

1                                   **AMENDMENTS TO PETE SUAZO ATHLETE**

2   **COMMISSION**

3   2006 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: Ed Mayne**

6   House Sponsor: Gregory H. Hughes

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8                   **LONG TITLE**

9                   **General Description:**

10                   This bill makes changes to the regulation of boxing.

11                   **Highlighted Provisions:**

12                   This bill:

- 13                   ▶ defines terms;
- 14                   ▶ eliminates the position of director and creates the position of commission secretary;
- 15                   ▶ allows the commission to issue subpoenas and take evidence;
- 16                   ▶ requires a physician for a boxing contest to be selected from among a list of
- 17 commission-approved physicians;
- 18                   ▶ classifies certain positions as licensees;
- 19                   ▶ changes a term-limitation provision for commission members;
- 20                   ▶ requires a period of time between contests for a contestant; and
- 21                   ▶ makes technical changes.

22                   **Monies Appropriated in this Bill:**

23                   None

24                   **Other Special Clauses:**

25                   None

26                   **Utah Code Sections Affected:**

27                   AMENDS:

28                   **13-33-102**, as last amended by Chapter 104, Laws of Utah 2005

29                   **13-33-201**, as last amended by Chapter 9, Laws of Utah 2001, Second Special Session

- 30           **13-33-202**, as enacted by Chapter 91, Laws of Utah 2001
- 31           **13-33-203**, as enacted by Chapter 91, Laws of Utah 2001
- 32           **13-33-301**, as enacted by Chapter 91, Laws of Utah 2001
- 33           **13-33-303**, as last amended by Chapter 104, Laws of Utah 2005
- 34           **13-33-401**, as last amended by Chapter 104, Laws of Utah 2005
- 35           **13-33-403**, as last amended by Chapter 104, Laws of Utah 2005
- 36           **13-33-404**, as enacted by Chapter 91, Laws of Utah 2001
- 37           **13-33-504**, as enacted by Chapter 91, Laws of Utah 2001
- 38           **13-33-508**, as enacted by Chapter 104, Laws of Utah 2005

39 ENACTS:

40           **13-33-406**, Utah Code Annotated 1953



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

43           Section 1. Section **13-33-102** is amended to read:

44           **13-33-102. Definitions.**

45           As used in this chapter:

- 46           (1) "Bodily injury" is as defined in Section 76-1-601.
- 47           (2) "Boxing" means the sport of attack and defense using the fist, covered by an
- 48 approved boxing glove.
- 49           (3) "Club fighting" means any contest of unarmed combat, whether admission is
- 50 charged or not, where:
  - 51           (a) the rules of the contest are not approved by the commission;
  - 52           (b) a licensed physician or osteopath is not in attendance;
  - 53           (c) an HIV negative test regarding each contestant not less than 180 days before the
  - 54 contest has not been provided to the commission;
  - 55           (d) the contest is not conducted in accordance with commission rules; or
  - 56           (e) the contestants are not matched by the weight standards described in Section
  - 57 13-33-507.

58 (4) "Commission" means the Pete Suazo Utah Athletic Commission created in this  
59 chapter.

60 (5) "Contest" means a live match, performance, or exhibition involving two or more  
61 persons engaged in unarmed combat.

62 (6) "Contestant" means an individual who participates in a contest.

63 (7) "Department" means the Department of Commerce.

64 (8) "Designated commission member" means a member of the commission designated  
65 to:

66 (a) attend and supervise a particular contest; and

67 (b) act on the behalf of the commission at a contest venue.

68 [~~(9)~~] "~~Director~~" means the ~~director of the Pete Suazo Utah Athletic Commission.~~]

69 [~~(10)~~] (9) "Elimination boxing contest" means:

70 (a) a contest where a number of contestants participate in a tournament;

71 (b) over a period of time not exceeding 48 hours; and

72 (c) the loser of each contest is eliminated from further competition.

73 [~~(11)~~] (10) "Executive director" means the executive director of the Department of  
74 Commerce.

75 [~~(12)~~] (11) "Exhibition" means an engagement in which the participants show or  
76 display their skills without necessarily striving to win.

77 [~~(13)~~] (12) "Judge" means an individual qualified by training or experience to:

78 (a) rate the performance of contestants;

79 (b) score a contest; and

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

82 [~~(14)~~] (13) "Licensee" means an individual licensed by the commission to act as a:

83 (a) contestant;

84 (b) judge;

85 (c) manager;

- 86 (d) promoter;
- 87 (e) referee; [~~or~~]
- 88 (f) second[-]; or
- 89 (g) security guard.

90 [~~15~~] (14) "Manager" means an individual who represents a contestant for the  
91 purposes of:

- 92 (a) obtaining a contest;
- 93 (b) negotiating terms and conditions of the contract under which the contestant will  
94 engage in a contest; or
- 95 (c) arranging for a second for the contestant at a contest.

96 [~~16~~] (15) "Promoter" means a person who engages in producing or staging contests  
97 and promotions.

98 [~~17~~] (16) "Promotion" means a single contest or a combination of contests that occur  
99 during the same time at the same location and that is produced or staged by a promoter.

100 [~~18~~] (17) "Purse" means any money, prize, remuneration, or any other valuable  
101 consideration a contestant receives or may receive for participation in a contest.

102 [~~19~~] (18) "Referee" means an individual qualified by training or experience to act as  
103 the official attending a contest at the point of contact between contestants for the purpose of:

- 104 (a) enforcing the rules relating to the contest;
- 105 (b) stopping the contest in the event the health, safety, and welfare of a contestant or  
106 any other person in attendance at the contest is in jeopardy; and
- 107 (c) to act as a judge if so designated by the commission.

108 [~~20~~] (19) "Round" means one of a number of individual time periods that, taken  
109 together, constitute a contest during which contestants are engaged in a form of unarmed  
110 combat.

111 [~~21~~] (20) "Second" means an individual who attends a contestant at the site of the  
112 contest before, during, and after the contest in accordance with contest rules.

113 (21) "Secretary" means the secretary of the Pete Suazo Utah Athletic Commission.

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

115 (23) "Total gross receipts" means the amount of the face value of all tickets sold to a  
116 particular contest plus any sums received as consideration for holding the contest at a particular  
117 location.

118 (24) "Ultimate fighting" means a live contest, whether or not an admission fee is  
119 charged in which:

120 (a) contest rules permit contestants to use a combination of boxing, kicking, wrestling,  
121 hitting, punching, or other combative, contact techniques;

122 (b) contest rules incorporate a formalized system of combative techniques against  
123 which a contestant's performance is judged to determine the prevailing contestant;

124 (c) contest rules divide nonchampionship contests into three equal and specified rounds  
125 of no more than five minutes per round with a rest period of one minute between each round;

126 (d) contest rules divide championship contests into five equal and specified rounds of  
127 no more than five minutes per round with a rest period of one minute between each round; and

128 (e) contest rules prohibit contestants from:

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

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

134 (iii) biting; or

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

137 (25) (a) "Unarmed combat" means boxing or any other form of competition in which a  
138 blow is usually struck which may reasonably be expected to inflict bodily injury.

139 (b) "Unarmed combat" does not include a competition or exhibition between  
140 participants in which the participants engage in simulated combat for entertainment purposes.

141 (26) "Unlawful conduct" means organizing, promoting, or participating in a contest

142 which involves contestants that are not licensed under this chapter.

143 (27) "Unprofessional conduct" means:

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

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

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

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

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

152 (f) striking of a downed opponent by a contestant while the contestant remains on the  
153 contestant's feet unless the commission, following a hearing conducted under Subsection  
154 13-33-404(3) and before the contest, has exempted the contest and each contestant from this  
155 Subsection (27)(f);

156 (g) after entering the ring or contest area, penetrating an area within four feet of an  
157 opponent by a contestant, manager or second before the commencement of the contest; or

158 (h) as further defined by rule by the commission.

159 Section 2. Section **13-33-201** is amended to read:

160 **13-33-201. Commission -- Creation -- Appointments -- Terms -- Expenses --**  
161 **Quorum.**

162 (1) There is created within the Department of Commerce the Pete Suazo Utah Athletic  
163 Commission consisting of five members.

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

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

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

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

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

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

177 (d) [(†)] When a vacancy occurs in the membership for any reason, the replacement  
178 shall be appointed for the unexpired term.

179 [~~(ii) After filling that term, the replacement member may be appointed for only one~~  
180 ~~additional full term.~~]

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

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

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

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

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

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

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

200 Section 3. Section 13-33-202 is amended to read:

201 **13-33-202. Commission powers and duties.**

202 (1) The commission shall:

203 [~~(1)~~] (a) purchase and use a seal;

204 [~~(2)~~] (b) adopt rules for the administration of this chapter in accordance with Title 63,  
205 Chapter 46a, Administrative Rulemaking Act;

206 [~~(3)~~] (c) prepare all forms of contracts between sponsors, licensees, promoters, and  
207 contestants; and

208 [~~(4)~~] (d) hold hearings relating to matters under its jurisdiction, including violations of  
209 this chapter or rules promulgated under this chapter.

210 (2) The commission may subpoena witnesses, take evidence, and require the  
211 production of books, papers, documents, records, contracts, recordings, tapes, correspondence,  
212 or other information relevant to an investigation if the commission or its designee considers it  
213 necessary.

214 (3) (a) The commission shall maintain a list of ringside physicians registered with the  
215 commission as approved to act as a ringside physician and meeting the requirements of  
216 Subsection (3)(c).

217 (b) The commission shall appoint a registered ringside physician to perform the duties  
218 of a ringside physician at each contest held pursuant to this chapter.

219 (c) An applicant for registration as a ringside physician shall:

220 (i) submit an application for registration;

221 (ii) pay a fee determined by the commission under Section 63-38-3.2;

222 (iii) provide the commission with evidence of the applicant's licensure to practice  
223 medicine in the state; and

224 (iv) satisfy minimum qualifications established by the department by rule.

225 Section 4. Section 13-33-203 is amended to read:

226 **13-33-203. Commission secretary.**

227 (1) The commission shall employ a [~~director~~] secretary to conduct the [~~business of the~~  
228 ~~commission~~] commission's business, who must not be a member of the commission.

229 (2) The [~~director~~] secretary serves at the pleasure of the commission.

230 Section 5. Section **13-33-301** is amended to read:

231 **13-33-301. Licensing.**

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

233 (a) promoter;

234 (b) manager;

235 (c) contestant;

236 (d) second;

237 (e) referee; [~~or~~]

238 (f) judge[:]; or

239 (g) security guard.

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

242 (a) promoter;

243 (b) manager;

244 (c) contestant;

245 (d) second;

246 (e) referee; [~~or~~]

247 (f) judge[:]; or

248 (g) security guard.

249 (3) All moneys collected pursuant to this section and Sections 13-33-304, 13-33-403,  
250 and 13-33-504 shall be deposited in the Commerce Service Fund.

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

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

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

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

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

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

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

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

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

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

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

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

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

287 (f) if requested by the commission or the [~~director~~] secretary, meet with the  
288 commission or the [~~director~~] secretary to examine the applicant's qualifications for licensure.

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

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

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

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

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

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

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

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

309 (ii) has not been convicted of a crime in any jurisdiction which the commission

310 determines by the nature of the crime and circumstances surrounding that crime should  
311 disqualify the applicant from licensure in the public interest;

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

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

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

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

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

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

331 (h) if requested by the commission or the [~~director~~] secretary, meet with the  
332 commission or the [~~director~~] secretary to examine the applicant's qualifications for licensure.

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

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

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

336 (c) produce information, documentation, and assurances as may be required to  
337 establish by a preponderance of the evidence the applicant's reputation for good character,

338 honesty, integrity, and responsibility, which shall include information, documentation, and  
339 assurances that the applicant:

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

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

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

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

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

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

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

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

366 (e) if requested by the commission or [~~director~~] secretary, meet with the commission or  
367 the [~~director~~] secretary to examine the applicant's qualifications for licensure.

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

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

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

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

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

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

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

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

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

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

394 engaged in or attempted to have engaged in any fraud or misrepresentation in connection with a  
395 contest or any other sporting event; and

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

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

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

403 (f) if requested by the commission or the [~~director~~] secretary, meet with the  
404 commission or the [~~director~~] secretary to examine the applicant's qualifications for licensure.

405 (8) Each applicant for licensure as a security guard shall:

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

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

408 (c) provide the commission with evidence of the applicant's qualifications as a security  
409 guard.

410 (9) (a) A licensee serves at the pleasure, and under the direction, of the commission  
411 while participating in any way at a contest.

412 (b) A licensee's license may be suspended, or a fine imposed, if the licensee does not  
413 follow the commission's direction at an event or contest.

414 Section 6. Section **13-33-303** is amended to read:

415 **13-33-303. Grounds for denial of license -- Disciplinary proceedings --**

416 **Reinstatement.**

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

420 (2) The commission may refuse to issue a license to an applicant and may refuse to  
421 renew or may revoke, suspend, restrict, place on probation, issue a public or private reprimand

422 to, or otherwise act upon the license of any licensee in any of the following cases:

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

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

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

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

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

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

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

440 (5) (a) The commission may impose an administrative fine for acts of unprofessional or  
441 unlawful conduct under this chapter.

442 (b) An administrative fine under this Subsection (5) may not exceed \$2,500 for each  
443 separate act of unprofessional or unlawful conduct.

444 (c) The commission shall comply with Title 63, Chapter 46b, Administrative  
445 Procedures Act, in any action to impose an administrative fine under this chapter.

446 (d) The imposition of a fine under this Subsection (5) does not affect any other action  
447 the commission or department may take concerning a license issued under this chapter.

448 (6) (a) The commission may not take disciplinary action against any person for  
449 unlawful or unprofessional conduct under this title, unless the commission initiates an

450 adjudicative proceeding regarding the conduct within four years after the conduct is reported to  
451 the commission, except under Subsection (6)(b).

452 (b) The commission may not take disciplinary action against any person for unlawful  
453 or unprofessional conduct more than ten years after the occurrence of the conduct, unless the  
454 proceeding is in response to a civil or criminal judgment or settlement and the proceeding is  
455 initiated within one year following the judgment or settlement.

456 (7) (a) Notwithstanding Title 63, Chapter 46b, Administrative Procedures Act, the  
457 following have the authority to immediately suspend the license of a licensee at such time and  
458 for such period that the following believes is necessary to protect the health, safety, and welfare  
459 of the licensee, another licensee, or the public:

- 460 (i) the commission;
- 461 (ii) a designated commission member; or
- 462 (iii) if a designated commission member is not present, the ~~director~~ secretary.

463 (b) The commission shall establish by rule appropriate procedures to invoke the  
464 suspension and to provide a suspended licensee a right to a hearing before the commission with  
465 respect to the suspension within a reasonable time after the suspension.

466 Section 7. Section **13-33-401** is amended to read:

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

468 (1) (a) The commission has and is vested with the sole direction, management, control,  
469 and jurisdiction over all contests or exhibitions of unarmed combat to be conducted, held, or  
470 given within this state.

471 (b) A contest or exhibition may not be conducted, held, or given within this state  
472 except in accordance with this chapter.

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

476 (3) (a) An area not less than six feet from the perimeter of the ring shall be reserved for  
477 the use of:

- 478 (i) the designated commission member;
- 479 (ii) other commission members in attendance;
- 480 (iii) the [~~director~~] secretary;
- 481 (iv) commission employees;
- 482 (v) officials;
- 483 (vi) licensees participating or assisting in the contest; and
- 484 (vii) others granted credentials by the commission.

485 (b) The promoter shall provide security at the direction of the commission or  
486 designated commission member to secure the area described in Subsection (3)(a).

487 (4) The area described in Subsection (3), area in the dressing rooms, and other areas  
488 considered necessary by the designated commission member for the safety and welfare of a  
489 licensee and the public shall be reserved for the use of:

- 490 (a) the designated commission member;
- 491 (b) other commission members in attendance;
- 492 (c) the [~~director~~] secretary;
- 493 (d) commission employees;
- 494 (e) officials;
- 495 (f) licensees participating or assisting in the contest; and
- 496 (g) others granted credentials by the commission.

497 (5) The promoter shall provide security at the direction of the commission or  
498 designated commission member to secure the areas described in Subsections (3) and (4).

499 (6) (a) The designated commission member may direct the removal from the contest  
500 venue and premises, of any individual whose actions:

- 501 (i) are disruptive to the safe conduct of the contest; or
- 502 (ii) pose a danger to the safety and welfare of the licensees, the commission, or the  
503 public.

504 (b) The promoter shall provide security at the direction of the commission or  
505 designated commission member to effectuate a removal under Subsection (6)(a).

506 Section 8. Section **13-33-403** is amended to read:

507 **13-33-403. Approval to hold contest or promotion -- Bond required.**

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

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

512 (3) (a) The commission may approve or deny approval to hold a contest or promotion  
513 permitted under this chapter.

514 (b) Provisional approval under Subsection (3)(a) shall be granted upon a determination  
515 by the commission that:

516 (i) the promoter of the contest or promotion is properly licensed;

517 (ii) a bond meeting the requirements of Subsection (5) has been posted by the promoter  
518 of the contest or promotion; and

519 (iii) the contest or promotion will be held in accordance with this chapter and rules  
520 made under this chapter.

521 (4) Final approval to hold a contest or promotion may not be granted unless the  
522 promoter provides to the commission not less than seven days before the day of the contest:

523 (a) proof of a negative HIV test performed not more than 180 days before the day of  
524 the contest for each contestant;

525 (b) a copy of each contestant's federal identification card;

526 (c) a copy of a signed contract between each contestant and the promoter for the  
527 contest;

528 (d) a statement specifying the maximum number of rounds of the contest;

529 (e) a statement specifying the site, date, and time of weigh-in; and

530 (f) the name of the physician selected from among a list of registered and  
531 commission-approved ringside physicians who shall act as ringside physician for the contest.

532 (5) An applicant shall post a surety bond or cashier's check with the commission in the  
533 greater of \$10,000 or the amount of the purse, providing for forfeiture and disbursement of the

534 proceeds if the applicant fails to comply with:

535 (a) the requirements of this chapter; or

536 (b) rules made under this chapter relating to the promotion or conduct of the contest or  
537 promotion.

538 Section 9. Section **13-33-404** is amended to read:

539 **13-33-404. Rules for the conduct of contests.**

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

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

547 (3) (a) The commission may, in its discretion, exempt a contest and each contestant  
548 from the definition of unprofessional conduct found in Subsection 13-33-102(27)(f) after:

549 (i) a promoter requests the exemption; and

550 (ii) the commission considers relevant factors, including:

551 (A) the experience of the contestants;

552 (B) the win and loss records of each contestant;

553 (C) each contestant's level of training; and

554 (D) any other evidence relevant to the contestants' professionalism and the ability to  
555 safely conduct the contest.

556 (b) The commission's hearing of a request for an exemption under this Subsection (3)  
557 is an informal adjudicative proceeding under Section 63-46b-4.

558 (c) The commission's decision to grant or deny a request for an exemption under this  
559 Subsection (3) is not subject to agency review under Section 63-46b-12.

560 Section 10. Section **13-33-406** is enacted to read:

561 **13-33-406. Contests.**

- 562           (1) Except as provided in Section 13-33-508, a licensee may not participate in:  
563           (a) a boxing contest as a contestant if that person has participated in another boxing  
564 contest as a contestant within 30 days before the proposed boxing contest; or  
565           (b) an ultimate fighting contest as a contestant if that person has participated in another  
566 ultimate fighting contest as a contestant within six days before the proposed ultimate fighting  
567 contest.
- 568           (2) Subsection (1) applies regardless of where the previous boxing contest occurred.
- 569           (3) During the period of time beginning 60 minutes before the beginning of a contest,  
570 the promoter shall demonstrate the promoter's compliance with the commission's security  
571 requirements to all commission members present at the contest.
- 572           (4) A venue at which a contest is to be held that has the capacity to host more than  
573 5,000 people need not have commission licensed security guards to provide security at a  
574 contest.
- 575           (5) The commission shall establish fees in accordance with Section 63-38-3.2 to be  
576 paid by a promoter for the conduct of each contest or event composed of multiple contests  
577 conducted under this chapter.

578           Section 11. Section **13-33-504** is amended to read:

579           **13-33-504. Withholding of purse.**

580           (1) The commission, the [~~director~~] secretary, or any other agent authorized by the  
581 commission may order a promoter to withhold any part of a purse or other money belonging or  
582 payable to any contestant, manager, or second if, in the judgment of the commission, [~~director~~]  
583 secretary, or other agent:

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

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

589           (2) This section does not apply to any contestant in a wrestling exhibition who appears

590 not to be competing honestly or to the best of his skill and ability.

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

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

597 Section 12. Section **13-33-508** is amended to read:

598 **13-33-508. Elimination boxing contests -- Conduct of contests -- Applicability of**  
599 **provisions -- Limitations on license -- Duration of contests -- Equipment -- Limitations on**  
600 **contests.**

601 (1) An elimination boxing contest shall be conducted under the supervision and  
602 authority of the commission.

603 (2) Except as otherwise provided in this section and except as otherwise provided by  
604 specific statute, the provisions of this chapter pertaining to boxing apply to an elimination  
605 boxing contest.

606 (3) (a) All contests in an elimination boxing contest shall be no more than three rounds  
607 in duration.

608 (b) A round of unarmed combat in an elimination boxing contest shall be no more than  
609 one minute in duration.

610 (c) A period of rest following a round shall be no more than one minute in duration.

611 (4) A contestant:

612 (a) shall wear gloves that weigh 16 ounces; and

613 (b) shall wear headgear approved by the commission, the designated commission  
614 member, or the ~~director~~ secretary if a designated commission member is not present.

615 (5) A contestant may participate in more than one contest, but may not box more than a  
616 total of seven rounds in the entire tournament.