

Senator Pete Suazo proposes to substitute the following bill:

UTAH PROFESSIONAL ATHLETIC

COMMISSION ACT

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Pete Suazo

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6 **This act modifies the Utah Professional Boxing Regulation Act by repealing the current act**
7 **and replacing it with the Utah Professional Athletic Commission Act. The act removes the**
8 **regulation of boxing and unarmed combat from the Division of Occupational and**
9 **Professional Licensing and creates an independent Utah Professional Athletic Commission**
10 **within the Department of Commerce. The act provides for the licensure of promoters,**
11 **managers, seconds, contestants, judges, and referees. The act grants rulemaking authority**
12 **to the Utah Professional Athletic Commission to govern unarmed combat. The act prohibits**
13 **ultimate fighting. The act defines unlawful and unprofessional conduct and provides for**
14 **penalties. The act authorizes the hiring of a director of the Utah Professional Athletic**
15 **Commission. The act levies fees on ticket proceeds and broadcast revenues from contests.**
16 **The act provides for funding of amateur boxing within the state. This act provides an**
17 **effective date.**

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

19 ENACTS:

20 **13-33-101**, Utah Code Annotated 1953

21 **13-33-102**, Utah Code Annotated 1953

22 **13-33-201**, Utah Code Annotated 1953

23 **13-33-202**, Utah Code Annotated 1953

24 **13-33-203**, Utah Code Annotated 1953

25 **13-33-204**, Utah Code Annotated 1953



- 26 **13-33-205**, Utah Code Annotated 1953
- 27 **13-33-301**, Utah Code Annotated 1953
- 28 **13-33-302**, Utah Code Annotated 1953
- 29 **13-33-303**, Utah Code Annotated 1953
- 30 **13-33-304**, Utah Code Annotated 1953
- 31 **13-33-305**, Utah Code Annotated 1953
- 32 **13-33-401**, Utah Code Annotated 1953
- 33 **13-33-402**, Utah Code Annotated 1953
- 34 **13-33-403**, Utah Code Annotated 1953
- 35 **13-33-404**, Utah Code Annotated 1953
- 36 **13-33-405**, Utah Code Annotated 1953
- 37 **13-33-501**, Utah Code Annotated 1953
- 38 **13-33-502**, Utah Code Annotated 1953
- 39 **13-33-503**, Utah Code Annotated 1953
- 40 **13-33-504**, Utah Code Annotated 1953
- 41 **13-33-505**, Utah Code Annotated 1953
- 42 **13-33-506**, Utah Code Annotated 1953

43 **REPEALS:**

- 44 **58-66-101**, as enacted by Chapter 11, Laws of Utah 1995
- 45 **58-66-102**, as last amended by Chapter 77, Laws of Utah 2000
- 46 **58-66-201**, as enacted by Chapter 11, Laws of Utah 1995
- 47 **58-66-301**, as enacted by Chapter 11, Laws of Utah 1995
- 48 **58-66-302**, as last amended by Chapter 77, Laws of Utah 2000
- 49 **58-66-303**, as enacted by Chapter 11, Laws of Utah 1995
- 50 **58-66-401**, as enacted by Chapter 11, Laws of Utah 1995
- 51 **58-66-501**, as enacted by Chapter 11, Laws of Utah 1995
- 52 **58-66-502**, as enacted by Chapter 11, Laws of Utah 1995
- 53 **58-66-503**, as enacted by Chapter 83, Laws of Utah 1997
- 54 **58-66-601**, as enacted by Chapter 11, Laws of Utah 1995
- 55 **58-66-602**, as enacted by Chapter 11, Laws of Utah 1995
- 56 **58-66-603**, as enacted by Chapter 11, Laws of Utah 1995

- 57 **58-66-604**, as last amended by Chapter 77, Laws of Utah 2000
- 58 **58-66-605**, as enacted by Chapter 11, Laws of Utah 1995
- 59 **58-66-606**, as enacted by Chapter 11, Laws of Utah 1995
- 60 **58-66-607**, as enacted by Chapter 11, Laws of Utah 1995
- 61 **58-66-608**, as enacted by Chapter 11, Laws of Utah 1995

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

63 Section 1. Section **13-33-101** is enacted to read:

64 **CHAPTER 33. UTAH PROFESSIONAL ATHLETIC COMMISSION ACT**

65 **Part 1. General Provisions**

66 **13-33-101. Title.**

67 This chapter is known as the "Utah Professional Athletic Commission Act."

68 Section 2. Section **13-33-102** is enacted to read:

69 **13-33-102. Definitions.**

70 As used in this chapter:

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

72 (2) "Commission" means the Utah Professional Athletic Commission created in this
73 chapter.

74 (3) "Contest" means a live match, performance, or exhibition involving persons engaged
75 in unarmed combat.

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

78 (5) "Department" means the Department of Commerce.

79 (6) "Director" means the director of the Utah Professional Athletic Commission.

80 (7) "Executive director" means the executive director of the Department of Commerce.

81 (8) "Exhibition" means an engagement in which the participants show or display their
82 skills without necessarily striving to win.

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

84 (a) rate the performance of contestants;

85 (b) score a contest; and

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

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

91 (11) "Promoter" means a person who engages in producing or staging contests and
92 promotions.

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

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

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

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

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

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

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

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

107 (16) "Serious bodily injury" is as defined in Section 76-1-601.

108 (17) "Total gross receipts" means the amount of the face value of all tickets sold to a
109 particular contest plus any sums received as consideration for holding the contest at a particular
110 location.

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

112 (a) an admission fee is charged;

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

115 (c) match rules do not:

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

118 (ii) divide a match into two or more equal and specified time periods for a match total of

119 no more than 50 minutes; or

120 (iii) prohibit contestants from:

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

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

126 (C) biting; or

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

129 (19) "Unarmed combat" means boxing, wrestling, or any form of competition in which a
130 blow is usually struck which may reasonably be expected to inflict bodily injury.

131 (20) "Unlawful conduct" means organizing, promoting, or participating in a contest which
132 involves:

133 (a) contestants that are not licensed under this chapter; or

134 (b) persons other than contestants, unless the contest is conducted in accordance with the
135 standards and regulations of USA Boxing, Inc.

136 (21) "Unprofessional conduct" means:

137 (a) entering into a contract for a contest in bad faith;

138 (b) participating in any sham or fake contest;

139 (c) participating in a contest pursuant to a collusive understanding or agreement in which
140 the contestant competes in or terminates the contest in a manner that is not based upon honest
141 competition or the honest exhibition of the skill of the contestant;

142 (d) engaging in an act or conduct that is detrimental to a contest, including any foul or
143 unsportsmanlike conduct in connection with a contest;

144 (e) failing to comply with any limitation, restriction, or condition placed on a license; or

145 (f) as further defined by rule by the commission.

146 Section 3. Section **13-33-201** is enacted to read:

147 **Part 2. Commission**

148 **13-33-201. Commission -- Creation -- Appointments -- Terms -- Expenses -- Quorum.**

149 (1) There is created within the Department of Commerce the Utah Professional Athletic

150 Commission consisting of five members.

151 (2) (a) The commission members shall be appointed by the executive director.

152 (b) The commission members may not be licensees under this chapter.

153 (c) The names of all persons appointed to the commission shall be submitted to the
154 governor for confirmation or rejection.

155 (3) (a) Except as required by Subsection (3)(b), as terms of current members expire, the
156 executive director shall appoint each new member or reappointed member to a four-year term.

157 (b) Notwithstanding the requirements of Subsection (3)(a), the executive director shall,
158 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of
159 members are staggered so that approximately half of the commission is appointed every two years.

160 (c) A member may not serve more than two consecutive terms, and a member who ceases
161 to serve on the commission may not serve again on the commission until after the expiration of
162 a two-year period beginning from that cessation of service.

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

165 (ii) After filling that term, the replacement member may be appointed for only one
166 additional full term.

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

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

173 (5) (a) (i) Members who are not government employees shall receive no compensation or
174 benefits for their services, but may receive per diem and expenses incurred in the performance of
175 the member's official duties at the rates established by the Division of Finance under Sections
176 63A-3-106 and 63A-3-107.

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

178 (b) (i) State government officer and employee members who do not receive salary, per
179 diem, or expenses from their agency for their service may receive per diem and expenses incurred
180 in the performance of their official duties at the rates established by the Division of Finance under

181 Sections 63A-3-106 and 63A-3-107.

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

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

186 Section 4. Section **13-33-202** is enacted to read:

187 **13-33-202. Commission duties.**

188 The commission shall:

189 (1) purchase and use a seal;

190 (2) adopt rules for the administration of this chapter in accordance with Title 63, Chapter
191 46a, Administrative Rulemaking Act;

192 (3) prepare all forms of contracts between sponsors, licensees, promoters, and contestants;
193 and

194 (4) hold hearings relating to matters under its jurisdiction, including violations of this
195 chapter or rules promulgated under this chapter.

196 Section 5. Section **13-33-203** is enacted to read:

197 **13-33-203. Director of commission.**

198 (1) The commission shall employ a director to conduct the business of the commission,
199 who must not be a member of the commission.

200 (2) The director serves at the pleasure of the commission.

201 Section 6. Section **13-33-204** is enacted to read:

202 **13-33-204. Inspectors.**

203 (1) The commission may appoint one or more official representatives to be designated as
204 inspectors which shall serve at the pleasure of the commission.

205 (2) Each inspector must receive from the commission a card authorizing that inspector to
206 act as an inspector for the commission.

207 (3) An inspector may not promote or sponsor any contest.

208 (4) Each inspector is entitled to receive a fee approved by the commission for the
209 performance of duties under this chapter.

210 Section 7. Section **13-33-205** is enacted to read:

211 **13-33-205. Affiliation with other commissions.**

212 The commission shall have the authority to affiliate with any other state or national boxing
 213 commission or athletic authority.

214 Section 8. Section **13-33-301** is enacted to read:

215 **Part 3. Licensing**

216 **13-33-301. Licensing.**

217 (1) A license is required for a person to act as or to represent that the person is a:

218 (a) promoter;

219 (b) manager;

220 (c) contestant;

221 (d) second;

222 (e) referee; or

223 (f) judge.

224 (2) The commission shall issue to a person who qualifies under this chapter a license in
 225 the classifications of:

226 (a) promoter;

227 (b) manager;

228 (c) contestant;

229 (d) second;

230 (e) referee; or

231 (f) judge.

232 (3) All ~~h [licensing and permit fees]~~ **MONEYS** ~~h~~ collected pursuant to this section and
 232a Sections 13-33-304

233 ~~h [and]~~ , ~~h~~ 13-33-403 ~~h~~ , **AND 13-33-504** ~~h~~ shall be deposited in the Commerce Service Fund.

234 (4) Each applicant for licensure as a promoter shall:

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

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

237 (c) provide to the commission evidence of financial responsibility which shall include

238 financial statements and other information that the commission may reasonably require to

239 determine that the applicant or licensee is able to competently perform as and meet the obligations

240 of a promoter in this state;

241 (d) produce information, documentation, and assurances as may be required to establish

242 by a preponderance of the evidence the applicant's reputation for good character, honesty, integrity,

243 and responsibility, which shall include information, documentation, and assurances that the
244 applicant:

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

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

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

256 (iv) is not associating or consorting with a person engaging in illegal gambling or similar
257 pursuits to the extent that the association or consorting represents a threat to the conduct of
258 contests in the public's interest within the state, or a threat to the health, safety, and welfare of the
259 applicant or a licensed contestant;

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

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

265 (vii) has not been found in an administrative, criminal, or civil proceeding to have violated
266 or attempted to violate any law with respect to a contest in any jurisdiction or any law, rule, or
267 order relating to the regulation of contests in this state or any other jurisdiction;

268 (e) acknowledge in writing to the commission receipt, understanding, and intent to comply
269 with this chapter and the rules made under this chapter; and

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

272 (5) Each applicant for licensure as a contestant shall:

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

274 commission;

275 (b) submit an application in a form prescribed by the commission;

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

277 (d) provide a certificate of physical examination, dated not more than 60 days prior to the
278 date of application for license, in a form provided by the commission, completed by a licensed
279 physician and surgeon certifying that the applicant is free from any physical or mental condition
280 that indicates the applicant should not engage in activity as a contestant;

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

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

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

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

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

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

304 (v) is not engaging in illegal gambling with respect to sporting events or gambling with

305 respect to a contest in which the applicant will participate;

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

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

312 (g) acknowledge in writing to the commission receipt, understanding, and intent to comply
313 with this chapter and the rules made under this chapter; and

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

316 (6) Each applicant for licensure as a manager or second shall:

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

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

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

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

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

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

334 (iv) is not associating or consorting with a person engaging in illegal gambling or similar
335 pursuits or a person gambling with respect to the promotion for which the applicant is receiving

336 a license to the extent that the association or consorting represents a threat to the conduct of
337 contests in the public's interest within the state, or a threat to the health, safety, and welfare of the
338 applicant or a licensed contestant;

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

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

344 (vii) has not been found in an administrative, criminal, or civil proceeding to have violated
345 or attempted to violate any law with respect to a contest in any jurisdiction or any law, rule, or
346 order relating to the regulation of contests in this state or any other jurisdiction;

347 (d) acknowledge in writing to the commission receipt, understanding, and intent to comply
348 with this chapter and the rules made under this chapter; and

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

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

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

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

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

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

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

365 (iii) is not associating or consorting with any person who has been convicted of a felony
366 in any jurisdiction to the extent that the association or consorting represents a threat to the conduct

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

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

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

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

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

382 (d) acknowledge in writing to the commission receipt, understanding, and intent to comply
383 with this chapter and the rules made under this chapter;

384 (e) provide evidence satisfactory to the commission that the applicant is qualified by
385 training and experience to competently act as a referee or judge in a contest; and

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

388 Section 9. Section **13-33-302** is enacted to read:

389 **13-33-302. Term of license -- Expiration -- Renewal.**

390 (1) (a) The commission shall issue each license under this chapter in accordance with a
391 two-year renewal cycle established by rule.

392 (b) The commission may by rule extend or shorten a renewal period by as much as one
393 year to stagger the renewal cycles it administers.

394 (2) At the time of renewal, the licensee shall show satisfactory evidence of compliance
395 with renewal requirements established by rule by the commission.

396 (3) Each license automatically expires on the expiration date shown on the license unless
397 the licensee renews it in accordance with the rules established by the commission.

398 Section 10. Section **13-33-303** is enacted to read:

399 **13-33-303. Grounds for denial of license -- Disciplinary proceedings -- Reinstatement.**

400 (1) The commission shall refuse to issue a license to an applicant and shall refuse to renew
401 or shall revoke, suspend, restrict, place on probation, or otherwise act upon the license of a licensee
402 who does not meet the qualifications for licensure under this chapter.

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

406 (a) the applicant or licensee has engaged in unlawful or unprofessional conduct, as defined
407 by statute or rule under this chapter;

408 (b) the applicant or licensee has been determined to be mentally incompetent for any
409 reason by a court of competent jurisdiction; or

410 (c) the applicant or licensee is unable to practice the occupation or profession with
411 reasonable skill and safety because of illness, drunkenness, excessive use of drugs, narcotics,
412 chemicals, or any other type of material, or as a result of any other mental or physical condition,
413 when the licensee's condition demonstrates a threat or potential threat to the public health, safety,
414 or welfare.

415 (3) Any licensee whose license under this chapter has been suspended, revoked, or
416 restricted may apply for reinstatement of the license at reasonable intervals and upon compliance
417 with any conditions imposed upon the licensee by statute, rule, or terms of the license suspension,
418 revocation, or restriction.

419 (4) The commission may issue cease and desist orders:

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

421 (b) to any person who otherwise violates this chapter or any rules adopted under this title.

422 (5) (a) The commission may not take disciplinary action against any person for unlawful
423 or unprofessional conduct under this title, unless the commission initiates an adjudicative
424 proceeding regarding the conduct within four years after the conduct is reported to the commission,
425 except under Subsection (5)(b).

426 (b) The commission may not take disciplinary action against any person for unlawful or
427 unprofessional conduct more than ten years after the occurrence of the conduct, unless the
428 proceeding is in response to a civil or criminal judgment or settlement and the proceeding is

429 initiated within one year following the judgment or settlement.

430 (6) Notwithstanding the provisions of Title 63, Chapter 46b, Administrative Procedures
431 Act, the commission shall have the authority to immediately suspend the license of a contestant
432 at such time and for such period that the commission believes is necessary to protect the health,
433 safety, and welfare of the contestant, other contestants, or the public. The commission shall
434 establish by rule appropriate procedures to invoke the suspension and to provide a suspended
435 contestant a right to a hearing before the commission with respect to the suspension within a
436 reasonable time after the suspension.

437 Section 11. Section **13-33-304** is enacted to read:

438 **13-33-304. Additional fees for license of promoter.**

439 (1) In addition to the payment of any other fees and money due under this chapter, every
440 promoter shall pay a license fee of:

441 (a) 4% of the total gross receipts from admission fees to each live contest or exhibition,
442 exclusive of any other state or federal tax or tax imposed by any political subdivision of this state;
443 and

444 (b) 4% of the total gross receipts from the sale, lease, or other exploitation of broadcasting,
445 television, and motion picture rights for each contest or exhibition.

446 (2) The fees due under Subsection (1) shall be calculated without any deductions for
447 commissions, brokerage fees, distribution fees, advertising, contestants' purses, or any other
448 expenses or charges.

449 (3) The commission shall adopt rules:

450 (a) requiring that the number and face value of all complimentary tickets be reported; and

451 (b) governing the treatment of complimentary tickets for the purposes of computing gross
452 receipts from admission fees under Subsection (1)(a).

453 Section 12. Section **13-33-395** is enacted to read:

454 **13-33-305. Transition of licenses.**

455 (1) A license that was issued by the Division of Occupational and Professional Licensing
456 under Title 58, Chapter 66, Utah Professional Boxing Regulation Act, prior to July 1, 2001, shall:

457 (a) be considered a valid license under this chapter until the expiration date indicated on
458 the license;

459 (b) be subject to the provisions of this chapter, including provisions relating to disciplinary

460 action against the license; and

461 (c) not be renewed under Title 58, Occupations and Professions.

462 (2) Upon the expiration of a license described in Subsection (1), a person desiring to
463 continue licensure in the profession shall meet the same requirements as those required for new
464 licensure under Section 13-33-301.

465 Section 12. Section **13-33-401** is enacted to read:

466 **Part 4. Control of Contests**

467 **13-33-401. Jurisdiction of commission.**

468 (1) The commission has and is vested with the sole direction, management, control, and
469 jurisdiction over all contests or exhibitions of unarmed combat to be conducted, held, or given
470 within this state, and no contest or exhibition may be conducted, held, or given within this state
471 except in accordance with the provisions of this chapter.

472 (2) Any contest involving a form of Oriental unarmed self-defense must be conducted
473 pursuant to rules for that form which are approved by the commission before the contest is
474 conducted, held, or given.

475 Section 13. Section **13-33-402** is enacted to read:

476 **13-33-402. Ultimate fighting prohibited.**

477 (1) Ultimate fighting matches are prohibited.

478 (2) Any person who publicizes, promotes, conducts, or engages in an ultimate fighting
479 match is:

480 (a) guilty of a class A misdemeanor as provided in Section 76-9-705; and

481 (b) subject to license revocation under this chapter.

482 Section 14. Section **13-33-403** is enacted to read:

483 **13-33-403. Permit to hold contest or promotion -- Bond required.**

484 (1) An application to hold a contest or multiple contests as part of a single promotion shall
485 be made by a licensed promoter to the commission on forms provided by the commission.

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

488 (3) Before a permit to hold a contest or promotion is granted, the applicant shall post a
489 surety bond with the commission in an amount and form determined by the commission, providing
490 for forfeiture and subsequent disbursement of the proceeds from the bond if the applicant fails to

491 comply with the requirements of this chapter or rules made under this chapter relating to the
492 promotion or conduct of the contest or promotion.

493 (4) The commission may approve or deny approval to hold a contest or promotion
494 permitted under this chapter. Approval shall be granted upon a determination by the commission
495 that:

496 (a) the promoter of the contest or promotion is properly licensed;

497 (b) a bond meeting the requirements of Subsection (3) has been posted by the promoter
498 of the contest or promotion; and

499 (c) the contest or promotion will be held in accordance with this chapter and rules made
500 under this chapter.

501 Section 15. Section **13-33-404** is enacted to read:

502 **13-33-404. Rules for the conduct of contests.**

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

505 (2) The rules shall include authority for stopping contests, impounding purses with respect
506 to contests when there is a question with respect to the contest, contestants, or any other licensee
507 associated with the contest, and reasonable and necessary provisions to ensure that all obligations
508 of a promoter with respect to any promotion or contest are paid in accordance with agreements
509 made by the promoter.

510 Section 16. Section **13-33-405** is enacted to read:

511 **13-33-405. HIV and drug tests.**

512 The commission shall adopt rules in accordance with the provisions of Title 63, Chapter
513 46a, Utah Administrative Rulemaking Act for HIV and drug testing of contestants which include:

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

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

522 Section 17. Section **13-33-501** is enacted to read:

523 **Part 5. Miscellaneous Provisions**

524 **13-33-501. Additional fee for funding of amateur boxing.**

525 (1) In addition to the payment of any other fees or taxes required by this chapter, a
526 promoter shall pay to the commission a fee of \$1.00 for each ticket sold for admission to a live
527 contest or exhibition which is held in this state.

528 (2) The money collected pursuant to Subsection (1) shall be deposited in the General Fund
529 as dedicated credits to be used by the commission to award grants to organizations which promote
530 amateur boxing in this state.

531 (3) The commission shall adopt rules governing the manner in which:

532 (a) the fees required by Subsection (1) must be paid;

533 (b) applications for grants may be submitted to the commission; and

534 (c) the standards to be used to award grants to organizations which promote amateur
535 boxing in this state.

536 (4) Any funding available for the purposes of this section shall be nonlapsing.

537 Section 18. Section **13-33-502** is enacted to read:

538 **13-33-502. Reports to commission.**

539 (1) Every promoter shall, within 10 days after the completion of any contest or exhibition
540 for which an admission fee is charged, furnish to the commission a verified written report showing:

541 (a) the number of tickets sold or issued for the contest or exhibition;

542 (b) the amount of the:

543 (i) gross receipts from admission fees without any deductions for commissions, brokerage
544 fees, distribution fees, advertising, contestants' purses, or any other expenses or charges; and

545 (ii) gross receipts derived from the sale, lease, or other exploitation of broadcasting,
546 motion picture, and television rights of such contest or exhibition without any deductions for
547 commissions, brokerage fees, distribution fees, advertising, contestants' purses, or any other
548 expenses or charges; and

549 (c) any other matters prescribed by rule.

550 (2) The promoter shall, at the same time as submitting the report required by Subsection
551 (1), pay to the commission the fees required by Sections 13-33-304 and 13-33-501.

552 Section 19. Section **13-33-503** is enacted to read:

553 **13-33-503. Contracts.**

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

558 Section 20. Section **13-33-504** is enacted to read:

559 **13-33-504. Withholding of purse.**

560 (1) The commission, the director, or any other agent authorized by the commission may
561 order a promoter to withhold any part of a purse or other money belonging or payable to any
562 contestant, manager, or second if, in the judgment of the commission, director or other agent:

563 (a) the contestant is not competing honestly or to the best of his skill and ability or the
564 contestant otherwise violates any rules adopted by the commission or any of the provisions of this
565 chapter; or

566 (b) the manager or second violates any rules adopted by the commission or any of the
567 provisions of this chapter.

568 (2) This section does not apply to any contestant in a wrestling exhibition who appears not
569 to be competing honestly or to the best of his skill and ability.

570 (3) Upon the withholding of any part of a purse or other money pursuant to this section,
571 the commission shall immediately schedule a hearing on the matter, provide adequate notice to all
572 interested parties, and dispose of the matter as promptly as possible.

573 (4) If it is determined that a contestant, manager, or second is not entitled to any part of
574 his share of the purse or other money, the promoter shall pay the money over to the commission.

575 Section 21. Section **13-33-505** is enacted to read:

576 **13-33-505. Penalty for unlawful conduct.**

577 A person who engages in unlawful conduct, as defined in Section 13-33-102, is guilty of
578 a class A misdemeanor.

579 Section 22. Section **13-33-506** is enacted to read:

580 **13-33-506. Exemptions.**

581 The provisions of this chapter do not apply to:

582 (1) any amateur contests or exhibitions of unarmed combat or any combination thereof
583 conducted by or participated in exclusively by any school, college, or university or by any

584 association or organization of a school, college, or university, when each participant in the contests
585 or exhibitions is a bona fide student in the school, college, or university; or
586 (2) exhibitions of Oriental unarmed self-defense in which no dangerous blow is intended
587 to be struck.

588 Section 23. **Repealer.**

589 This act repeals:

590 Section **58-66-101, Title.**

591 Section **58-66-102, Definitions.**

592 Section **58-66-201, Commission.**

593 Section **58-66-301, Licensing.**

594 Section **58-66-302, Term of license -- Expiration -- Renewal.**

595 Section **58-66-303, Exemptions from licensure.**

596 Section **58-66-401, Grounds for denial of license -- Disciplinary proceedings.**

597 Section **58-66-501, Unlawful conduct.**

598 Section **58-66-502, Unprofessional conduct.**

599 Section **58-66-503, Ultimate fighting prohibited.**

600 Section **58-66-601, Authority.**

601 Section **58-66-602, Approval to hold contest.**

602 Section **58-66-603, Contracts.**

603 Section **58-66-604, Rules.**

604 Section **58-66-605, HIV testing -- Testing of body fluids of professional contestants --**
605 **Sanctions for tests positive for alcohol or drugs.**

606 Section **58-66-606, Supervision of contests -- Payment of staff.**

607 Section **58-66-607, Disposition of monies withheld from purse of professional**
608 **contestant.**

609 Section **58-66-608, Report of gross receipts -- 5% state event tax on gross receipts.**

610 Section 24. **Effective date.**

611 This act takes effect on July 1, 2001.