, or attempting to practice or engage in any occupation or profession requiring licensure under this part if the person is:

(a) not licensed to do so under this part; or

(b) restricted from doing so by a suspended, revoked, restricted, temporary, probationary, or inactive license;

(2) impersonating another licensee or practicing an occupation or profession regulated by this part under a false or assumed name, except as permitted by law; or

(3) knowingly employing any other person to practice or engage in or attempt to practice or engage in any occupation or profession licensed under this part if the employee is not licensed to do so under this part.

Section 8. Section **9-2-1808**, which is renumbered from Section 58-66-502 is renumbered and amended to read:

[58-66-502]. 9-2-1808. Unprofessional conduct.

"Unprofessional conduct" [is as defined by Subsection 58-1-501(2) and as] means any of the following and may be further defined by rule[-];

(1) violating, or aiding or abetting any other person to violate, any statute, rule, or order regulating an occupation or profession under this part;

(2) engaging in conduct that results in conviction of, or a plea of nolo contendere to, a crime of moral turpitude or any other crime that, when considered with the functions and duties of the occupation or profession for which the license was issued or is to be issued, bears a reasonable relationship to the licensee's or applicant's ability to safely or competently practice the occupation or profession;

(3) engaging in conduct that results in disciplinary action, including reprimand, censure, diversion, probation, suspension, or revocation, by any other licensing or regulatory authority having jurisdiction over the licensee or applicant in the same occupation or profession if the conduct would, in this state, constitute grounds for denial of licensure or disciplinary proceedings under Section 9-2-1806;

(4) engaging in conduct, including the use of intoxicants, drugs, narcotics, or similar chemicals, to the extent that the conduct does, or might reasonably be considered to, impair the ability of the licensee or applicant to safely engage in the occupation or profession;

(5) practicing or attempting to practice an occupation or profession regulated under this part despite being physically or mentally unfit to do so; or

(6) practicing or attempting to practice an occupation or profession requiring licensure under this part by any form of action or communication which is false, misleading, deceptive, or fraudulent.

Section 9. Section **9-2-1809**, which is renumbered from Section 58-66-503 is renumbered and amended to read:

[58-66-503]. 9-2-1809. Ultimate fighting prohibited.

(1) Ultimate fighting matches are prohibited.

(2) Any person who publicizes, promotes, conducts, or engages in an ultimate 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] part.

Section 10. Section **9-2-1810**, which is renumbered from Section 58-66-601 is renumbered and amended to read:

[58-66-601]. 9-2-1810. Authority.

The division, in collaboration with the commission, has sole regulatory jurisdiction over each contest held in the state. A contest may not be held in the state except under this [chapter] part.

Section 11. Section **9-2-1811**, which is renumbered from Section 58-66-602 is renumbered and amended to read:

[58-66-602]. 9-2-1811. Approval to hold contest.

(1) An application to hold a contest shall be made by a licensed promoter to the division on forms provided by the division.

(2) The application shall be accompanied by a contest fee determined by the department under Section 63-38-3.2.

(3) The division may approve or deny approval to hold a contest permitted under this [chapter] part. Approval shall be granted upon a determination by the division in collaboration with the commission that:

(a) the promoter of the contest is properly licensed; and

(b) the contest will be held in accordance with this [chapter] part and rules made under this [chapter] part.

Section 12. Section **9-2-1812**, which is renumbered from Section 58-66-603 is renumbered and amended to read:

[58-66-603]. 9-2-1812. Contracts.

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

Section 13. Section **9-2-1813**, which is renumbered from Section 58-66-604 is renumbered and amended to read:

[58-66-604]. 9-2-1813. Rules.

(1) The division in collaboration with the commission shall adopt rules in accordance with the provisions of Title 63, Chapter 46a, Utah Administrative Rulemaking Act, for the conduct of contests and tough man contests in the state.

(2) The rules shall include authority for stopping contests, impounding purses with respect to contests when there is a question with respect to the contest, professional contestants, or any

other licensee associated with the contest, and 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) The rules shall:

(a) prohibit ultimate fighting matches; and

(b) require the revocation of the license of any licensee who publicizes, promotes, conducts, or engages in an ultimate fighting match.

Section 14. Section **9-2-1814**, which is renumbered from Section 58-66-605 is renumbered and amended to read:

[58-66-605]. 9-2-1814. HIV testing -- Testing of body fluids of professional contestants -- Sanctions for tests positive for alcohol or drugs.

The division shall include in rules established under this [chapter] part:

(1) provisions under which professional contestants shall produce evidence based upon competent laboratory examination that they are HIV negative as a condition of participating as a professional contestant in any contest; and

(2) provisions under which professional contestants shall be subject to random drug testing before or after participation in a professional contest, and sanctions, including barring participation in a contest or withholding a percentage of any purse, that shall be placed against a professional contestant testing positive for alcohol or any other drug that in the opinion of the division and commission is inconsistent with the safe and competent participation of that contestant in a contest.

Section 15. Section **9-2-1815**, which is renumbered from Section 58-66-606 is renumbered and amended to read:

[58-66-606]. 9-2-1815. Supervision of contests -- Payment of staff.

(1) (a) The director, after collaboration with the chair of the commission, shall designate one member of the commission as the supervisor for each promotion. That commission member shall be responsible for the conduct of that promotion in accordance with this [chapter] part and rules made under this [chapter] part.

(b) The designated commission member or the commission member's designee shall attend each contest.

(2) The director may authorize other commission members, division personnel, and others

as necessary to assist the designated commission member as requested by the commission member and may authorize the expenditure of necessary funds to the extent funds are available.

Section 16. Section **9-2-1816**, which is renumbered from Section 58-66-607 is renumbered and amended to read:

[58-66-607]. 9-2-1816. Disposition of monies withheld from purse of professional contestant.

Monies withheld from the purse of a professional contestant upon an order of the division after proceeding in accordance with Title 63, Chapter 46b, Administrative Procedures Act, shall be deposited in the [~~Commerce Service~~] General Fund as restricted revenues to implement the requirements of this [chapter] part.

Section 17. Section **9-2-1817**, which is renumbered from Section 58-66-608 is renumbered and amended to read:

[58-66-608]. 9-2-1817. Report of gross receipts -- 5% state event tax on gross receipts.

(1) A promoter staging any contest for which there is an admission fee charged, whether the contest is live or on a closed-circuit telecast, shall within 72 hours after the contest, furnish to the division a verified written report on a form supplied by the division, showing the total gross receipts of the contest without any deduction.

(2) At the time the promoter furnishes a report showing the total gross receipts, the promoter shall pay to the division a state event tax, exclusive of other state or federal taxes, of 5% of the total gross receipts of the contest.

(3) Failure of a promoter to pay the state event tax as provided in this section shall be grounds for the immediate suspension or revocation of the promoter's license.

(4) The state event tax shall be deposited in the [~~Commerce Service~~] General Fund as restricted revenues to be used to implement the requirements of this [chapter] part.

Section 18. Repealer.

This act repeals:

Section 58-66-303, Exemptions from licensure.

Section 19. Appropriation.

There is appropriated from the General Fund for fiscal year 2000-01, \$40,000 to the Department of Community and Economic Development to be used as follows:

555 (1) 60% to be used to promote and fund amateur boxing in the state; and
556 (2) 40% to be used to cover costs incurred by the Utah Boxing Commission in overseeing
557 professional boxing events in this state.
558 Section 20. **Effective date.**
559 This act takes effect on July 1, 2000.

Legislative Review Note
as of 2-8-00 4:22 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel